

**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

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 15, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday January 15, 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

VICE CHAIRMAN ERTEL opened the meeting of January 15, 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 7, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

ELECTION OF OFFICERS:

Commissioner Suckla moved that Commissioner Ertel be appointed as the Chair of the Montezuma County Board for the year 2019. Second by Commissioner Candelaria and carried. Commissioner Ertel moved to nominate Commissioner Suckla to be Vice Chairman of the Board of County Commissioners for 2019. Second by Commissioner Candelaria and carried. Commissioner Suckla moved that Commissioner Candelaria be appointed the Commissioner of Deeds for the year 2019. Second by Commissioner Ertel and carried.

CHAIRMAN: Commissioner Ertel

VICE CHAIRMAN: Commissioner Suckla

COMMISSIONER OF DEEDS: Commissioner Candelaria

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 #3-2019: 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

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 29, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday January 29, 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

CHAIRMAN ERTEL opened the meeting of January 29, 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 22, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Mike Conney**, discussed the Planning Department's adjacent property owner notification process and the recently approved **Totten LLC**. Planned Unit Development (PUD). **Ellen Foster** agreed that the Land Use Code notification process should be updated. Planning & Zoning Board member, **Rob Pope** discussed the current notification process and private property owner responsibilities. **M.B. McAfee** discussed the Planning & Zoning notification process. **Greg Kemp** discussed the reopening of Mesa Verde National Park.

TRANSFER ORDER: **Administrator Powers** presented **Transfer Order #1-2019**, a transfer of \$147,864.87 from the **Conservation Trust Fund** to the **General Fund** for the 50% of Fairgrounds payroll, 50% of Fairgrounds benefits, to purchase the Triton Livestock panels for the Fairgrounds. Commissioner Candelaria moved to transfer \$147,864.87 from the Conservation Trust Fund to the General Fund for the 50% of Fairgrounds payroll, 50% of

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

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 12, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 12, 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, Absent
Kim Percell, County Clerk

CHAIRMAN ERTEL opened the meeting of February 12, 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 February 5, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Allen Maez** discussed the development of a County Land Use Conservation Easements map. **Greg Kemp** discussed the new Planning Director's introduction. **Tom Seymour** discussed **Senator, Don Coram's** support of **House Bill #1032**.

LETTER OF SUPPORT: Co-owner of **D&L Construction, Lana Waters**, met with the Board with a request for a letter of support for a grant application on a proposed purchase of a crusher for recycling concrete and asphalt. Commissioner Suckla moved to approve the letter of support for D&L Construction for a grant application for the purchase of a crusher for asphalt and concrete. Second by Commissioner Candelaria and carried. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of January, 2019. (See attached)

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

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 26, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 26, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN ERTEL opened the meeting of February 26, 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 February 19, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: Public Comments regarding the proposed Gun Sanctuary Resolution were made by **Tom Seymour, M.B. McAfee, Greg Kemp, Mary Dodd, Eddie Kaiser, Dawn Brunson, Carolyn Landes, Amanda Winter, Allen Maez, Steve Blackwell, Dean Cunningham, Robert Smith, Rebecca Busic, Mike Marston, Danette Dillon, Richard Kipp, Craig Hart, Tamara Hamilton, Travis Measles, Duane Calhoun, Ernie Guilliams, Danny Wilkin, Bob Clayton, Wade Foster, Robert Ower, Donna Malcolm, Vincent Lopez Sr., James Garlinghouse, Maria Battell and Ken Vance.** Montezuma County Sheriff, Steve Nowlin and Montezuma County Coroner, George Deavers discussed the proposed Resolution. County Clerk, Kim Percell read the names of citizen who had presented letters to be included in the official record. Names read included: **John, Jayne and Liam Hopkins, Dexter Gill, Larry Percell, Adalyn Schuenemeyer, Cayce Hamerschlag, Bud Garner, Michelle Hegmon, Sue Gilbert, Greg South, Jodie Henley, Kathleen Stemmler, Dean and Beverly Cunningham, Valerie Maez, Mark Brunson, LaQueta Boren, Donna Malcolm, Montana Rogers, Ron and**

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

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 28, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Friday February 28, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHARIMAN Ertel opened the meeting of February 28, 2019. This meeting is a Continuation of a Public Comment discussion held on February 26, 2019 in regard to the proposed Resolution 4-2019. **Attorney, John Baxter** presented the three proposed draft resolutions for review.

PUBLIC COMMENTS: Chairman Ertel opened the discussion to public comment. Public Comments were made by **Dave Sornborger, Charles Thompson, Rebecca Busic, Kim Mendenhall, Wade Foster, Greg Kemp, Dave Nighteagle, William Taylor, Amanda Winter, Steven Fogt, Leigh Sand, Robert Smith, Marianne Mate, Debbie Boyd, Dexter Gill, Ellen Foster, William Conner, Janet Hough, Kelly Ellis, Earl C. Moore, Lisa Henry, Stephen Candelaria, Gayle Alexander, Justin Brehms, Luann Meyer, Carolyn Landes, Lana Waters, Fred Bird, M.B. McAfee, Eddie M. Taylor, Sherri Lauridsen, Ken Vance Duane Calhoun and John Buck.** County Clerk, Kim Percell read the names of citizens who had presented letters to be included in the official record. Names read included; **Marianne Mate, Janet Hough, Thomas Burnison, Judy Schuenemeyer, Ryan Spittler, Lydia De Haven, Mark Drudge, Cayce Hamerschlag, Betsy Krill, Della Pope, Lorraine Gray, Leigh Sand, Carolyn Landes, Josh Boren and Mel Jarmon.** (See attached)
Montezuma County Sheriff, Steve Nowlin discussed the proposed Resolutions. Attorney Baxter presented and read a proposed cover letter from Montezuma County, addressed to the Colorado General Assembly recognizing the legitimate need to help those with issues pertaining

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

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

CHAIRMAN ERTEL opened the meeting of March 5, 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 February 26, 2019 and dated February 28, 2019 as presented. Motion was seconded by Commissioner Ertel and carried.

PUBLIC COMMENT: **Greg Kemp** discussed the cover letter sent to the Colorado General Assembly along with Resolution #4-2019. **Ellen Foster** discussed the Kinder Morgan five year plan update. **Debbie Boyd** discussed the word sanctuary that had been included in Resolution #4-2019.

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** presented the road and bridge schedule for the dates of February 27, 2019 through March 15, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Topics discussed included; snow removal, pot hole repairs, culvert cleaning, culvert repairs, repairs to mud sections on roads, the daylight savings time change and a four day work week, no winter maintenance roads, public outreach, the Sand Canyon Parking lot, the DWCD water agreement and the 2019 lease of Montezuma County water shares. Superintendent Englehart presented for the record, a letter

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

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 12, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 12, 2019 at the courthouse in Cortez, Colorado, there were present:

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

VICE CHAIRMAN, SUCKLA opened the meeting of March 12, 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 March 5, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Gala Pock** discussed local schools and the adopted County Resolution #4-2019 and HB-1177. **Wayne Schoefer** discussed Resolution #4-2019 and the upcoming tourist season.

U.S. CENSUS BUREAU: Partnership Specialists, Brian Meinhart and Lily Greigo met with the Commissioners to discuss the Partnership Program for the 2020 U.S. Census. Topics discussed included; the census at a glance, the constitutional mandate to hold a census, complete count committees, funds received due to the Census, the development of a local oversight committee, census job opportunities, census counts of college students, census counts for armed forces members, the Tribal Partnership Specialist and local entities participation. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of February, 2019. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for February, 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 approve the Colorado Department of Military Veterans Affairs, County Veterans Service Officers monthly report and certification of pay for the month of February, 2019 for Montezuma County. Second by Commissioner Suckla and carried. (See attached).

DISCUSSION: Constituent Advocate, Janet Wolf representative from **Senator, Michael Bennet's** office met with the Commissioners to introduce herself and to discuss Veteran issues. Topics of the discussion included; the introduction of the Hero's Act, the Mission Act, the local Stand Down project, Public Lands and Policies, land use, the (NEPA) **National Environmental Policy Act**, grants, the (DWRP) **Dolores Watershed** and **Resilient Forest**, the Nucla power plant and the opioids crisis.

12 HOURS OF MESA VERDE MOUNTAIN BIKE RACE: Board members **Cap Allen, Nick McDonald, Danni Gregory, Kirk Underwood** and **Rachel Medina** met with the Commissioners to request permission to serve donated beer during the 12 Hours of Mesa Verde event scheduled for May 11, 2019. Commissioner Candelaria moved to approve the giveaway of donated alcohol for the 12 Hours of Mesa Verde event. Second by Commissioner Suckla and carried. Other topics discussed included; a total of over \$500,000.00 in funds raised for the community, the use of the Fairground buildings, participant numbers and the selected 2019 race course. (See attached)

DISCUSSION: Montezuma County Sheriff's Detention Captain, Vici Pierce, along with **Patrol Lieutenant, Bryce Queen** met with the Commissioners to discuss jail related issues of mental health and substance abuse. Topics discussed included; 62 people placed on suicide watch in 2018 and 268 people placed on observation watch with a total 2018 watch hours of 9319 hours. A once a month doctor visits to see hard core mental health issues, a 40 hour per week staff nurse, the **Jail Base Behavioral Grant**, last year's 40 mental health transports, help from the Health Department nurses and the need for local detox and mental health centers.

SOUTHWEST HEALTH SYSTEMS: CEO, Anthony Sudduth, CFO, Rick Shrader and **CNO, Karen Labonte** met with the Commissioners to give an update on the local hospital. Topics of the discussion included; stronger revenues in the last six months of the year, recruitment challenges, proposed House Bills and the effects of the Bills on the local hospital and the 80 day reserves, the scheduled Public Forum meeting and the Donor Appreciation Open House. Mr. Shrader gave an update on the Financial Statements. Ms. Labonte discussed the Emergency Department / Urgent Care patients, mental health issues, substance abuse and the Axis partnership.

DISCUSSION: County Coroner, George Deavers met with the Commissioners to discuss the Coroner related issues with mental health, substance abuse, overdoses and suicides. Topics

discussed included; the La Plata County and Montezuma County 2015-2018 overdose death comparison, a 2015-2018 Suicide toxicology report and a 2015-2018 Motor Vehicle deaths toxicology report. (See attached)

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

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of AR3-9 and AR10-34 Rezoning and Subdivision Application submitted by **Gary Ellson** for a 3 Lot Minor Subdivision on property located at TBD Road P, Mancos, CO, consisting of 35 acres, more or less, located on the north side 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. Mr. Ellson was present. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Candelaria requested the findings from the Planning and Zoning Commission. Assistant, 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 determination of the AR3-9 and AR10-34 rezoning and subdivision application submitted by Gary Ellson for a 3 lot minor subdivision on property located at TBD Road P, Mancos, CO. Second by Commissioner Suckla and carried. Commissioner Suckla closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of AR3-9 and AR10-34 Rezoning and Subdivision Application submitted by **Terry Ellson** for a 3 Lot Minor Subdivision on property located at TBD Road P, Mancos, CO, consisting of 35 acres, more or less, located on the north side 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. Agent Gary Elson was present. **Planning Assistant, S. Jane Duncan** gave an overview of the application. 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 determination of the AR3-9 and AR10-34 rezoning and subdivision application submitted by Terry Ellson for a 3 lot minor subdivision on property located at TBD Road P, Mancos, CO. Second by Commissioner Suckla and carried. Commissioner Suckla closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of an AR3-9 Rezoning and Amendment to Exemption P-06-09 submitted by **John Leslie Nunn** on property located at 27536 Road P, Dolores, CO, located south of Road P, east of Hwy 145, situated in S.6, T.36N, R.15W., N.M.P.M.. 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. Commissioner Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Candelaria requested the findings from the Planning and Zoning Commission. Assistant 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 determination of an AR3-9 rezoning and amendment to exemption P-06-09 submitted by John Leslie Nunn on property located at 27536 Road P, Dolores, CO, located south of Road P, east of Hwy 145,. Second by Commissioner Suckla and carried. Commissioner Suckla closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of an AR3-9 Rezoning and Subdivision Application for a Single Lot Development consisting of 3 acres, more or less, submitted by **Spencer Smith** on property located at TBD Road P, Dolores, CO, located south of Road P, east of Hwy 145, situated in Sec. 6, T.36N., R.15W., N.M.P.M.. 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. 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 review and determination of an AR3-9 Rezoning and Subdivision Application for a Single Lot Development consisting of 3 acres, more or less, submitted by **Spencer Smith** on property located at TBD Road P, Dolores, CO, located south of Road P, east of Hwy 145. Second by Commissioner Suckla and carried. Commissioner Suckla closed the hearing at this time. (See attached)

Planning Assistant, S. Jane Duncan presented a Boundary Line Adjustment application for the **Frederick and Mila Brown**, 4032 Road G, Cortez / **Don** and **Elizabeth Tozer**, 4960 Road G, Cortez properties. Both landowners are in agreement to this boundary line adjustment. Commissioner Candelaria moved to accept the boundary line adjustment on property owned by Frederick Brown located at 4032 Road G, Cortez Co. and property owned by Don Tozer located at 4960 Road G, Cortez Co. Second by Commissioner Suckla and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of review and determination of an AR10-34 Rezoning and Subdivision Application on a proposed 2 Lot Minor Subdivision submitted by **Doug Jennings** on property located at 30250 Road H, Cortez, CO, consisting of 40 acres, more or less, located on the south side of Road H, east of Road 27, situated in S.34, T.36N., R.15W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Assistant, S. Jane Duncan** reported that by request of the applicant the hearing would need to be continued to April 16, 2019 at 2:10 P.M. Commissioner Candelaria moved to accept the continuation of the hearing to April 16, 2019 at 2:10 P. M. Second by Commissioner Suckla and carried. Commissioner Suckla closed the hearing at this time. (See attached)

Planning Assistant Duncan presented for signatures of a Final Plat for 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.

COUNTY ATTORNEY REPORT: **Attorney John Baxter** presented for approval **TRANSFER ORDER #2-2019**. A transfer of \$4,456.00, from the Contingent Fund to the General Fund for the payment to Dufford Waldek for legal services regarding Kinder Morgan, to

be paid from the County Assessor's Fund. Commissioner Candelaria moved to approve Order #2-2019 a transfer of \$4,456.00, from the Contingent Fund to the General Fund for the payment to Dufford Waldek for legal services regarding Kinder Morgan, to be paid from the County Assessor's Fund. 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 attended Sanitation District meeting, the attended CDOT bicycle path design class, the WSA's request for release and the Summit area BLM land access project.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented for approval a letter of support addressed to the **El Pomar Foundation** in support of the **Montezuma County Historical Society**. Commissioner Candelaria moved to sign the letter of support for the Montezuma County Historical Society. Second by Commissioner Suckla and carried. Administrator Powers presented the only letter of interest to serve on the Montezuma CSU Extension Advisory Committee from Katie Russell. Commissioner Candelaria moved to accept Katie Russell to the CSU Extension Advisory Committee for a 3 year term. Second by Commissioner Suckla and carried. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner Ertel was absent. **Commissioner Suckla**, gave a report on the attended NACO legislative conference, the Resource Advisory Committee meeting. And the Electoral Votes Bill. **Commissioner Candelaria** gave reports on the attended joint Commissioner / City Council meeting, a meeting with the Historical Society, the Town Hall meeting in Mancos, a meeting with the Sanitation District, a solar project discussion and a meeting to discuss the predesign of the proposed convention center.

PUBLIC COMMENT: Ellen Foster discussed the proposed convention center, the SW Heath system report and the SW RAC meeting. **M.B. McAfee** discussed the mental health, substance abuse discussions. **Greg Kemp** discussed the Electoral Vote issue.

CORRESPONDENCE: The following correspondence was read and noted: Letter from Gayleen Johnson in support of Resolution #4-2019.

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

MEETING ADJOURNED: 2:50 p.m.

Clerk March 12, 2019

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 19, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of March 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 March 12, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **M.B. McAfee** discussed the proposed Convention Center project.

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** presented the road and bridge schedule for the dates of March 13, 2019 through March 29, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Other topics discussed included; blading roads, the grinding projects, the Sand Canyon parking lot project, the Mancos, Hay Camp, McElmo and Ormiston gravel pits, soil stabilizers, the mag chloride program, the Reams Construction fossil water issue, the proposed purchase of the old Pleasant View Fire Department building, the purchase of a replacement vehicle, the 7th Street road expansion project, options to get fiber out to the Fairgrounds and the recently held Department Head meeting. (See attached)

TRANSFER ORDER #3-2019: Administrator Powers presented for approval, a transfer of \$10,000.00, from the General Fund to the Road and Bridge Fund to begin repayment of the \$21,200.00 used to purchase land that Verizon is leasing for their tower. Commissioner Candelaria moved to accept Order #3-2019 to transfer \$10,000.00, from the General Fund to the Road and Bridge Fund to begin repayment of the \$21,200.00 used to purchase land that Verizon is leasing for their tower. Second by Commissioner Suckla and carried. (See attached)

DISCUSSION: Brian Kelly, Coordinator for Senate Bill 94 (The Colorado Youth Detention Continuum) met with the Commissioners to discuss the proposed membership to the Juvenile Services Planning Board. Topics of the discussion included; the review of the proposed membership list, the Colorado Revised Statute 19-2-211 requirements and the Towaoc Detention Center. Commissioner Suckla moved to approve the Juvenile Services Planning Committee to be appointed by Chief Judge, Douglas S. Walker, for a 2 year term starting in 2019. Second by Commissioner Candelaria and carried. (See attached)

PUBLIC LANDS: Canyon of the Ancients Visitor Center and Museum Acting Manager, Tyler Fouss and the Bureau of Land Management, Field Manager, Connie Clementson met with the Commissioners to give updates on the following topics, the Sand Canyon Parking lot project, the Summit trail head access, the Travel Management Plan, the Weber Canyon noxious weed meeting, the County Landfill access to the Mesa Verde Escarpment, the Areas of Critical Environmental Concern designations and the public lands law enforcement officers dealing with substance abuse. Mrs. Clementson reported that she will be going on a detail to the Silt Colorado area for 60 days and that **Elijah Waters** will be coming in as the acting Field Manager while she is away. A letter addressed to Connie Clementson, Field Manager for the Tres Rios Field Office regarding **Montezuma County Comments on ACEC Designations** was presented for review and approval. Commissioner Candelaria moved to present the letter to Mrs. Clementson, from Montezuma County regarding comments on the ACEC designations. Second by Commissioner Suckla and carried. (See attached)

MESA VERDE NATIONAL PARK: Mesa Verde Superintendent, Cliff Spencer met with the Commissioners to give updates on the following topics; County assistance for snow removal during the national shut down, rock slides, road and guard rail damage, the 2019 reopening of Cliff Palace, the 100th anniversary of the designation of Yucca House as a National monument, revisions for the museum exhibits, a Federal Land Access Program grant proposal for the Trail to Mesa Verde, future water line repairs on Road H.5 and visitation numbers.

DISCUSSION: Brice Jones with SWIIM (ONFARM WATER ACCOUNTING) met with the Commissioners to give an Efficient Water Use slide presentation. Topics discussed included; the current biggest concerns related to AG, antiquated and inaccurate accounting for water usage, integrated data, delivery targets for alfalfa, a surface energy balance algorithm for land, an ET map overlay, benefits of ET Data and irrigation scheduling, co-developed patents with the USDA, a partnership with Western Growers, accurate measurement of water usage would equal better water management, coordinating with the CSU Extension Agent, Kacey Riedel and the Dolores Water Conservation District. (See attached)

MCCO MONTEZUMA COUNTY PUBLIC TRANSPORTATION: **MCCO Manager, Jennifer Morris** met with the Commissioners to present for approval the **Drug and Alcohol Testing Policy** for Montezuma County Public Transportation. Commissioner Candelaria moved to accept the Drug and Alcohol Testing Policy for the Montezuma County Public Transportation, adopted as of March 19, 2019. Second by Commissioner Suckla and carried.

TRANSFER ORDER #4-2019: Administrator Powers presented for review and approval of a transfer of \$7392.00 from the Senior Services to MOCO for monies that were co-mingled from AAA. Commissioner Suckla moved to approve Transfer Order #4-2019, a transfer of \$7392.00 from the Senior Services to MOCO, for monies that were co-mingled from AAA. Second by Commissioner Candelaria and carried. (See attached)

GIS MAPPING: **GIS Manager, Doug Roth** and **Mapping Specialist, Rachel Medina** met with the Commissioners to give the GIS department semi-annual update. Topics discussed included; 2018-2019 accomplishments, the census database for the LUCA program, an installed GPS reference station within Montezuma County, the installation of room signs and updated floor plans for County buildings, updates to neighborhood identifications, updates and software installs, the County GIS viewer, a public map viewer usage by years report, emergency responders updates for Google maps, a comprehensive address locator, coordination with the Ute Mountain Ute Fire Department on an emergency map, a report of the addresses assigned in 2018-2019 and those address types. Projects scheduled for 2019 included; the 2019 GIS Colorado Board meeting to be held in Durango, County participation in the State census Complete Count Committee, emergency and evacuation plans for all county facilities, emergency plan mapping for the Mancos School Complex, a routing response time map for the Cortez Fire Department, a creation of a snow loads map, a 2020 high resolution aerial imagery updates and the GPS for the new Pico Burrito trail. A discussion was held regarding other long range projects for the GIS Department. **Planning Director, Don Haley** and **Planning Assistant, S. Jane Duncan** joined the meeting at this time to discuss a possible implementation of a new permit tracking program for the Planning Department. A revised **PERMIT INQUIRY FORM APPLICATION** was presented for review. A discussion was held regarding current property development fees and a possible reevaluation of those fees. (See attached)

DISCUSSION: Commissioner Suckla discussed the proposed **Resolution: #5-2019**, a resolution opposing the reintroduction of wolves. Commissioner Suckla had asked Attorney Baxter to review the existing ordinance on non-native species to see if the current ordinance covered wolves. Attorney Baxter had reviewed the ordinance from 2014 and the grey wolf and Mexican wolf were covered. The current ordinance did not cover if the wolves were de-listed. It was decided to table this discussion for future review.

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

Chairman Ertel announced the meeting would reconvene

PLANNING: **Planning Director, Don Haley** along with **Planning Assistant, S. Jane Duncan** presented for signatures a Final Plat for 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.

Director, Haley along with **Assistant, Duncan** presented for signatures, a Final Plat for Exemption # P-09-2018 on property owned by **Sharon Palmer**, 23001 Road G, Cortez, CO, located west of Hwy 491, at the corner of Roads F and 23, situated in Sec. 9, T.35N., R.16W., N.M.P.M.

Director, Haley along with **Assistant, Duncan** presented for signatures a Final Plat for an AR3-9 Rezoning and Amendment to Exemption P-06-09 submitted by **John Leslie Nunn** on property located at 27536 Road P, Dolores, CO, located south of Road P, east of Hwy 145, situated in S.6, T.36N, R.15W., N.M.P.M.

Director, Haley along with **Assistant, Duncan** presented for signatures a Final Plat for an AR3-9 Rezoning and Subdivision Application for a Single Lot Development consisting of 3 acres, more or less, submitted by **Spencer Smith** on property located at TBD Road P, Dolores, CO, located south of Road P, east of Hwy 145, situated in Sec. 6, T.36N., R.15W., N.M.P.M

Director, Haley along with **Assistant, Duncan** presented for signatures a Final Plat for an easement amendment to Lot 2B 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.

PUBLIC HEARING: It being the time set aside a **continuation** of a public hearing from December 10, 2018 is held for the purpose of review and determination of a proposed AR3-9 rezoning request and Sketch Plan for a proposed Single Lot Development, High Impact and Special Use Permit Applications on property which would consist of 5 acres, more or less, on property owned by **Elijah Steven Tomac**, situated north of Hwy 160, west of FS Road 316, located in Sec. 19, T.36N., R.12W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Property owner Elijah Steven Tomac was present. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Ellen Foster**. Hearing no further public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. Assistant, Duncan reported the vote from the Planning and Zoning Commission was unanimously in favor of approval to change the application to a **Commercial Envelope**. After hearing all the evidence presented Commissioner Candelaria moved to accept the determination of a proposed AR3-9 rezoning and sketch plan, located at 45501 Hwy 160, for a commercial envelope. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

DISCUSSION: **Kinder Morgan Agent, Chris Lopez** met with the Commissioners to discuss the potential expansion of services over the next several years. Topics discussed included; a CO2 asset map, the number of full time local employees, operating expenses, local economic impacts, miles of CO2 pipe lines, the generation of royalties, private minerals owners, governmental tax generation, the steps of oil recovery, tertiary oil recovery, potential recovery

resources, the Mc Elmo Dome area, the Doe Canyon area, the current wells within Montezuma County, central processing facilities, cluster sites, compressors, combined horse power, active fields, areas of interest, directional and vertical drilling, two phase flow lines, the reusability of the water, target developments, sensitive habitats, cultural resources, the permitting process, construction activities, reclamation and heavy truck travel on County roads. The 2019 Montezuma County projects included; the CD3 well, the GP29 well, the CX14 well, wells planned for Dolores County, the CA8 well cluster separation facility, loop line projects and work overs in Grizzly Canyon. (See attached)

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed a letter of support to the Town of Dolores regarding the adoption of OHV laws of Montezuma County. Commissioner Suckla moved to approve the letter in support of adopting Montezuma County OHV laws for the Town of Dolores. Second by Commissioner Candelaria and carried. Attorney Baxter presented a letter from Community Connections regarding a request that March 19, 2019 be proclaimed as the day in 2019, that Montezuma County recognizes Developmental Disability Awareness Month and urges all citizens to give full support of efforts to enable people with developmental disabilities to live full and productive lives, of inclusion in our communities. Attorney Baxter also discussed Senate Bill 181. (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 scheduled **Weber Canyon** noxious weed meeting, the scheduled **Montezuma County Recreation Advisory Committee** meeting, the **Sage Hen** trail connection, the **Paths of Mesa Verde** trail, a Federal Land Access Program grant application, a Transportation Alternative Program grant application and the Convention Center's architect proposal for the phase one option of the conceptual designs. Commissioner Candelaria moved to work with the architect Janine Denny, for phase one of the proposal of \$4488.00 to continue the conversation of the convention center. Second by Commissioner Suckla and carried. Director Dietrich presented for approval a letter addressed to **Derek Padilla, Dolores Public Lands Office** in regards to the **Lone Pine Vegetation Management Project**. Commissioner Suckla moved to approve the letter from the Board of County Commissioners to Derrick Padilla on the Lone Pine Vegetation Management project. Second by Commissioner Candelaria and carried. Director Dietrich presented a letter addressed to property owner **Mr. DesPlanques** in regards to the public access to the BLM lands south of his property. Commissioner Candelaria moved to send the letter to Mr. DesPlanques from the Board of County Commissioners, in regards to negotiation of the property located at 36.5 Road. Second by Commissioner Suckla and carried (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed a developed Montezuma County, informational Facebook page, and the County web site calendar.

COUNTY COMMISSIONER REPORT: Commissioner Ertel reported he had attended the proposed Convention Center meeting and the Club 20 meeting. **Commissioner Suckla** had no report to give. **Commissioner Candelaria** reported that he had attended the following meetings; a proposed Convention Center meeting, the S.W. Memorial Hospital business after hours, donor

appreciation meeting, the Dolores Chamber Board meeting and the County Department Head meeting.

PUBLIC COMMENT: Ellen Foster discussed the proposed Convention Center.

CORRESPONDENCE: The following correspondence was read and noted: A letter from Gala Pock discussing Resolution #4-2019 (See attached)

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

MEETING ADJOURNED: 3:30 p.m.

Clerk March 19, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 26, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 26, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of March 26, 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 March 19, 2019 as amended. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Tom Seymour** gave a report on the citizens participation of the bipartisan petition signing to **Stop the National Popular Vote Compact** held March 23, 2019.

DISCUSSION: Property owner, **Shawn Wells** along with the **Road Superintendent, Rob Englehart** met with the Commissioners to discuss County road maintenance on a section of County Road N. Mr. Wells made a request to change 3/10 of a mile of the road from seasonal maintenance to full time maintenance. Topics discussed included; public access in to the surrounding BLM lands, previously donated County gravel for the road, county road specifications, public use of the road and the approved County criteria to be used in the consideration for acceptance of a red road into green road designation. (See attached)

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** gave updates to the Commissioners on the Alkali Bridge project, the grinding projects and the Kinder Morgan draft contract letter with a request for \$250,000.00 to help defray the cost of road repairs on County Roads S, U and Road 20.

BOARD OF SOCIAL SERVICES MONTHLY REPORT: It being the time set aside, the Board of Social Services was conducted. **Finance Officer, Lori Higgins** was present. (See attached)

LANDFILL: **Landfill Manager, Mel Jarmon** gave his monthly report which included the 2019 Landfill budget spread sheet and financials. Topics discussed with the report included; State CDPHE permits, a change permit for a rented chipper, recyclables and glass storage. Mr. Jarmon presented the CDPHE, Change of Contact for all **Permits, Certifications and Authorizations**. The application would make the change of authorization from the previous Landfill Manager, Shak Powers and give it the new Landfill Manager, Mel Jarmon. Commissioner Candelaria moved to make the change of contact for all permits, certificates and authorizations to CDPHE, from Shak Powers to Mel Jarmon. Second by Commissioner Suckla and carried. (See attached)

LIQUOR LICENSE: **Deputy, Malinda Fuller** along with **Deputy, Jerri Frizzell** presented liquor license renewals for **Triple H&J Inc., DBA Smitty's Liquors** located at 10255 Hwy 491 Cortez and for **Spirit Wind Inc., DBA Sophia Retreat and Event Center**, located at 19581 Road 31, Dolores, CO 81323. Commissioner Suckla moved to approve the Sophia Retreat and Event Center, located at 19581 Road 31, Dolores, CO. as well as the Smitty's Liquors located at 10255 Hwy 491 Cortez for their liquor license renewal applications, for the year 2019. Second by Commissioner Candelaria and carried. (See attached)

PLANNING: **Planning Director, Don Haley, Planning Assistant, S. Jane Duncan** presented for signatures a Final Plat for the **Bridgewater** subdivision that is in both the County and the City of Cortez. Director Haley and Assistant Duncan presented for signatures a Final Plat for a Minor Subdivision that is in both the County and the City of Cortez.

MONTEZUMA LAND CONSERVANCY: **Montezuma Land Conservancy Outreach and Education Coordinator, Jay Loschert**, met with the Commissioners to give an update on the building process at **Fozzie's Farm, Education Center**, located at 19760 County Road W, Lewis Co. and to invite the Board of County Commissioners to a Grand Opening Ceremony and Open House scheduled May 9, 2019, from 4:00 – 8:00 p.m. Other topics discussed included; coordination with the **CSU Agent, Kacey Riedel** and **County Weed Manager, Bonnie Loving**, the **Inspire Coalition** grants and the numbers of youth and adults that have participated in the educational programs.

SPECIAL EVENT LIQUOR LICENSE: **Ute Mountain Roundup Rodeo Board** members **Bentley Colbert, Cindy Green, Chuck Forth** and **Marti Spitzer** met with the Commissioners to request permission to include alcohol sales during the scheduled Ute Mountain Ute Rodeo event held at the Montezuma County Fairgrounds. Topics discussed included; local

sponsorships, possible national sponsorships from Coors, Cinch and Pendleton, improvements to the Fairgrounds, a new video screen board, electrical requirements, sponsorship for the video screen, the current Fairground liquor policy, traffic control done by the Colorado Highway Patrol, Fairground security done by the Sheriff's Department, tips qualified servers, gate management and a request for a letter of support from the Board of County Commissioners to Region 9 regarding an economic impact study for the rodeo. Commissioner Suckla moved to approve the change in the liquor policy for the Ute Mountain Roundup Rodeo to pursue the sponsorship of Pendleton and the serving of their product along with the Coors. Second by Commissioner Candelaria and carried. Commissioner Candelaria moved to accept the liquor license for the venue for the Ute Mountain Rodeo. Second by Commissioner Suckla and carried.

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

Chairman Ertel announced the meeting would reconvene

COUNTY ATTORNEY REPORT: Attorney, **John Baxter** was absent.

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, a field trip to the **Sage Hen** trail, the consultants working on the **Paths of Mesa Verde Trail**, the Federal Land Access Program grant application and the proposed solar gardens concepts. Director Dietrich reported that he had received a request from **Congressman, Scott Tipton's** office for a joint letter of support from both Dolores and Montezuma Counties, regarding the proposed release of five **Wilderness Area Study** designations. Commissioner Suckla moved to approve the joint letter from Montezuma County to Congressman Scott Tipton, to jointly petition for the assistance in the release of the following Wilderness Study Areas designation and restore to "multi use status" of **Weber Canyon, Menefee Mountain, Cahone Canyon, Cross Canyon and Squaw and Papoose Canyons**. Second by Commissioner Candelaria and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** discussed participation in a water teleconference and Montezuma County support for Dolores County, regarding the instream flow on Disappointment Creek. Administrator Powers presented the one received bid for the Annex I parking lot resurfacing project. The bid from D&L Construction was in the amount of \$23,570.00. It was decided to review the bid and make a determination at the next Commissioner meeting scheduled April 2, 2019. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner **Ertel** reported he had attended the Dolores Water Conservation District meeting, the Weber Canyon noxious weed meeting and he discussed the Wilderness Study Areas letter from Congressman Tipton. **Commissioner Suckla**, discussed the proposed convention / event center, the attended Dolores Economic Development Association workshop, a proposed water park idea, a request from a church group to purchase old rodeo chutes and a proposed ballot term limit change question for the November Election. **Commissioner Candelaria** discussed the solar gardens concept and the septic designs for the Fairgrounds,

PUBLIC COMMENT: **M.B. McAfee** discussed the proposed ballot question regarding the change in term limits and the proposed Convention / Event Center. **Rob Pope** discussed the proposed change in term limit question, the current County Land Use Code and the Planning Department PUD process. **Tom Seymour** discussed sponsorship options for the naming of the proposed Convention / Event Center.

CORRESPONDENCE: The following correspondence was read and noted: A response letter addressed to Gala Pock regarding County Resolution #4-2019.

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

MEETING ADJOURNED: 11:15 a.m.

Clerk March 26, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 2, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 2, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of April 2, 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 March 26, 2019 as amended. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Ellen Foster** discussed a proposed letter from the Board of County Commissioners regarding a request for additional funding for BLM lands.

PLANNING: **Planning Director, Don Haley** and **Planning Assistant, S. Jane Duncan** presented for correction a Notice to Proceed for a High Impact Permit for a boat/RV storage business submitted by **Joseph & Sandra Jaburg**. On property located at 19183 Road 25.3, Dolores, CO, consisting of 3.13 acres more or less, located on the south of Highway 184, west of Road 25.3, situated in S.2 T.37N., R. 16W., N.M.P.M. The original recorded High Impact Permit (HIP) was given the incorrect number of HIP #674, the correct number should have been number HIP #700. Commissioner Candelaria moved that we correct the High Impact Permit number to #700 and record it correctly, from the # 674. Second by Commissioner Suckla and carried (See attached)

UNLIMITED LEARNING INC: Ann Miller, Audrey Allmon and Nita Koppenhafer met with the Commissioners to give updates on Unlimited Learning Inc. Topics of the discussion included the Mission Statement, the history of the program, current job trainings, the description of the CDL program, possible CDL testing areas and a request for information on available grants and / or scholarship assistance from Montezuma County. Mrs. Miller made a request for a letter of support for the program from the Board of County Commissioners. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the dates of March 27, 2018 through April 12, 2018. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Other topics discussed included; the Roads M and P grinding projects, the **Sand Canyon Parking Lot** project, Road Department participation for a scheduled **Battle Rock School** road cleanup day, the 7th Street extension project, the **Box Bar Ranch** gates, and equipment placed in the recently held Suckla's Auction. Superintendent Englehart presented for signatures the previously approved, **Kinder-Morgan / BOCC Road Repair Letter of Agreement** for County Roads U, S, and 20. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland gave his monthly report which included the year to date numbers for income of \$23,098.33 and attendance at 4070. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; a donation of 3 old bucking chutes, septic at the County Race Track, a proposed purchase of portable restroom trailers, the card lock system and the remodel project for the restrooms and kitchen in the main building. (See attached)

LIQUOR LICENSE: Deputy Chief, Lynn Dorenkamp and Deputy Clerk, Jerri Frizzell presented for approval a special events Liquor License permit application from the **Montezuma Land Conservancy**, for an event at the Fozzie's Farm, Education Center, located at 19760 County Road W, Lewis Co. scheduled on May 9, 2019, from 4:00–8:00 p.m. Commissioner Suckla moved to approve the special events permit for the Montezuma Land Conservancy event scheduled May 9, 2019. Second by Commissioner Candelaria and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney John Baxter discussed the Road 41, Weber Canyon Order and a request from the Colorado Department of Public Health and Environment to have a public hearing regarding the County approved, **Certificate of Designation for 49 Square Ventures**. Attorney Baxter presented for approval, **RESOLUTION #5-2019**, a resolution establishing the new rate of charge for E911 emergency telephone service within Montezuma County and authorizing service suppliers to collect the emergency telephone charges. Commissioner Candelaria move to accept Resolution #5-2019, establishing the new rate of charge for E911 emergency telephone service within Montezuma County and authorizing service suppliers to collect the emergency telephone charges. 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. Director Dietrich discussed the Paths to Mesa Verde, and presented the **OTAK** Conceptual Cost Estimates and the overall construction grant budget for review. Director Dietrich presented for approval, a letter of

support addressed to Chris Yuan-Farrell, Senior Program officer for GOCO. Commissioner Candelaria moved to approve the letter of support addressed to Chris Yuan-Farrell, Senior Program Officer at GOCO. Second by Commissioner Suckla and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** reported that no letters of interest had been received regarding the member appointments to the Cortez Cemetery Board and the Lodgers Tax Committee. Other topics discussed included a scheduled meeting with Region 9 and the bid for the Annex I parking lot resurfacing project.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel, no report to give.

Commissioner Suckla, no report to give.

Commissioner Candelaria no report to give.

PUBLIC COMMENT: **M.B. McAfee** discussed proof reading grant application documents, the scheduled Board of Health meeting and current Highway 491 projects.

CORRESPONDENCE: The following correspondence was read and noted: None presented.

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

MEETING ADJOURNED: 11:20 a.m.

Clerk

April 2, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 9, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 9, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of April 9, 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 April 2, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Gala Pock** discussed the music played prior to the regularly scheduled meeting.

LIQUOR LICENSE: **Deputy, Jerri Frizzell** presented two Special Event Liquor License applications to be used at the County Fairgrounds during the **Ute Mountain Roundup Rodeo** and an event scheduled during the **Montezuma County Fair**. Commissioner Suckla moved to approve the Ute Mountain Roundup application for a Special Events permit for June 6-8, 2019. Second by Commissioner Candelaria and carried. Commissioner Candelaria moved to accept the application for a special events permit for the Montezuma County Fair Board for July 26, 2019. Second by Commissioner Suckla and carried. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of March, 2019. (See attached)

COUNTY TECHNICAL SERVICES INC.: County Technical Services Inc., (CTSI) **Christine Stanley** met with the Commissioners to give the Montezuma County annual loss prevention update. Topics of the discussion included; the County Workers' Compensation Pool Loss Ratio Report, the County Workers Compensation Pool Loss analysis by County division, the County Workers Compensation Pool Loss analysis by accident, the department and accident Five year Loss Analysis by division, and the Loss analysis by accident claims from 2014 through December 31, 2018. (See attached)

REGION 9: Region 9 District Executive Director, Laura Lewis Marchino along with **Business Resource Specialist, Brian Rose** met with the Commissioners to provide information on the close of an existing Community Development Block Grant (CDBG) and to ask for support for an application for a new CDBG contract. Topics discussed included the purpose of funding, past performance, the revenue budget, the expenditure budget, examples of loans within Montezuma County and the components of the CDBF application. Commissioner Suckla moved to approve the **Montezuma County Residential Antidisplacement and Relocation Assistance Plan for the Community Development Block Grant Business Revolving Loan Funds**, the **Excessive Force Policy** for Montezuma County for Robert Todd, the Business Finance Specialist, Office of Economic Development, along with that motion Commissioner Candelaria moved to accept the **Citizen Participation Plan for Community Development Block Grant Business Loan Fund** and the **Community Development Block Grant Project Intergovernmental Agreement**, Commissioner Suckla added the **Application for Community Development Block Grant Business Loan Funds**. The motion was seconded by Commissioner Candelaria and carried. Director Marchino presented for review, the 2018 Performance Report and the Corporate Annual Report. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for March, 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. Other topics discussed included the progress on the Community resource vehicle project. 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 March, 2019 for Montezuma County. Second by Commissioner Ertel and carried. (See attached)

SHERIFF'S MONTHLY REPORT: Sheriff, Steven Nowlin met with the Commissioners to give his monthly report, which included the Monthly Jail Report, the Monthly Inmate Report, the Monthly Arrests Report, the Hold Charges Report, the Monies Paid into the General Fund Report, the Monthly Jail Operational Expenses Report, the Total Calls for Service Report, scheduling CTSI training, the status of the Fleet department regarding the vehicle expense and replacements program. (See attached)

DISCUSSION: Jeff Bunnell with Ironwood LLC. met with the Commissioners to introduce himself and to report on a new manufacturing facility starting up within the County. Topics discussed included; the veneer products produced, DWARF collaboration, equipment, logging sites, start dates, employment opportunities and the replacement of utilities to the site facility.

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 a proposed Single Lot Development Application submitted by **Garon Jones, Agent: Eugene Reininger** on property located at 13941 Road 29.2, Dolores, CO, consisting of 35 acres, more or less, located on the north side of Road N, east of Road 29, situated in S.4 T.36N., R.1SW., N.M.P.M.. 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. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. Assistant, 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 single lot development application submitted by Garon Jones, located at 13941 Road 29.2, Dolores, CO Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination a proposed Single Lot Development Application submitted by **Sheldon Zwicker, Agent: Elsie Carver** on property located at 9257 Road G, Cortez, CO, consisting of 10.26 acres, more or less, located on the north side of Road G, situated in S.31 T.36N., R.18W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent Elsie Carver was present. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. Assistant, Duncan reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Suckla moved to approve the single lot development application submitted by Sheldon Zwicker, Agent: Elsie Carver on property located at 9257 Road G, Cortez, CO. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Planning Director, Don Haley and **Planning Assistant, S. Jane Duncan** presented for discussion a proposed Internet Firearms sales on property owned by **US Oil & Gas, Inc., Agent: Shalun Maloney**, located at 6784 Road 24.3, Cortez, CO, situated in Sec. 10, T. 35N, R. 16W, N.M.P.M. The Board of County Commissioners were in agreement that the property was zoned properly and for the proposal to move forward to the Planning & Zoning Commission for a proposed Certificate of Use.

Director, Haley and **Assistant, Duncan** presented for signatures a Final Plat for a proposed Planned Unit Development (PUD) submitted by **Candelaria Construction, Inc.** on property located at 26050 Road L, Cortez, CO, located south of Road L, east of Road 26, situated in S.24, T.36N., R.16W., N.M.P.M. Commissioner Candelaria recused himself from the signing.

PUBLIC HEARING: It being the time set aside a continuation of a public hearing from December 10, 2018 is held for review and determination of an AR 3-9 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. 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. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. Assistant 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 approve the AR 3-9 rezoning request and single lot development subdivision application submitted by **Arvita Higgins** on property located at 21510 Road W, Lewis, CO. with a stay of effect until 14:32p.m on April 9, 2019. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

COUNTY ATTORNEY REPORT: Attorney **John Baxter** discussed the CO2 Committee, oral arguments hearing scheduled Friday, April 12, 2019 in District Court.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, had no report to give.

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** presented for approval **ORDERS #5-2019** and **#6-2019**. **Transfer Order # 5-2019** is a transfer of \$3,542.00 from the Contingency Fund to the Assessor's Fund to pay **Dufford Waldeck Milburn & Krohn, LLP** for matters regarding Kinder Morgan. Commissioner Candelaria moved to accept the Order #5-2019 for the transfer of \$3,542.00 from the Contingency Fund to the Assessor's Fund to pay Dufford Waldeck Milburn & Krohn, LLP for matters regarding Kinder Morgan. Second by Commissioner Suckla and carried.

Transfer Order #6-2019 is a transfer of \$4,456.00 from the Contingency Fund to the Assessor's Fund to pay Dufford Waldeck Milburn & Krohn, LLP for matters regarding Kinder Morgan. Commissioner Candelaria moved to accept Order #6-2019 for the transfer of \$4,456.00 from the Contingency Fund to the Assessor's Fund to pay Dufford Waldeck Milburn & Krohn, LLP for matters regarding Kinder Morgan. Second by Commissioner Suckla and carried. (See attached)

Administrator Powers discussed a Commissioner approved, one year, property tax offset of \$669.00 for David Sitton, owner of the **Aspen Wallwood Inc.** Commissioner Suckla moved to pull money out of the County Commissioner Funds in the amount of \$669.00 for a tax offset for Aspen Wallwood. Second by Commissioner Candelaria and carried.

ACCOUNTS PAYABLE: Administrator Powers presented for approval, the January, 2019 and February, 2019 Accounts Payable Expenditure Reports. Commissioner Suckla moved to approve the Expenditures for Montezuma County for the period, January 1- 31, 2019 and February 1-28, 2019 as presented. Second by Commissioner Candelaria and carried. (See attached)

COUNTY COMMISSIONER REPORT: **Commissioner Ertel** discussed a meeting held with Empire Electric regarding a solar facility and the attended Southwest Water Conservation District meeting. **Commissioner Suckla**, discussed the meeting held with Empire Electric. **Commissioner Candelaria**, also discussed the meeting with Empire Electric, a future meeting scheduled with Shaw Solar, a meeting held with the engineer regarding the Fairgrounds septic system and the attended **Child in Crisis** meeting held at the Sheriff's Office

COUNTY CLERK & RECORDER: County Clerk, **Kim Percell** presented for approval a letter addressed to **Chris Kennedy, Chair, House State, Veterans, & Military Affairs Committee** regarding opposition to **HB 19-1278**. HB 19-1278 makes modifications to the Uniform Election Code. Commissioner Suckla moved to approve the letter. Seconded by Commissioner Candelaria and carried. (See attached)

PUBLIC COMMENT: No public comments were made.

CORRESPONDENCE: The following correspondence was read and noted: The **Dolores Water Conservancy District**, Board of Directors meeting minutes and the April 11, 2019 meeting agenda.

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

MEETING ADJOURNED: 2:35 p.m.

Clerk April 9, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 16, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 16, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of April 16, 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 April 9, 2019 as amended. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Mary Dodd** discussed the proposed term limit ballot question and the development of a County Elected Official Code of Conduct. **Jane Anderson** discussed the proposed term limit ballot question. **Rob Pope** discussed the fire mitigation process for Planning & Zoning application, a review of the County Land Use Codes and the proposed term limit ballot question. **Jill Carlson** discussed the proposed term limit ballot question. **M.B. McAfee** discussed the County Land Use Code, the proposed term limit ballot question and the County Code of Ethics. **Dexter Gill** discussed the proposed term limit ballot question. **Betty Ann Kolner** discussed the proposed term limit ballot question. **Rebecca Busic** discussed the proposed term limit ballot question. **Tom Seymour** discussed the proposed term limit ballot question and the County Code of Ethics. **Alan Maez** discussed the proposed term limit ballot question. **Laura Switzer** discussed the proposed term limit ballot question.

EXTENDED TERM LIMIT DISCUSSION: A discussion was held regarding a proposed ballot question to extend the County Commissioner term limits. The current term limit is two, four year terms with a proposal to extend it to three, four year terms. Attorney Baxter gave an overview of the history for the County Officials term limits and presented the draft language for the proposed ballot question. Commissioner topics of discussion included: consistency in Elected Officials term limits, building relationships, connectivity to younger voter concerns, other Colorado County term limits, opportunities during elections to vote candidates out of office, the loss of knowledge and the consequences to the County with remaining issues after an elected official is termed out. Constituents, **Dawn Brunson, Jeremy Noack and Dean Boeckman** emailed public comments to Administrator Powers to be included within the discussion. A discussion was held regarding the inclusion of the District Attorney within the proposed term limit ballot question. Commissioner Suckla moved to approve the draft language for the extension of the Commissioner's term limits, and to put the question on the November 2019 ballot. Second by Commissioner Candelaria and carried. Attorney Baxter will present a resolution for approval at a future date. (See attached)

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** presented the road and bridge schedule for the dates of April 10, 2019 through April 26, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Topics discussed included; ditch cleaning, the grinding projects, culvert replacements, chip seal, soft spot repairs, seasonal blading, drainage repairs and over lay projects. Other topics discussed included; the completion of the County's **Sand Canyon** parking lot project, the completion of the BLM trail to the County's parking lot, the posting of parking signs, the proposed BLM Sand Canyon parking lot project, the Alkali Bridge project and the entry road to Phil's World. (See attached)

CSU EXTENSION OFFICE: **Extension Director, Kacey Reidel** met with the Commissioners to give a quarterly report. Topics of the discussion included: the Quarterly newsletter, the 4-H youth development updates, past and future events, noxious weeds programs, a drought impact workshop, the Lasting Legacy program, the Master Gardner program, a Family Consumer Science Agent, the quarterly Advisory Board meeting, the Southwest Research Center updates, an update to the web site, a categorized email signup sheet, and proposed adjustments to the office hours. (See attached)

PUBLIC LANDS:

Forrest Service, Derek Padilla discussed a proposed repair time line for the road into House Creek and the spring prescribed burn season.

Bureau of Land Management, Acting Field Manager, Elijah Waters met with the Commissioners to give a BLM monthly update and to introduce himself. Topics discussed included; the Phil's World road maintenance, the public scoping period for the Transportation Plan, the BLM access parking lot projects for Roads L and Road M and the Congressional disbanding of the WSA's.

Acting Canyon of the Ancients National Monument Manager, Tyler Foss met with the Commissioners to give a monthly update. Topics discussed included; the Sand Canyon parking lot projects, the Flodine and Yellow Jacket range permits and a Conditional Use filed by the BLM on water in Yellow Jacket Creek. (See attached)

Mesa Verde Superintendent, Cliff Spencer met with the Commissioners to request assistance, regarding a property owner's placement of a gate and a no trespassing sign, on the entry road to the Yucca House Monument. Topics of the discussion included; identification and direction signs, a "Please close the gate behind you" sign, other access options, staffing at the monument, the Road Superintendent's dialog with the property owner and the Karwick land gift. Other topics discussed included; a list of scheduled park projects and rocks falling on the Mesa Verde entrance road. (See attached)

PUBLIC COMMENT: **Mary Dodd** discussed the County Code of Ethical Conduct. **Tom Seymour** discussed the Wednesday scheduled convention / event center meeting.

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

Chairman Ertel announced the meeting would reconvene.

Commissioner Candelaria was absent for the afternoon session.

PUBLIC HEARING: It being the time set aside a continuation of a public hearing is held for review and determination of an ARI0-34 Rezoning and Subdivision Application on a proposed 2 Lot Minor Subdivision submitted by **Doug Jennings** on property located at 30250 Road H, Cortez, CO, consisting of 40 acres, more or less, located on the south side of Road H, east of Road 27, situated in S.34, T.36N., R.15W., N.M.P.M... The roll was called, the public notice read, and the proceedings were recorded for the record. Property owner Doug Jennings was present. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. Assistant, Duncan reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Suckla moved to approve the ARI0-34 rezoning and subdivision application on a proposed 2 lot minor subdivision submitted by Doug Jennings on property located at 30250 Road H, Cortez Co. consisting of 40 acres, more or less. Second by Commissioner Ertel and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Planning Assistant, Duncan presented for signatures a final plat for a proposed 2 lot minor subdivision submitted by **Doug Jennings** on property located at 30250 Road H, Cortez, CO, consisting of 40 acres, more or less, located on the south side of Road H, east of Road 27, situated in S.34, T.36N., R.15W., N.M.P.M.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a proposed Amendment to High Impact Permit #14- 000010, Special Use Permit #14-000006 Application submitted by **Kinder Morgan, Agent: Chris Lopez** on property located at 8087 Road BB, Pleasant View, CO, consisting of 6.41 acres, more or less, located on the north side of Road BB, east of Road 8, situated in S.1 T.38N. R.19W. N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent Chris Lopez was present. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Gala Pock**. Hearing no further public comment that portion of the hearing was closed.

Commissioner Ertel requested the findings from the Planning and Zoning Commission. **Assistant, Duncan** reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Suckla moved to approve the amendment to high impact permit #14-000010, special use permit #14-000006, application submitted by Kinder Morgan, representative agent: Chris Lopez on property located at 8087 Road BB, Pleasant View, CO, consisting of 6.41 acres, more or less, located on the north side of Road BB, east of Road 8. Second by Commissioner Ertel and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Planning Assistant, S. Jane Duncan presented for signatures, corrections to High Impact Permit No.701 Special Use Permit No. 03-2018 Kinder Morgan CO2 Company, Agent, Chris Lopez on property owned by Roxy Rupe, located at 25136 Road 8, Pleasant View, CO; in Sec.1, T.38N, and R.19W, N.M.P.M. A multiple-well pad with wells known as CA8, CA-9 and CA-10 for the purpose of the construction of said well pads, drilling of CO2 wells, production activities and the construction and installation of CO2 tie-in pipelines. Commissioner Suckla moved to approve the corrections to High Impact Permit #701 and Special Use Permit #03-2018, to replace High Impact permit #701 previously recorded on 02-04-2019 also known as a multi wells pad with wells known as CA-8, CA-9 and CA-10 for the purpose of the construction of said wells, drilling of CO2 wells, production activities and the construction and installation of CO2 tie-in pipelines. Second by Commissioner Ertel and carried (See attached)

Planning Assistant, Duncan presented for signatures a final plat for a 3 lot minor subdivision submitted by **Gary Ellson** on property located at TBD Road P, Mancos, CO, consisting of 35 acres, more or less, located on the north side of Road P, west of Road 33, situated in S.1 T.36N., R.15W., N.M.P.M.

Planning Assistant, Duncan presented for signatures of a final plat for a 3 lot minor subdivision submitted by **Terry Ellson** on property located at TBD Road P, Mancos, CO, consisting of 35 acres, more or less, located on the north side of Road P, west of Road 33, situated in S.1 T.36N., R.15W., N.M.P.M.

Planning Assistant, Duncan presented for signatures of a final plat for a single lot development submitted by **Sheldon Zwickler, Agent: Elsie Carver**, on property located at 9257 Road G, Cortez, CO, consisting of 10.26 acres, more or less, located on the north side of Road G, situated in S.31 T.36N., R.18W., N.M.P.M.

EMERGENCY MANAGER REPORT: Emergency Manager, Mike Pasquin met with the Commissioners to discuss county flood preparedness. Topics discussed included; flood plans included in the current Emergency Operations Plan, the Dolores River Emergency Alert and Notification Plan, the Mancos River Emergency Alert and Notification Plan, Nixel alerts, Town of Dolores flood zone maps, flood gauges, IGA's for proposed emergency shelters, help from the Red Cross, the Colorado River Basin Forecast Center, evacuation procedures, the availability of sand and sand bags, gas lines and septic tanks, the 100 foot standoff zone and possible updates to the Emergency Operations plan. Manager Pasquin reported he would be attending the scheduled Emergency Management Academy. (See attached)

COUNTY ATTORNEY REPORT: Attorney, **John Baxter** discussed the future scheduling of an Executive Session to discuss a personnel matter and the Road 41 injunction. Attorney Baxter reported that there had not been a ruling from the February 2019, BAA hearing.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, met with the Commissioners to give his weekly report. Topics of the discussion included; the Flap Grant application, the Sand Canyon parking lot trail and the BLM Parking lot projects on Road L and Road M. Director Dietrich reported he would be attending the scheduled Oil and Gas Symposium and a scheduled flood plane workshop.

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** presented a letter of interest for reappointment to the **Lebanon Cemetery Board** from **Neita Muniz**. Commissioner Candelaria moved to accept Ms. Muniz for the Lebanon Cemetery Board and appoint her to a 6 year term. Second by Commissioner Suckla and carried.

Administrator Powers presented for approval **AMENDED TRANSFER ORDERS #5-2019** and **#6-2019**. The original transfer requests were from the Contingency Fund to the Assessor's Fund. **Amended Transfer Order # 5-2019** is a transfer of \$3,542.00 from the Contingency Fund to the General Fund to pay **Dufford Waldeck Milburn & Krohn, LLP** for matters regarding Kinder Morgan. **Amended Transfer Order #6-2019** is a transfer of \$4,456.00 from the Contingency Fund to the General Fund to pay Dufford Waldeck Milburn & Krohn, LLP for matters regarding Kinder Morgan. Commissioner Suckla moved to approve order #6-2019 a transfer of \$4,456.00 from the Contingency Fund to the Assessor Fund to pay Dufford Waldeck Milburn & Krohn, for matters regarding Kinder Morgan, dated April 16, and modify the transfer to the General Fund per the Treasurer, as well as the April 9, transfer Order #5-2019 of \$3,542.00 from the Contingency Fund to the Assessor's Fund to pay Dufford Waldeck Milburn & Krohn, LLP for matters regarding Kinder Morgan. Second by Commissioner Candelaria and carried.

Administrator Powers presented an amended proposed membership of the **Juvenile Service Planning Committee** for approval. Commissioner Candelaria moved to approve that pursuant to Colorado Revised Statutes 19-2-211 recommending individuals to serve on the local juvenile services planning committee that shall be appointed by the chief judge of the judicial court and adding Eric Stiasny, Counselor, Dove Creek High School. Second by Commissioner Suckla and carried. Other topics discussed included the North Street parking lot project and the re-advertisement for bids. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel, discussed the attended Club 20 meeting.

Commissioner Suckla, had no report to give.

Commissioner Candelaria, discussed attendance to the scheduled Oil and Gas Symposium, a conversation with Shaw Solar, the architect sketch diagrams for the Convention / Event center and the attended TRP meeting.

PUBLIC COMMENT: **Ellen Foster** discussed the review of the Land Use Code.

M.B. McAfee discussed Chairman Ertel's verbal verification of the proposed motions.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 2:30 a.m.

Clerk April 16, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 23, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 23, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of April 23, 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 April 16, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: Alan Maez discussed the original approved High Impact Permit for Fozzie's Farm and current special events scheduled there. Mr. Maez also discussed a previous request for a map of Conservation Easements within the County. M.B. McAfee discussed the conservation easement map and the community resource found at Fozzie's Farm.

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

EXECUTIVE SESSION: Commissioner Candelaria moved to go into executive session for discussion of a matter required to be kept confidential by the following federal or state law, rule or regulation under C.R.S. Section 24-6-402 (4) (c) and for the discussion of personnel matters under C.R.S. 24-6-402 (4) (f), to include Social Service Director Gina Montoya, seconded by

Commissioner Suckla and carried. Topic for the executive session was review by the Board of County Commissioners of the finding made by the Citizens Review Panel regarding a decision by Social Services. Commissioner Suckla moved to go out of executive session, seconded by Commissioner Candelaria and carried. Commissioner Candelaria moved to uphold the decision by Director, Gina Montoya and the findings of the Citizens Review Panel on their decision regarding this subject matter. Second by Commissioner Suckla and carried. (See attached)

DISTRICT ATTORNEY: Will Furse met with the Commissioners to discuss the purchase of a vehicle for the department and a ballot question to extend his term limits from two terms to three terms. Topics of the discussion included; current fleet vehicles assigned to the department, county insurance for vehicles purchased, vehicle trade in's, auctioned county vehicles, vehicle mileage expense, vehicle passenger needs and vehicle rental options. District Attorney, Furse presented for review, proposed draft language for a resolution of a ballot question to be placed on the November 2019 ballot. The discussion was tabled for a future decision. (See attached)

IT MONTHLY REPORT: IT Director, Jim McClain met with the Commissioners to present for review and discussion, a **Surface Use Agreement** between **Visionary Broadband** and Montezuma County to install a 40' tower. Topics of the discussion included; the language of the agreement, land access, inclusion of the Landfill Manager within the discussion, the size of the tower, the band width of the tower, access point placements, county wide dead spots and support for the project from the Commissioners. Other topics discussed included; the placement of approved Resolutions on the County web site and Public Hearing videos. (See attached)

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the draft Term Limit Extension Resolution. It was decided to table the discussion until the May 28, 2019 meeting. Other topics discussed included the Montezuma Valley Irrigation lawsuit.

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

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

COUNTY COMMISSIONER REPORT: Commissioner Ertel discussed the attended Board to Board meeting, the Convention / Event Center meeting and the Health Department meeting. **Commissioner Suckla**, discussed the attended CCI meeting and the unencumbered 6 million dollars of county reserve funds that could be used for the benefit of the county residents. **Commissioner Candelaria** discussed the attended Oil and Gas symposium and the River Raft meeting. Other topics discussed by the Commissioners included; the scheduled Town Hall meeting in Dolores on June, 24, 2019 at 6:30 p.m., the scheduled Town Hall meeting in Cortez on July 12, 2019 at 6:30 p.m., and a proposed change from a day meeting to an evening meeting once per month. It was decided that the May 7, 2019 meeting would start at 1:30 p.m.

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

DISCUSSION: Planning & Zoning Commission members **Bob Clayton, Kelly Belt, Mike Rosso** and **Rob Pope** met with the Commissioners to discuss, support from the Board regarding a proposed County Sales Tax question for the 2020 ballot. Topics of the discussion included, public education and a campaign for the proposed sales tax question, a county analysis of the need for a sales tax, current county reserves, the (RAR) Residential Assessment Rate, mill levy adjustments, earmarking funds, a developmental plan, an update to the County Comprehensive Plan, county sales tax amounts in other counties, tourism, County marketing options, proposed sales tax exemptions, public education of collected property tax and distributions to special districts, a Regional Mental Health Facility, a Regional Detox center, reviews of the County's departmental budgets, reviews of the county employee benefits, property development fees, sales tax revenues spent for the benefit of the County constituents, a 20 year growth comparison of the county and the quality of services provided, sales tax collection on internet purchases, the business leverage of being a "no sales" tax county and future increases to city taxes. The Montezuma County Board of County Commissioners were in agreement that the Planning & Zoning Commission investigate the various revenue streams that may be available to the County to promote the citizens of the County.

PUBLIC COMMENT: **Greg Kemp**, discussed the previously investigated Economic Development Association's ballot initiative regarding High Speed Internet Services to Montezuma County. **M.B. McAfee** discussed the proposed county sales tax. **Dexter Gill** discussed an update to the County Comprehensive plan. **Ellen Foster** discussed the county financial reserve account.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 3:10 p.m.

Clerk April 23, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 30, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 30, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of April 30, 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 April 23, 2019 as amended. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Ann Bowler** discussed the proposed broadband tower. **Galen Larson** discussed job promotion opportunities within Montezuma County and the 2nd Amendment.

LANDFILL: **Rachel Ablen** from the **Landfill** gave a monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; the subgrade excavation for the new cell project, the tire shredding program, coordination with Empire Electric for Earth Week and the engineer design for the deceased animal pit. (See attached)

IT: **IT Director, Jim McClain** along with **Visionary Broadband, Vice President, Justin Davis** met with the Commissioners to present for signatures, a **Surface Use Agreement** between Visionary Broadband and Montezuma County to install a tower on County land. Topics of the discussion included; a site survey at the Landfill, the language of the agreement, the size of the tower, possible leased sections of the tower, combining the 2 proposed towers, connectivity for

the Landfill and dead spots within the county, flight patterns at the airport, the structure of the towers, infrastructure support, tower ownership, a Sheriff's Department repeater placed on the tower and the time frame for the completion of the project. Commissioner Candelaria moved to accept the Surface Use Agreement with Visionary Broadband a Colorado Corporation. Second by Commissioner Suckla and carried. (See attached)

LIQUOR LICENSE: Deputy Clerk, Malinda Fuller presented special event liquor license applications for **Schroeder Colorado Inc., DBA Eagle Claw Trading Post**, 4321 S US Hwy 160/491, Cortez, CO and a liquor license renewal for **Echo Basin Ranch** located at 43747 Road M, Mancos, CO 81328. Commissioner Candelaria moved to accept the retail liquor license renewal application for Eagle Claw Trading Post and Liquor Store located at 4321 S US Hwy 160/491, Cortez, CO and a retail liquor license renewal application for Echo Basin Ranch located at 43747 Road M, Mancos, CO. Second by Commissioner Suckla and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney John Baxter discussed the proposed 2019-2020 Court Security Grant, the Road 41 lawsuit and a letter sent to Senator Bennet, regarding the CORE Wilderness Act. (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 formal scoping period for the Transportation Alternatives Plan, a Montezuma County Recreational Advisory Committee (MCRAC) meeting scheduled May 2, 2019 at 6:00 p.m., an attended meeting with Dolores Water Conservation District and the Forest Service regarding reservoir operations and the Aquatic Nuisance Species Program, a proposed Governor tour within Montezuma County, the proposed parking lot at the Landfill for access to BLM lands, the County engagement with State Historic Preservation Office (SHPO) process for rerouting trails out at Phil's World, funding for fencing that had been burnt during the required back burn of the Plateau Fire and the resignation of a Montezuma County Recreational Advisory Committee member.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the new Bi-weekly pay conversion project.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed an attended meeting at the Unlimited Learning Center with Senator Bennet's representative, Ms. Wolf, regarding programs and funding for the Center's educational programs and the proposed release of the 5 Wilderness Study Areas

Commissioner Suckla discussed his participation in the Mancos Hoedown Auction, a proposed BOCC field trip to review some of the Montezuma School to Farm projects, Senate Bill 19-81, C.R.S. Article 24-65.1 and mental health services provided to Montezuma County by AXIS Health.

Commissioner Candelaria discussed the attended meeting with Region 9, mile markers for the Dolores, Norwood Road, the Cortez City Council meeting and a luncheon attended with the Dolores Seniors.

PUBLIC COMMENT: **Gala Pock** discussed the inclusion of the local Hospital with the discussion of AXIS Mental Health services. **M.B. McAfee** discussed the AXIS Mental Health issue and the inclusion of Vern Heath within the discussion. **Lisa Henry** discussed the recent Youth Service meeting and the mental health issues within the county. **Tom Seymour** discussed the AXIS Mental Health issue and his support of the Broadband tower. **Dexter Gill** discussed the Mental Health issue, Senate Bill 19-81, the Broad Band tower and the Core Wilderness Act letter.

CORRESPONDENCE: The following correspondence was read and noted: Email from **Joe Slaughenhaupt** regarding County term limits, (See attached)

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

MEETING ADJOURNED: 11:00 a.m.

Clerk April 30, 2019

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

CHAIRMAN, ERTEL opened the meeting of May 7, 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 April 30, 2019 as amended. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Greg Kemp** discussed the Court Security Deputies assigned to the Combined Court House.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed AR10-34 Rezoning request and Single Lot Development Application submitted by **Patsy Simmons**, **Agent: Kathy Stone** on property located at 25409 Road H, Cortez, CO, consisting of 21.16 acres, more or less, located on the north side of Road H, west of Road 25.1 situated in S.35 T.36N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Representative Agent, Ernie Maness** was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. Planning Assistant, Duncan reported the

vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Suckla moved to approve the AR10-34 rezoning request and single lot development application submitted by Patsy Simmons, Agent: Kathy Stone on property located at 25409 Road H, Cortez, CO, consisting of 21.16 acres, more or less, located on the north side of Road H, west of Road 25.1 situated in S.35 T.36N, and include the correction of the location to East of Road 25.1. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed AR3-9 Rezoning request for a 5 acre, more or less, Subdivision Application submitted by **Sam Manganaro, Agent: Ernie Maness**, for a Single Family residence on property located at 14984 Road 31, Mancos, CO, located north of Road R, east of Road 31, situated in S.35, T.37N., R.15W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent Ernie Maness was present. **Planning Director, Don Haley with Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. Planning Assistant, 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 AR3-9 rezoning request for a 5 acre, more or less, subdivision application submitted by Sam Manganaro, Agent: Ernie Maness, for a single family residence on property located at 14984 Road 31, Mancos, CO. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for reviewing and determining a proposed High Impact Permit and Special Use Permit submitted by **Horizon Tower, Agent: Shelly Neace**, for the purpose of developing a new wireless telecommunication facility and 100 foot monopole tower, on property located at 6991 Road 24.3, Cortez, CO, consisting of 4.42 acres, more or less, located south of Road G, west of Road 24.3, situated in S.10 T.35N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Horizon Tower, Agent, Shelly Neace was present and gave an overview of the application. Commissioner Ertel 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 continue the Public Hearing to May 28, 2019 at 2:00 p.m. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a continuation of a public hearing is held for review and determination of recommendations to be made to the Board of County Commissioners regarding an Commercial Rezoning request and High Impact Permit Application submitted by **Jared Hansen & Karen Becker** for the purpose of operating a dog breeding facility on property located at 30773 Road V.6, Dolores, CO, located north of Road V.6, west of Road 31, situated in S.3, T.37N., R.15W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Jared Hansen and Karen Becker were present. **Planning Director, Don Haley with Assistant, S. Jane Duncan** gave an overview of the

application. Commissioner Ertel opened the hearing to public comment. Public comments were made by **Mary Kramer** and **Steve Nowlin**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Suckla moved to approve a commercial rezoning request and high impact permit application submitted by Jared Hansen & Karen Becker for the purpose of operating a dog breeding facility on property located at 30773 Road V.6, Dolores, CO,. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Director, Haley with **Assistant, Duncan** presented for signatures a Final Plat for a proposed Boundary Line Adjustment submitted by **Fredrick & Mila Brown**, agent: **Kelly Weyand** and **Don & Liz Tozer**, on properties located at 4032 Road G & 4960 Road G, Cortez, CO, located south of Road G, situated in S.32, T.36N., R.19W., N.M.P.M.

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the dates of May 1, 2018 through May 17, 2018. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Other topics discussed included; mile markers for county roads, chip seal projects, prepping for pavement, pavement patching, culvert repairs, an **Elam Construction** paving project calendar, road striping, the **Alkali Bridge** project, flooding at Spring Creek, the move to the Armory Building, a proposed pave patch project for House Creek and the BLM access parking lots at Roads L, M and Sand Canyon. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland gave his monthly report which included the year to date numbers for income of \$31,144.99 and attendance at 17,305. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the LED light conversion project, the card lock system, a stolen dump truck, and the stage used for local graduations. (See attached)

MONTEZUMA COUNTY SEARCH AND RESCUE: Training Officer, Erin Walker met with the Commissioners to make a request of funding in the amount of \$4,191.00 for a Swiftwater Response boat. Topics discussed included; the boat equipment list, the rescue equipment list, response times, the average number of swiftwater rescues within the County, boat storage options, swift water rescue training, throwback training and deployment points along the Dolores river. Commissioner Suckla moved to authorize the purchase of a swiftwater response boat in the amount of \$4191.00, through miscellaneous funds, contingent upon coordination with the Dolores Fire Department and an in the water deployment time of fifty minutes or less. Second by Commissioner Candelaria and carried. (See attached)

SHERIFF'S OFFICE: Sheriff, Steven Nowlin and **Wanda Martin** met with the Commissioners to present for approval the **2019-2020 Courthouse Security Grant Application** and the **2019 Gaming Grant Application**. Commissioner Candelaria moved to approve the application grant for the request of funds for personnel services in the amount of \$244,612.47 for the Security Grant. Second by Commissioner Suckla and carried. Commissioner Suckla moved to approve the request to apply for the Gaming Impact Grant in the amount of \$123,793.00 for the Sheriff's Department for 2019. Second by Commissioner Candelaria and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney John Baxter reported that Montezuma County had received a favorable ruling on the 2009 Kinder Morgan, Board of Assessment Appeals order.

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 regarding road access through Sage Hen, the Paths to Mesa Verde FLAP grant application, the Rangeland Stewardship meeting and the proposed 2019 Colorado Wilderness Act. Director Dietrich presented for approval a letter of support for the delisting of the gray wolf, addressed to Don Morgan, Chief Branch of Delisting and Foreign Species. Commissioner Suckla moved to approve the letter of support for the delisting of the gray wolf. Second by Commissioner Candelaria and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented invitations to the Montezuma County Historical Society public fund raising kick off scheduled May 11, 2019. Administrator Powers presented for approval, a letter of support regarding the renovation of the Calkins Historical Building, addressed to Terri Wheeler at the Housing Authority of Montezuma. Commissioner Suckla moved to approve the letter of support to the Montezuma County Housing Authority for the renovations of the Calkins Historic building and the new construction for the 42 residential units in Cortez Co. Second by Commissioner Candelaria and carried. Other topics discussed included the cancellation of the May 21, 2019 Board of County Commissioner Meetings. (See attached)

ACCOUNTS PAYABLE: Administrator Powers presented the March 2019 Accounts Payable Reports for approval. Commissioner Candelaria moved to approve the March Payables in the amount of \$832,330.89. Second by Commissioner Suckla and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel no report.

Commissioner Suckla no report.

Commissioner Candelaria discussed the digitization of county records.

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

Chairman Ertel announced the meeting would reconvene

DISCUSSION: Axis Health System, Chief Executive Office, Bern Heath and Director of Public Relations, Haley Leonard met with the Commissioners to discuss the Axis Integrated Health System. Mr. Heath gave an overview of the services and the structure of Axis Health System. Topics of the discussion included; service to five counties in Southwest Colorado, current Montezuma County employees, 2018 crisis assessment statistics, uncompensated care, current grant funding used on salaries, types of grant funding, requirements of awarded grants, an inpatient wing in Cortez, the Acute Treatment Unit, behavioral health sites, jail transition programs, detox services, substance abuse groups, the crisis team response times, transportation to the Durango facility, State Hospital transports, the Mobile Crisis Unit within Montezuma County, education and trainings of services provided, funding from Montezuma County, the

Tele-video unit, a Crisis Therapist and the Crisis line phone numbers. Crisis phone numbers are; Local **970-247-5245** and the State **884-493-8255**. (See attached)

DISCUSSION: Southwest Basin Round Table, Chairman, Mike Preston, Montezuma County Representative, Ed Millard along with **Southwest Water Conservation District, Board Member, Don Schwindt** met with the Commissioners to discuss the **Drought Contingency Plan** and **Demand Management** for the Colorado western slope. Topics discussed included; the Colorado River Compact, the Upper Colorado River Basin Compact, the Colorado River Basin Project Act, Interim Guidelines, Drought Contingency Plans for the Lower and Upper Basins, the Upper Basin Demand Management Program, the role of the Southwest Basin Round Table, Planning Efforts for Drought in the Colorado River Basin, Equal Representation by all basins, storage reservoirs, public education, opportunities to protect our interests, preemptive curtailment, a Voluntary / Temporary and Compensated program, a proposed County Contingency plan, the Inter Basin Compact Commission, power generating levels for Lake Powell, the Colorado Water Conservation Board, the 2007 interim guidelines, the Colorado Water Congress meeting, improved efficiencies in water management, alternative ideas and current defenses. (See attached)

PUBLIC COMMENT: Public comments regarding the Axis Health System discussion were made by the **Veterans Justice Outreach Officer, Bob Sanders, M.B. McAfee** and **Public Health Director, Bobbie Lock**. Public Comments regarding the Drought Contingency and Demand Management discussion were made by **Dolores Water Conservation District Manager, Ken Curtis** and **Montezuma Valley Irrigation Board Member, Greg Black**.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 8:45 p.m.

Clerk May 7, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 14, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday May 14, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of May 14, 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 May 7, 2019 as presented. Motion was seconded by Commissioner Ertel and carried.

PUBLIC COMMENT: **Rob Pope** discussed the current, Montezuma County Code of the West and the development of a County Code of Ethics. **Ellen Foster** discussed the recent mental health discussions. **Rachel Medina** presented a thank you on behalf of the United Search and Rescue for the County donation of funds for the proper outfitting of the swift water response raft. **Suzanne Motsinger, Lenore Nice, Mark Malenowski, Barbara Malenowski,** discussed concerns with a possible commercial development of a property within the Forks Subdivision.

COUNTY CLERK & RECORDER: County Clerk, **Kim Percell** reported that Mancos High School Senior, **Taylor Samora** had won the **Southwest Regional, Colorado County Clerk's Association** scholarship.

LIQUOR LICENSE: Deputy Clerk, **Jerri Frizzell** presented liquor license renewal applications for **Maverick Country Stores Inc. #275**, located at 10223 Hwy. 491, Cortez Co 81321, for **Bubba's LLC**, 18615 Road 20, Lewis, CO, and a special event liquor license for **United Way of Southwest Colorado**, event to be held at the Dolores River Campground, 18680 Hwy 145, Dolores, Co. Commissioner Candelaria moved to accept the special events license for the United Way, a retail liquor or 3.2 beer license application for **Maverick Country Stores Inc. #275**, located at 10223 Hwy. 491, Cortez Co and for **Bubba's LLC**, located at 18615 Road 20, Lewis. Second by Commissioner Ertel and carried. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of April, 2019. (See attached)

ROAD DEPARTMENT: Road Superintendent, **Rob Englehart** met with the Commissioners with a request to hire a Level II mechanic for the Road and Bridge Department. Commissioner Candelaria moved to accept the proposal from Rob Englehart the Road and Bridge Superintendent to add a Level II mechanic to the Road and Bridge Department. Second by Commissioner Ertel and carried.

VETERANS SERVICE: Veteran Service Officer, **Rick Torres** presented the Certification of Pay for April, 2019 along with the monthly report of services. Commissioner Candelaria moved to approve the Colorado Department of Military Veterans Affairs, County Veterans Service Officers monthly report and certification of pay for the month of April, 2019 for Montezuma County. Second by Commissioner Ertel and carried. Officer Torres gave an update on the monthly statistical data and the indirect income to Montezuma County. Officer Torres presented a five year award to employee, **Sarah Kuhn** and the Memorial Day Proclamation for signatures. He reported on the attended **Western Region One Source** grand opening and gave a review of county comparison charts. (See attached).

49 SQUARE VENTURES: Planning Director, **Don Haley**, from **49 Squares Ventures**, **Matt Bradshaw** and **Matt Fuller**, from the (CDPHE) **Colorado Department of Public Health and Environment**, **Ed Smith**, **Randy Perila**, **Bob Peterson** and **John O'Rourke** and from the **Attorney General Office**, **David Banas** had a conference call with the Board of County Commissioners. The CDPHE made a request that the County revoke the Certificate of Designation (CD), from 49 Squares Ventures for various compliance violations. Mr. Smith gave an overview of the compliance history. The Certificate of Designation was signed by the Montezuma County Board of County Commissioners on May 19, 2014. Topics of the discussion included; compliance orders issued, compost testing, ground water monitoring, penalty payments, annual fee payments, document review fees, the 2017 ground water report, the legacy waste complaint survey of 2018, a closure and post closure cost estimate, the legacy waste reduction schedule, a pending sale of materials, loss of jobs, temporary suspension or revocation by CRS 30-20-113, compliance orders issued for closure activities, and a final June 27, 2019 report due date. Commissioner Ertel moved to continue the revocation of Certificate of Designation hearing until July 2, 2019 at 1:30 p.m. Second by Commissioner Candelaria and carried. (See attached)

SHERIFF'S MONTHLY REPORT: Sheriff, **Steven Nowlin** met with the Commissioners to give his monthly report. Topics discussed included; the Calls for Service Report, civil processing, the Prisoner Report, the Parole Holds Report, State reimbursements of parole hold charges, the Jail Operational Expenses Report, the Monies Paid into the General Fund Report and a proposed Dolores County Commissioner tour of the Montezuma County jail.

Sheriff, Nowlin presented for approval the **Cooperative Law Enforcement Annual Operating Plan & Financial Plan** between the Montezuma County Sheriff's Department and the USDA Forest Service, San Juan National Forest. Commissioner Candelaria moved to accept the Cooperative Law Enforcement Annual Operating Plan and Financial Plan, between the Montezuma County Sheriff's Department and the USDA Forest Service, San Juan National Forest. Second by Commissioner Ertel and carried.

Tek84 Engineering Group, North American Director of Sales, Kent Smart gave a slide show presentation, for a proposed purchase of a full body scanner to be used at the County detention center. (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, and Planning Assistant, S. Jane Duncan presented a variance request to the Land Use Code for the Setback requirements of 50 feet, on property owned by **Ouida Vincent**, located at 1762 Road 26, Cortez, CO, consisting of .21 acres, more or less, located on the east side of Road 26, west of Road 33, situated in S.24 T.36N., R.15W., N.M.P.M. Commissioner Candelaria moved to accept the variance for **Ouida Vincent**, located at 1762 Road 26, Cortez, Co. Second by Commissioner Ertel and carried. (See attached)

Director, Haley and Assistant, Duncan presented a variance request to the Land Use Code for the Setback requirements of 50 feet, on property owned by **Robert Baxstrom**, located at 12264 Road 23.25 Loop, Cortez, CO, consisting of 3.03 acres, more or less, located on the east of Road 23, south and west of Hwy 491, situated in S.9, T.36N, R.16W, N.M.P.M. Commissioner Candelaria moved to accept the variance for Robert Baxstrom, located at 12264 Road 23.25 Loop Cortez Co sub-division Tularosa Properties. Second by Commissioner Ertel and carried. (See attached)

Director, Haley and Assistant, Duncan presented for signatures **High Impact Permit No.697** for the purpose of a High Impact Permit for the operation of Storage Units and RV Storage Facility, on property owned by **Western Transport, LLC dba D&B Enterprises**, consisting of 4.42 acres, more or less, located at 6991 Road 24.3, Cortez, CO, east of Road 24.2, south of Road G; in Sec.10, T.35N, R.16W., N.M.P.M. (See attached)

COUNTY ATTORNEY REPORT: Attorney John Baxter, no report.

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

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** presented for signatures a letter addressed to **Andy Carter, Energy Management Advisor** for **Empire Electric Association, Inc.** regarding the Montezuma County Fairgrounds arena change from large power service to general service. Administrator Powers reminded the audience that the May 21st and June 4th Commissioner meetings had been cancelled. He also discussed a proposed county wide file digitization project and a **Cross Roads Facility** visit. **Axis Health System, Director of Public Relations, Haley Leonard Saunders** joined the meeting to continue the mental health discussion. Topics discussed included; funding sources, substance use disorders, involuntary commitment barriers, suicide prevention trainings, educational opportunities, the stages of change, including healthy choices within the updated Land Use Code for the County, the **Blue Zones Program**, the addition of a local crisis therapist, the hospital transformation project and public education regarding Emergency care versus Primary care. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended Work Force and Area on Aging Agency meetings. **Commissioner Suckla** was absent from the meeting.

Commissioner Candelaria discussed the attended Open House at Fozzie's Farm and the Senior Appreciation Band Concert.

PUBLIC COMMENT:

CORRESPONDENCE: The following correspondence was read and noted: a letter from US Department of Commerce regarding the 2020 Census new construction program. (See attached)

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

MEETING ADJOURNED: 2:45 p.m.

Clerk May 14, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 28, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday May 28, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of May 28, 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 May 14, 2019 as presented. Motion was seconded by Commissioner Ertel and carried.

PUBLIC COMMENT: **Susann Motsinger** presented a letter, signed by neighbors in opposition to the land use change and also an objection to the procedure that the county went through to grant the permit for lot #1 in the Forks Subdivision. **M.B. McAfee** discussed due process for the Forks Subdivision property owners and protection for all of the entities property rights. **Allen Maez** discussed a comparison of the Forks Subdivision variance process and the previously approved High Impact Permit for Fozzie's Farm. **Danny Wilkin** discussed his concerns that the appropriate property development process had not been completed for the Forks Subdivision rezoning request. **Lenore Nice** discussed a clerical error on the address included within the original permit. Neighbors, **David Nice, Barbara Malinowski, Author Zahn, Cheryl Zahn** and **Susan Dade** discussed their opposition and concerns of the lot #1, Forks Subdivision set-back variance and use permit process. **Planning Director, Haley** gave an overview of the proposed after the fact variance application, amendment to the High Impact Permit and zoning

clarification, for lot #1 of the Forks Subdivision. **Attorney Baxter** addressed the clerical error on the address of the permit. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the dates of May 22, 2018 through June 7, 2018. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Other topics discussed included a request to purchase an additional snow plow for \$35,785.00, an additional shop door and receiving window remodeling project at the Road Department building, the recent boulder that fell into the highway above Dolores, the paving / chip seal projects, the 7th Street expansion project and the Dolores Norwood Road. Commissioner Candelaria moved to approve the \$35,785.00 for the Road Department to purchase a 2008 International 4700. Second by Commissioner Suckla and carried. Commissioner Suckla moved to approve the \$8940.00 for the improvements to the Road Department shop. Second by Commissioner Candelaria and carried. (See attached)

LODGERS TAX COMMITTEE: Board Members, Lee Cloy, Brian Bartlett and Darlene Dennison met with the Commissioners to give their recommendations for the **2019 Tax Funds Disbursements**. Recommendations included: **Mancos Valley Chamber** \$29,000.00, **Mesa Verde Country** \$60,000.00, **Galloping Goose Historical Society** \$2,000.00, **Ute Mountain Round Up Rodeo** \$2,500.00, **Cortez Cultural Center** \$20,000.00, **Dolores Chamber** \$28,000.00, the **Cortez Chamber** \$00.00 and the **Montezuma Fair Grounds** \$7,500.00. Commissioner Candelaria moved to approve the funds disbursement to the Galloping Goose, the Mancos Chamber, Mesa Verde Country, the Cortez Cultural Center, the Ute Mountain Round Up Rodeo and the Dolores Chamber and leaving the \$7,500.00 Montezuma County Fair Grounds amount into reserves. Second by Commissioner Suckla and carried. (See attached)

WEED DEPARTMENT: Weed Department Office Manager, Bonnie Loving presented for approval **Noxious Weed Resolutions #1-2019, #2-2019, #3-2019, and #4-2019**. Commissioner Candelaria moved to approve resolution granting Montezuma County Weed Program where its designees Right of Entry on to property to control the noxious weeds based on the affidavit of County Weed Supervisor, Noxious Weed Resolutions #1-2019, #2-2019, #3-2019 and #4-2019. Second by Commissioner Ertel and with two votes in favor by Commissioners Ertel and Candelaria and one vote against from Commissioner Suckla the motion carried. Other topics discussed included a slide presentation of properties mapped within the County that have the Hoary Cress, The Colorado Noxious Weed Act, the current identification and notification process to property owners and an update on the Russian olive tree 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 **Lue Ann Everett** were present. (See attached)

LANDFILL: Landfill Manager, Mel Jarmon gave his monthly report. Topics discussed with the report included; the market price for recycling products, the proposed Tire Clean- up event and interest from the Ute Mountain Ute Tribe and Dolores County to participate in the Tire Clean-up event.

BID OPENINGS: Chairman Ertel opened the **North Chestnut Parking Lot Project** bids. The bids received included **PAP LLC** \$39,024.50, **Old Castle** \$54,600.00, **D&L Construction** \$52,000.00, **Elam Construction** \$44,120.00. The Board will review the received bids and make a determination at a future date. (See Attached)

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 AR10-34 Rezoning request and 3 Lot Minor Subdivision application submitted by **Billie Atkinson**, on property located at 14998 Hwy 145, Dolores, CO, consisting of 41.49 acres, more or less, located on the east side of Hwy 145, situated in S.31 T.37N., R.15W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. Property owner, Billie Atkinson was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Ellen Foster**. Hearing no further public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. **Planning Assistant, 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 AR10-34 rezoning request and 3 lot minor subdivision application submitted by **Billie Atkinson**, on property located at 14998 Hwy 145, Dolores, CO, consisting of 41.49 acres, more or less. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed Subdivision Application for an amendment to Lot #3B of the second Amendment of **Rolling Hills Estates Subdivision**, submitted by **John & Malaka Anderson**, on property located at TBD Road H.6, Cortez, CO, consisting of 18 acres, more or less, located on the south side of Road H.6, east of Road 27, situated in S.32 T.36N., R.15W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. Property owner John Anderson was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. **Planning Assistant, Duncan** reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Suckla moved to approve the application for John & Malaka Anderson, on property located at TBD Road H.6, Cortez, CO, for a proposed subdivision application for an amendment to lot #3B of the second amendment of Rolling Hills Subdivision. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed Subdivision Application for an amendment to Lots #2A & 2B of the second Amendment of **Rolling Hills Estates Subdivision**, submitted by **Timothy & Christine Gallagher**, on property located at TBD Road H.6, Cortez, CO, both consisting of 20 acres, more

or less, located on the north side of Road H.6, east of Road 27, situated in S.32 T.36N., R.15W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. Property owner Timothy Gallagher was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. **Planning Assistant, 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 subdivision application for an amendment to lots #2A & 2B of the second amendment of Rolling Hills Estates Subdivision, submitted by Timothy & Christine Gallagher, on property located at TBD Road H.6, Cortez, CO, both consisting of 20 acres, more or less. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of an AR10-34 & AR35+ Rezoning request and a Single Lot Development Application submitted by **Tom & Karen Ritter, Agent: Stacy Boesch**, on property located at TBD Hwy 184, Dolores, CO, located south of Hwy 184, east of Road 27, situated in S.7, T.37N, 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** made a request to continue the public hearing to a later date. Commissioner Suckla moved to continue the Public Hearing to June 18, 2019 at 1:45 p.m. for the rezoning request for the single lot development application by Tom and Karen Ritter. Second by Commissioner Candelaria and carried. (See attached)

The Planning Department presented for Chairman signature a variance request to the Land Use Code for the Setback requirements of 50 feet, on property owned by **Wallace & Flora Tom**, located at 25683 Road N, Cortez, CO, consisting of 3 acres, more or less, located on the east of Road 26, north side of Road N, situated in S.2, T.36N, R.16W, N.M.P.M. Commissioner Candelaria moved to accept the setback requirements of 50 feet, on property owned by Wallace & Flora Tom, located at 25683 Road N, Cortez, CO, consisting of 3 acres, more or less. Second by Commissioner Suckla and carried. (See attached)

The Planning Department presented for Chairman signature of a variance request to the Land Use Code for the Setback requirements of 50 feet, on property owned by **Terrance Milligan**, located at 25061 Road 38.1, Dolores, CO, consisting of 1.08 acres, more or less, located on the south side of Hwy145, west and north of Road 38.1, situated in S.1&36, T. 38&39N, R.14W, N.M.P.M. Commissioner Suckla moved to approve the variance request to the Land Use Code for the setback requirements of 50 feet, on property owned by **Terrance Milligan**, located at 25061 Road 38.1, Dolores, CO, consisting of 1.08 acres, more or less, located on the south side of Hwy145, west and north of Road 38.1. Second by Commissioner Candelaria and carried.

The Planning Department presented for signatures for an Amendment to High Impact Permit #706 request, on property owned by **Terrance Milligan**, located at 25061 Road 38.1, Dolores, CO, consisting of 1.08 acres, more or less, located on the south side of Hwy145, west and north of Road 38.1, situated in S.1&36, T. 38&39N, R.14W, N.M.P.M. Commissioner Candelaria

moved to accept the Amendment to High Impact Permit #706 request, on property owned by **Terrance Milligan**, located at 25061 Road 38.1, Dolores, CO. Second by Commissioner Suckla and carried.

The Planning Department presented for Zoning clarification request documentation to The Forks Subdivision Covenants, on property owned by **Terrance Milligan**, located at 25061 Road 38.1, Dolores, CO, consisting of 1.08 acres, more or less, located on the south side of Hwy145, west and north of Road 38.1, situated in S.1&36, T. 38&39N, R.14W, N.M.P.M. Commissioner Candelaria moved to accept the zoning clarification request documentation to The Forks Subdivision Covenants, on property owned by **Terrance Milligan**, located at 25061 Road 38.1, Dolores, CO. Second by Commissioner Suckla and carried.

PUBLIC HEARING: It being the time set aside a continuation of a public hearing is held for the purpose for review and determination of a proposed High Impact Permit and Special Use Permit submitted by **Horizon Tower, Agent: Shelly Neace** from **Pramira**, for the purpose of developing a new wireless telecommunication facility and 100 foot monopole tower, on property located at 6991 Road 24.3, Cortez, CO, consisting of 4.42 acres, more or less, located south of Road G, west of Road 24.3, situated in S.10 T.35N., R.16W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. **Shelly Neace** and **Steven Kennedy** joined the meeting by teleconference and gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. **Director, Haley** reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Suckla moved to approve the Special Use Permit submitted by Horizon Tower, Agent: Shelly Neace from Pramira, for the purpose of developing a new wireless telecommunication facility and 100 foot monopole tower, on property located at 6991 Road 24.3, Cortez, CO, consisting of 4.42 acres, more or less, located south of Road G, west of Road 24.3. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

DISCUSSION: The Planning Department presented for discussion the exemption request of Road Impact Fees for **Rogue Ranch (Flying Rogue Ranch)** Subdivision, situated in S. 4&5, T. 36N, R. 14W and S. 32&33, T. 37N, R. 14W, N.M.P.M. The original Subdivision was developed in 2000 and did not go through the Planning and Zoning process. The Board of County Commissioners was in agreement with the recommendation from the Planning Department to grandfather and exempt the road impact fees for the three currently completed residents and the one resident that is currently building his house but future lots or additional accessory residences to the existing lots would be under the guide lines of the land use code and would be required to pay the appropriate fees.

DISCUSSION: The Planning Department presented for discussion of Setback requirements revision and approval to move forward to Planning & Zoning Commission for additional discussion and recommendations for changes. The Board was in agreement to move forward with input from the Planning & Zoning Commission to review revisions and updates to the County setback requirements within the Land Use Code.

COUNTY ATTORNEY REPORT: Attorney John Baxter discussed the term limit extension question for the November ballot. The discussion will continue and a determination will be made at the June 11, 2019 Commissioner meeting. Other topics included the Road 41/ Weber Canyon Road appeal and the Kinder Morgan lawsuit.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; a letter of support addressed to the Federal Lands Access Program regarding the FLAP grant application, a hired representative from the County to attend a Grand Canyon Trust / Great Old Broads Wilderness camp meeting, and a proposed County Resource Management Plan. Director Dietrich presented a letter addressed to Congresswoman Diane DeGette regarding the Colorado Wilderness Act 2019. Commissioner Suckla moved to approve the letter to send to Congresswoman DeGette on the Montezuma County's position of releasing the Wilderness Study Areas in Montezuma County. Second by Commissioner Candelaria and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers reminded the audience that there would not be a Commissioner meeting next week, June 4, 2019.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended MAC meeting. Commissioner Suckla discussed electricity at the Fair Grounds, a guard rail issue, the turning lane at the Rock Springs Church, and the Memo of Understanding between the Fairboard and CSU. Commissioner Candelaria discussed the attended Tribal representative meeting, the recent death in the jail, and the Empire Electric "Meet the candidates "night.

PUBLIC COMMENT: Gala Pock discussed public trespassing laws.

CORRESPONDENCE: The following correspondence was read and noted: A letter from the Southern Ute Indian Tribe / State of Colorado Environmental Commission regarding Notice of Direct final rulemaking and request for comments. An email addressed to Commissioner Candelaria from John Gemmill regarding the Fork Subdivision variance and setback.

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

MEETING ADJOURNED: 4:30 p.m.

Clerk May 28, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 11, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday June 11, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of June 11, 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 May 28, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: Brooke Elder discussed the development of a county process for weed compliance on vacant lots within the county.

EXTENDED TERM LIMIT DISCUSSION: A discussion was held regarding the proposed ballot question for the extension of term limits for the Commissioners and the District Attorney. Topics of the discussion included; term limit consistency for all County elected officials and placing the question on the 2019 or the 2020 ballot. An email from District Attorney, Furse was included for the record. Commissioner Suckla moved to forego putting a question on a ballot for the extension of term limits of the Commissioners and the District Attorney from 2 to 3 terms. Second by Commissioner Candelaria and carried. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of May, 2019. (See attached)

EMERGENCY MANAGER: Emergency Manager, Mike Pasquin met with the Commissioners and gave an update on flood concerns throughout the county. Topics discussed included; spot flooding, emergency evacuation plans and available sand bags for residents use. **Health Department, Karen Dickson** discussed the responsibility of the Public Health Department during an emergency and the emergency flood public information plans. Topics discussed included; the developed Public Information Officers program, public message boards placed in Dolores, the development of a Public Information Officers email group, emergency updates posted on social media and the county web site, the opening of the Health Department Operations Center, activation of the Southwest Colorado Health Care Coalition and the Dolores Town siren. **Sheriff, Steve Nowlin** discussed spot flooding concerns on Road 37, the sand bag program, ground water flooding within the Town of Dolores and cautions for recreational river use.

GROUNDS AND BUILDINGS REPORT: Maintenance Supervisor, Mike Chenard reported on the grounds and buildings. Topic discussed included a pay raise for employee Oliver Milligan. Commissioner Suckla moved to approve a pay raise to \$18.00 per hour for Oliver Milligan in the Maintenance Department. Second by Commissioner Candelaria and carried. Other topics discussed included a roof replacement for the Sheriff's Department, the county provided landscaping and ground water seepage found at the Combined Court building. Supervisor Chenard reported that Elam Construction had found ground water during the North and Chestnut Street parking lot pavement project and presented a revised contract for approval. Commissioner Suckla moved to approve the contract from Elam Construction in the amount of \$29,267.50 for the excavation and disposal of approximately 12" of unsuitable material in the parking lot and haul back 8" of 1.5 inch road base and 4" of ¾' road base. Second by Commissioner Candelaria and carried. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for May, 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 approve the Colorado Department of Military Veterans Affairs, County Veterans Service Officers monthly report and certification of pay for the month of May, 2019 for Montezuma County. Second by Commissioner Suckla and carried. Other topics discussed included; the new **Mission Act Program**, finding primary care physicians for local veterans and the Humvee project. (See attached).

SHERIFF'S MONTHLY REPORT: Sheriff, Steven Nowlin met with the Commissioners to give his monthly report which included the May, 2019 Jail Report. Other topics discussed included; maximum capacity of the jail, the inmate reimbursement charge, the Riverfest event, the Ute Mountain Roundup Rodeo event, the Coroner's report for the death within the jail and the long term evidence building. Sheriff, Nowlin presented quotes for the purchase of a full body scanner from **ADANI** in the amount of \$165,250.63, **Virtual Imaging** \$197,700.00, **GSA Advantage** amounts from \$217,758.19 up to \$271,360.19 and **Tek 84** \$149,000.00. It was the recommendation of the Sheriff to purchase from Tek 84, with a base price of \$149,000.00, a 5 year warranty services at \$40,000.00 and shipping charges of \$1,500.00, for a total purchase price of \$190,500.00 with the funds coming from the Marijuana impact funds, Gaming funds and

Casino funds. Commissioner Candelaria moved to accept the body scanner purchase in the amount of \$190,500.00 for the Sheriff's Department. Second by Commissioner Suckla and carried. (See attached)

WEED DEPARTMENT: Weed Department Manager, Bonnie Loving presented for discussion a power point presentation of **Right of Entry Requests, Noxious Weed Resolutions #5-2019 through #18-2019**. Topics of the discussion included; unclaimed certified letters, absentee property owners, weed compliance on vacant land, individual phone calls to property owners, yard sign notifications, and amendments to the County Weed Plan. The Commissioners were in agreement, to take action on property located at 37107 Hwy 160, Noxious Weed Resolution #5-2019. Commissioner Candelaria moved to approve resolution #5-2019, granting Montezuma County Weed Program or its designees Right of Entry on to property to control the noxious weeds based on the affidavit of County Weed Supervisor's, Noxious Weed program. 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: Planning Director, Don Haley presented a variance request to the Land Use Code for the Setback requirements of 25 feet for out buildings, on property owned by **Jeffry Schaffer & June McCartney**, located at 7833 Road 46, Mancos, CO, consisting of 35.93 acres, more or less, located on the south of Hwy 160 and west of Road 46, situated in S.6, T.35N, R.12W, N.M.P.M. The applicant wishes to build a barn/workshop with access from his driveway. Commissioner Suckla moved to approve the variance request to the Land Use Code for the setback requirements of 25 feet for out buildings, on property owned by Jeffry Schaffer & June McCartney, located at 7833 Road 46, Mancos, CO, consisting of 35.93 acres, more or less, located on the south of Hwy 160 and west of Road 46. Second by Commissioner Candelaria and carried.

Director, Haley presented for signatures a High Impact Permit and Special Use Permit for the purpose of operating a dog breeding facility submitted by **Jared Hansen & Karen Becker** on property located at 30773 Road V.6, Dolores, CO, located north of Road V.6, west of Road 31, situated in S.3, T.37N, R.15W, and N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the Montezuma Valley Irrigation Company lawsuit, a dismissed lawsuit from Marion Harper, the Kinder Morgan CO2 case, a U.S Census Bureau voluntary survey letter and the requested financial reports for the Axis Integrated Health System. (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; a FLAP grant proposal, a Colorado Health foundation grant proposal, a Montezuma County Recreational Advisory Committee (MCRAC) field trip scheduled June 19th at 10:00 a.m., the regular MCRAC meeting on June 20th, scheduling future MCRAC field trips, access to the BLM lands from the Summit Lake West, a draft letter of support for the Dolores Aspen project,

perpetual conservation easements, the development of a County Natural Resource Management Plan and proposed internships for county projects. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the 2018 / 2019 payment on **Secure Rural Schools**. Administrator Powers reported that the historical County distribution had been a 25% Road & Bridge to a 75% distribution split to the local school districts. Topics of the discussion included; the total distribution amount of \$180,958.50, the minimum distribution requirements, the Commissioner's authority of the distribution percentages, Commissioner directives on the distribution allocations, the Colorado Revised Statute #30-29-101(3) and current Resource Officers within the School Districts. In order to have a conversation with the School Districts, it was decided to postpone the allocation decision to a future date. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner Ertel discussed the attended CCI conference and ambulatory licensing from Montezuma County.

Commissioner Suckla discussed a NACO Public Land phone conference and a proposed property tax exemption for the Hill property that houses the Stinking Springs bike trail.

Commissioner Candelaria discussed the recently attended CCI conference and a proposed July 11th, Region 9 class on the difference between opportunity zones and enterprise zones.

PUBLIC COMMENT: Greg Kemp discussed the District Attorney Term limit extension question. **Haley Leonard** reported that the Cortez Police Department currently had 2 resource officers for the Cortez School District and discussed the enterprise zoning opportunities for the Hill property.

CORRESPONDENCE: The following correspondence was read and noted: The June 13, 2019 meeting agenda and the April 11th meeting minutes for the **Dolores Water Conservancy District**

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

MEETING ADJOURNED: 2:45 p.m.

Clerk June 11, 2019

Chairman

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the dates of June 5, 2019 through June 21, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew along with an update for **Elam Construction** and **Stripes a Lot** projects. Other topics discussed included; an updated financial report for the Alkali Bridge project, the 7th Street Extension project, the development of a Special Improvement District, a projected list of county roads that need to have overlay and funding for future overlay projects. Superintendent Englehart was looking for the Commissioners direction regarding safety concerns he had for the open range conditions on Road S up to the Hay Camp gravel pit. Attorney Baxter will look into the matter for further discussion. (See attached)

SHERIFF OFFICE: Sheriff, Steven Nowlin met with the Commissioners to discuss the purchase of patrol vehicles for the Sheriff's Department. Topics of the discussion included the available funds for the purchase of the patrol vehicles, additional equipment required with the purchase price, equipment that could be reused in the new vehicles, warranty work, state bids, vehicle prices and gas mileage comparisons. Commissioner Candelaria moved to accept the purchase price of \$122,407.42 for the three new vehicles for the Sheriff's Department. Second by Commissioner Suckla and carried. Other topics discussed included the destruction of a portable radar speed trailer and the old patrol vehicles release to the Fleet Department. (See attached)

COUNTY PUBLIC HEALTH DEPARTMENT: Public Health Director, Bobbie Lock met with the Commissioners to present for approval the **Air Quality Contract** for the 7/1/2019 - 6/30/2020 year. Commissioner Suckla moved to approve the Amended Contract #2018-100492, original contract #18FAAA100492 in the amount of \$101,508.92 for the Montezuma County Health Department. Second by Commissioner Candelaria and carried.

Director, Lock presented for approval the **CORE Public Health Contract** in the amount of \$101,544.00 for the 7/1/2019-6/30/2020 year. Commissioner Suckla moved to approve the contract for the Montezuma County Health Department in the amount of \$101,544.00 Contract #2019*0353, Amendment #2. Second by Commissioner Candelaria and carried.

Director, Lock along with **Karen Dickson** presented for approval the **Emergency Preparedness Contract** in the amount of \$121,304.00 for the 7/1/2019-6/30/2020 year. Commissioner Candelaria moved to accept the Task Order Contract Waiver # 154 in the amount of \$121,304.00. Second by Commissioner Suckla and carried.

Director, Lock presented for approval the **Immunization Contract** in the amount of \$45,606.00 for the 7/1/2019-6/30/2020 year. Commissioner Suckla moved to approve the Amended Contract #2020*094 for the Montezuma County Health Department, for immunizations in the amount of \$45,606.00. Second by Commissioner Candelaria and carried.

Director, Lock presented for approval the **Single Entry Point Options for Long Term Care Contract** in the amount of \$600,000.00 for the 7/1/2019-6/30/2020 year. Commissioner Candelaria moved to accept the State of Colorado Grant Agreement for Montezuma County Health Department #19-110360A1 in the amount of \$600,000.00. Second by Commissioner Suckla and carried. Other topics discussed included the ambulance licensing by the county and public exposure for the WIC van. (See attached)

PUBLIC LANDS: Bureau of Land Management, Connie Clementson gave updates to the Commissioners of the following topics; the Transportation and Action Planning, the ACEC Amendment, trail work on Phil's World done by the SW Youth Conservation Core and the Summit Lake BLM land access project. **Canyon of the Ancients National Monument Acting Manager, Chris Rose** met with the Commissioners and gave updates on the Sand Canyon parking lot, the Lamb House, the Painted Hand access road, the Yellow Jacket and Flodine allotments, a proposed recreational fee increase, and a special exhibit starting August 25, 2019. (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 **Finance Officer, 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

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of an AR3-9 & AR10-34 Rezoning request and a 2 Lot Minor Subdivision Application submitted by **Paul & Wendy Schwarting**, Agent: **William Lannigan** on property located at 23535 Hwy 184, Dolores, CO, located north of Hwy 184, east of Road 23.5, situated in S.9, T.37N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Paul Schwarting was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Ellen Foster**. Hearing no further public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. **Planning Assistant, Duncan** reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented, Commissioner Suckla moved to approve the AR3-9 & AR10-34 rezoning request and a 2 lot Minor Subdivision application submitted by Paul & Wendy Schwarting, on property located at 23535 Hwy 184, Dolores, CO. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a continuance of a public hearing is held for the purpose for review and determination of an AR10-34 & AR35+ Rezoning request and a Single Lot Development Application submitted by **Tom & Karen Ritter**, Agent: **Stacy Boesch**, on property located at TBD Hwy 184, Dolores, CO, located south of Hwy 184, east of Road 27, situated in S.7, T.37N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent Stacy Boesch was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Ellen Foster**. Hearing no further public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. **Planning Assistant, 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 approve the AR10-34 & AR35+ rezoning request for a single lot development application submitted by Tom & Karen Ritter, Agent: Stacy Boesch, on property located at TBD Hwy 184, Dolores, CO. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held The Montezuma County Board of County Commissioners will hold a Public Hearing for review and determination of a proposed 2 Lot Minor Development on property owned by **Thomas & Sally Garrison**, located at 35324 Road R.5, Mancos, CO, consisting of 20 acres, more or less, north of Hwy 184, east of Road 35, situated in S.28, T.37N., R.14W., 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** made a request for a continuance of the public hearing. Commissioner Suckla moved to approve a continuance of the public hearing for Thomas & Sally

Garrison, for property located at 35324 Road R.5, Mancos, CO, until July 23, 2019 at 1:40 p.m. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PLANNING: Director Haley held a discussion regarding Commissioner Candelaria's request of a 5 year department plan and the purchase of a proposed software program that would coordinate data from different county departments together, to allow the public access to the progress of their applications. A future presentation of the proposed software will be scheduled for review and determination.

COUNTY ATTORNEY REPORT: Attorney John Baxter discussed the Kinder Morgan, BAA appeal filed for the 2009 tax assessment and Judge Walker's ruling on the Montezuma Valley Irrigation Company lawsuit.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; a GOCO Initiative grant application, attendance to a grant writing course, the Colorado Health Foundation grant application, the FLAP grant application, the Montezuma County Recreational Advisory Committee (MCRAC) field trip scheduled June 19th at 10:00 a.m., the regular MCRAC meeting on June 20th, the Summit Lake BLM land access project and the development of a County Resource Management Plan.

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

COUNTY COMMISSIONER REPORT: Commissioner Ertel discussed a CDPHE interview the attended TPR, and Shaw Solar meetings. **Commissioner Suckla** discussed an email received from Tri State discussing a proposed change to 50 megawatts and the county kilowatt charges. **Commissioner Candelaria** discussed the attended Flag Day ceremony, the TPR meeting, the Shaw Solar meeting and the Department Head / Elected Officials meeting.

PUBLIC COMMENT: No public comments were made.

CORRESPONDENCE: The following correspondence was read and noted: A thank you note from Mesa Verde Country.

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

MEETING ADJOURNED: 3:30 p.m.

Clerk June 18, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 25, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday June 25, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of June 25, 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 June 18, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Rick King** discussed Road Department maintenance reports presented to the Commissioner regarding Road 41.

DISCUSSION: GIS Manager, **Doug Roth**, GIS Specialist, **Rachel Medina**, Montezuma County Assessor, **Leslie Bugg**, **Jaclynn Fallon** from **Empire Electric**, along with **Margret Daves**, **Amber Fisher** and **Commissioner, Steve Garcher** from **Dolores County**, met with the Commissioners to discuss a proposal for a 2020 aerial imagery collection project. Montezuma County would be the lead partner for the project. Topics of the discussion included; the current partnership interest, **Eagleview Imagery to Outcomes**, orthogonal views, oblique views, benefits of the imagery to the Assessor's office, current **Pictometry Imagery** in Colorado counties, **NAIP** imagery, key applications, high resolution imagery, natural disaster response imagery, unlimited authorization of users, the general public use of the GIS system, a Las Animas rural county assessment, hill slope measurements, advantages for the **Emergency Alert**

System (E911), pixel resolution options, Pictometry on CAD, the area of interest map, ideas for additional partners, partnership funding percentages, future scheduled aerial imagery updates, a comparison of expense for a one time project or an ongoing project, the recent Empire Electric meter set statistics and vendor comparative product bid solicitations. The Board of County Commissioner were in agreement to move forward with the development of the project. (See attached)

LANDFILL: Landfill Office Manager, Rachel Abeln gave a monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; an excavation project, the refrigerator recycle program, recycled Freon, a future purchase of a tractor, repairs to the Scales, the blade repairs, the tire shredder project, a proposed tree limb project and the compost inventory. (See attached)

PLANNING: Planning Director, Don Haley and Planning Assistant, S. Jane Duncan presented for signatures a Final Plat for an After-The-Fact Exemption submitted by **Lorna Gail LaDage** on property located at 13260 Road 18, Cortez, CO, consisting of 25 acres, more or less, located on the south of Road P, west of Road 18, situated in S. 3 T.36N., R.17W., N.M.P.M.

Planning Director, Don Haley and Planning Assistant, S. Jane Duncan presented for signatures of a Variance requesting the 25' Setback requirement per the County Land Use Code be relaxed to 10', submitted by **Carrouth Enterprises, Inc.** on property located at 29499 Hwy 160, Cortez, CO, consisting of 3.13 acres, more or less, located on the north side of Hwy 160, east of Road 29, situated in S.28, T.36N. R.15W, N.M.P.M. Commissioner Candelaria moved to accept the variance requesting the 25' setback requirement per the Land Use Code, to be relaxed to 10', submitted by Carrouth Enterprises. Second by Commissioner Suckla and carried.

Planning Director, Don Haley, Planning Assistant, S. Jane Duncan presented for signatures of a Variance requesting the 50' Setback requirement per the County Land Use Code be relaxed to 5', submitted by **Jay & Virginia Collier; Agent: Justin Collier**, on property located at 18667 Hwy 145, Dolores, CO, consisting of 4 acres, more or less, located on the north side of Hwy 145, situated in S.12, T.37N. R.15W, N.M.P.M. Postponed to a future date.

DISCUSSION: Planning Director, Don Haley, Planning Assistant, S. Jane Duncan GIS Specialist, Rachel Medina presented for discussion of a new database from **Dude Solutions**. This database will accommodate the departments of the County and the public as well as being user-friendly. GIS Specialist Medina presented a price comparison from vendors, **Smartgov (Dude Solutions), View Point (2018 quote) and Central Square**. Topics of the discussion included; development of a permitting database, public access to the program and benefits to all county departments. Commissioner Suckla moved to approve the purchase of the Dude Solution software in the amount of \$23,245.00. Second by Commissioner Candelaria and carried. (See attached)

DISCUSSION: Planning Director, Don Haley and Planning Assistant, S. Jane Duncan held a discussion for a proposed update the Land Use Code to address future developments of local vacation rentals. Topics of the discussion included; the special use permit application process, fees associated with the special use application, neighbor notifications and input, the collection

of Lodgers Tax and personal / private property rights. The Commissioners were not in favor to move forward with this Land Use Code / Special Use Permit update at this time.

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; the Montezuma County Recreation Advisory Committee (MCRAC) field trip to Mud Springs and a future MCRAC field trip to visit the BLM land adjacent to the County Landfill. Director Dietrich presented for approval a letter of support addressed to Derek Padilla, District Ranger regarding the Dolores Aspen Project Scoping Comments. Commissioner Suckla moved to approve the letter for the Dolores Aspen Project scoping comments, addressed to Mr. Derek Padilla, in support from the Board of the Montezuma County Commissioners. Second by Commissioner Candelaria and carried. Director Dietrich presented for approval a letter of support addressed to Derek Padilla, Dolores Public Lands Office regarding the Lone Pine Vegetation Management Project. Commissioner Candelaria moved to accept the letter of support for the Lone Pine Vegetation management project to Mr. Derek Padilla. Second by Commissioner Suckla and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed archeological sites on the BLM land adjacent to the County Landfill.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended Elected Officials / Department Head and the Dolores Town Hall meetings.

Commissioner Suckla discussed a visit to the School to Farm Program and the Dolores Town Hall meeting.

Commissioner Candelaria discussed the visit to the School to Farm Program and a discussion he had with the Road Department regarding an electric car demo.

PUBLIC COMMENT: M.B. McAfee discussed the development of a process to address future rental developments and the collection of Lodgers Tax. Greg Kemp discussed informational updates to the Fairgrounds sign.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 11:15 a.m.

Clerk June 25, 2019

Chairman

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the dates of June 26, 2018 through July 12, 2018. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Other topics discussed included; completion of the Road P gravel project, the chip seal projects, mile marker posts for the Dolores Norwood Road, the crusher schedule, the truck schedule, the truck dispatcher, an invite to join a San Juan County road project demonstration, the **Stripes A Lot** project, an open range issue on Road S, road traffic counts, Landfill load counts and the 7th Street expansion project. Superintendent Englehart presented for approval, the final quantities, that included a 16.5% overage and Change Order #1 in the amount of \$137,723.00, for the contracted paving projects with **Elam Construction**. Commissioner Suckla moved that Montezuma County approve the overlay and supply project over run of \$137.723.00 for the Montezuma County Road Department. Second by Commissioner Candelaria and carried. Superintendent Englehart presented additional proposed 2019 overlay projects for review. Projects included; Road G, from Road 25 to the Landfill, Road 26 from Road L through Road P and the Kinder Morgan Truck Route. Commissioner Suckla moved to approve the \$1.4 million to proceed with the pavement of roads for the taxpayers benefit. Second by Commissioner Ertel and with 2 votes in favor from Commissioner Suckla and Ertel and one vote against from Commissioner Candelaria the motion passed. Administrator Powers discussed that with the recent absorption of the Fleet Department within the Road Department and on the advice of the **County Auditor, Chris Majors**, for the bookkeeping aspects, a Road Department / Fleet sub-account is required to be opened. Commissioner Candelaria moved to open a new account designated as #0025200 to function underneath the Road Department for the Fleet. 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 \$36,544.99 and attendance at 37,860. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the Raceway advertisement board, electrical and plumbing issues at the Raceway, the Card Lock system, security cameras, estimates for repairs on the dump truck, the electronic signs and proposed charging stations placed at the Fairgrounds. Manager Copeland presented the only quote received from **Cortez Electric** for the Indoor LED lighting project. Commissioner Candelaria moved to incorporate the LED lighting into the kitchen, meeting rooms and upstairs, remodel project. Second by Commissioner Suckla and carried. (See attached)

SENIOR NUTRITION: Jonathon G. Parker Jennifer Morris gave the quarterly update on the Senior Nutrition. Topics discussed included the 2019-2020 Area Agency on Aging (AAA) grant applications, upgrades to the center, staff trainings, and the kitchen remodel project. (See attached)

PLANNING:

Planning Director, Don Haley and **Planning Assistant, S. Jane Duncan** presented for signatures of an After-The-Fact Exemption submitted by **Lorna Gail LaDage** on property located at 13260 Road 18, Cortez, CO, consisting of 25 acres, more or less, located on the south of Road P, west of Road 18, situated in S. 3 T.36N., R.17W., N.M.P.M.

Planning Director, Don Haley and **Planning Assistant, S. Jane Duncan** presented for signatures of a High Impact Permit and Special Use Permit submitted by **Horizon Tower, Agent: Shelly Neace** from **Pramira**, for the purpose of developing a new wireless telecommunication facility and 100 foot monopole tower, on property located at 6991 Road 24.3, Cortez, CO, consisting of 4.42 acres, more or less, located south of Road G, west of Road 24.3, situated in S.10, T.35N, R.16W, N.M.P.M.

Planning Director, Don Haley and **Planning Assistant, S. Jane Duncan** presented for signatures of an Exemption submitted by **Stephanie Seiler** and **Kathryn Koval-Carey & Leshar Carey** on properties located at 24362 Road 37 and 24208 Road 37, Dolores, CO located on the east side of Road 37, east of Hwy 145, situated in S.11 T.38N., R.14W., N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney John Baxter reported on a proposed Resolution and a conversation held with the Colorado Department of Corrections regarding an increase to the jail rates within Montezuma County. Also discussed were the “Fence Out” findings for the open range conditions on Road S.

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

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the Fairboard Financials, a petty cash account and a proposed credit card. Administrator Powers reported that he had set up a scheduled visit from **Mountain State Imaging** to discuss a scope of work for the digitization project.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the Dolores Town Hall meeting.

Commissioner Suckla discussed the Town Hall Board meeting and the relocation of a business from Dolores to Cortez.

Commissioner Candelaria discussed the applications for the electrical charging stations and the solar discussion with Empire Electric.

PUBLIC COMMENT: No comments were made.

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

Chairman Ertel announced the meeting would reconvene

49 SQUARE VENTURES: (Continued from May 14, 2019) **Planning Director, Don Haley**, from **49 Squares Ventures, Owners Matt Bradshaw** and **Matt Fuller**, from the (CDPHE) **Colorado Department of Public Health and Environment, Ed Smith, Randy Perila** and from the **Attorney General Office, David Banas** had a conference call with the Board of County Commissioners. The CDPHE made a request that the County revoke the Certificate of Designation (CD), from 49 Squares Ventures for compliance violations. The Certificate of Designation was signed by the Montezuma County Board of County Commissioners on May 19, 2014. Topics of the discussion included; the Financial Assurance Plan, ground water

monitoring, facility closure requirements, development of a fire management plan, closure and post closure finances, a letter of intent to purchase product, chain of custody logs, laboratory samples, the 2019 ground water monitoring, material managements, future inspections done by County Administrator Powers, materials sold, and future facility compliance. Commissioner Candelaria moved that with the condition upon reading the “letter of intent” email sent to Administrator Powers, that they stay in compliance with the water reports and that the reports are accepted by Bob Peterson, to grant 49 Square Ventures a 12 month extension to get it under control and to move forward. Second by Commissioner Suckla and carried. The Board of County Commissioner will coordinate a 6 month review with 49 Square Ventures and the CDPHE.

CORRESPONDENCE: The following correspondence was read and noted: An invitation from **High Desert Conservation District** to attend the “What’s New with Colorado Ag Policy” event.

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

MEETING ADJOURNED: 1:35 p.m.

Clerk July 2, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 9, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday July 9, 2019 at the courthouse in Cortez, Colorado, there were present:

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

VICE CHAIRMAN, SUCKLA opened the meeting of July 2, 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 July 9, 2019 as amended. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Leo Bartholomew** discussed a Board of Equalization Appeal and an informational request made to the County Assessor's office.

MONTEZUMA COUNTY HISTORICAL SOCIETY (MCHS): Historical Society Board President, Ann Brown, Chris Burkett and Barbara Stagg met with the Commissioners to request approval for a DOLA, Energy Impact grant application for the **Montezuma Heritage Museum**. Topics discussed included; the capital campaign, the building remodel project, the matching funds for the grant application and the 8/1/2019 grant application due date. Commissioner Candelaria moved to approve the grant application for the Montezuma County Historical Society (MCHS) museum application. Second by Commissioner Suckla and carried. (See attached)

SPECIAL EVENT LIQUOR LICENSE: Deputy Clerk, Malinda Fuller presented special event liquor license applications for the **Southwest Colorado Canyons Alliance**, event scheduled August 24, 2019 to be held at the **Canyons of the Ancients Visitor Center**, located at 27501 Hwy 184, Dolores Co., and for the **Four Corners Child Advocacy Center**, event is scheduled for September 6, 2019, to be held at **Cliffrose High Desert Garden Center**, 27885 US Hwy 160, Cortez Co. Commissioner Candelaria moved to accept the application for a special events permit for two locations, one the SW Colorado Canyons Alliance and the other the Four Corners Child Advocacy Center Inc. Second by Commissioner Suckla and carried. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of June, 2019. (See attached)

WEED DEPARTMENT: Weed Department Office Manager, **Bonnie Loving** met with the Board of County Commissioners with a request to purchase a Can Am utility side by side. Quotes presented included the **Fun Center** in the amount of \$11,657.00, **Mesa Verde Motor Sports** in the amount of \$17,183.00 and **Handlebar Motor Sports** in the amount of \$15,597.00. Commissioner Candelaria moved to approve the purchase of a 2019 Can Am off road UTV at the cost of \$11,657.00. Second by Commissioner Suckla and carried. Other topics discussed included; an update on the Russian Olive, Tamarisk projects, a 10 foot milk thistle found in Mc Elmo Canyon, a rental of a skid steer, an article included within the Empire Electric, Country Life magazine and repairs to the spray truck. (See attached)

VETERANS SERVICE: Veteran Service Officer, **Rick Torres** presented the Certification of Pay for June, 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 approve the Colorado Department of Military Veterans Affairs, County Veterans Service Officers monthly report and certification of pay for the month of June, 2019 for Montezuma County. Second by Commissioner Suckla and carried. Other topics discussed included the Veterans Affairs Mission Act of 2018, previously known as the Choice Program. (See attached).

CSU EXTENSION OFFICE: Extension Director, **Kacey Riedel** met with the Commissioners to give her quarterly report. Topics of the discussion included; the county website, the Summer newsletter, the recent Advisory Committee meeting, the Master Gardner program, 4-H / Youth development, scheduled agriculture events, Family Consumer Science, Natural Resources, Horticulture, New ideas, Professional Development, a CSU Extension Contact Log, Annie's Project, the County Fair, the current Fairboard bylaws, and the Advisory Committee meeting time. (See attached)

SHERIFF'S MONTHLY REPORT: Sheriff, **Steven Nowlin** met with the Commissioners to give his monthly report which included updates on the recent 4th of July holiday events, current drug investigations, vehicle purchases for the department, Pre-trial legislative changes, the portable radar trailer, the June calls for service, thefts and burglaries, livestock calls, the DOC holds report, parole holds, the total monthly arrests, monies paid into the General Fund, the

County Operational expenses for the month of June, civil processing, felony transports, the extradition process, the proposed increase to jail fees resolution, the gaming impacts to the County, and the County Gaming Impact Committee nomination application. (See attached)

EMERGENCY MANAGER REPORT: Emergency Manager, Mike Pasquin met with the Commissioner and gave a monthly update. Topics discussed included the Continuity of Operations plan, a Debris Management plan, updates to the Emergency Operations Plan, the Hazard Mitigation Plan, the Emergency Operation Center, the Emergency Operations Center Plan, emergency shelters, the scheduled State Emergency manager meeting and the Emergency Manager Academy classes.

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

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a proposed Subdivision Amendment Application for the removal of Lot #13 from the **Hartman Heights Subdivision**, submitted by **RC Southwest Development, LLC**, agent: **Maness & Associates**, on property located at TBD Road K.3, Cortez, CO, consisting of 3.56 acres, more or less, located on the north and west of Road K.3, situated in S.27 T.36N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent, Ernie Maness was present. **Planning Director, Don Haley and Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Suckla requested the findings from the Planning and Zoning Commission. Director, Haley 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 subdivision amendment application for the removal of lot #13 from the Hartman Heights Subdivision, submitted by RC Southwest Development, LLC. Second by Commissioner Suckla and carried. Commissioner Suckla closed the hearing at this time. (See attached)

DISCUSSION: Planning Director, Haley and Assistant, Duncan held a discussion regarding proposed updates to the setback requirements within the Land Use Code. Topics of the discussion included; recommendations from the Planning & Zoning Commission, case by case review and determinations, previously paid variance application fees, non-opposition letters, Colorado Revised Statutes, city influence zones, individual subdivision restrictions, property line of site, subdivision lot acreage sizes and a future discussion regarding a proposed higher lot density boundary. **County Surveyor, Ernest Maness** discussed that in other counties the development density is based on the zoning of the parent parcel, cluster incentives depend on the zoning of the property and the defined river bank in Dolores.

COUNTY ATTORNEY REPORT: Assistant County Attorney, Ian MacLarren discussed the Kinder Morgan and Montezuma Valley Irrigation lawsuits.

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

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the County Gaming Impact Committee nomination application, a public visit from a representative from Senator Bennet's office on July 30, 2019 from 12:00 p.m. to 3:00 p.m., future board to board meetings with Empire Electric and the City of Cortez. Administrator Powers reminded the audience that there would not be a Board of County Commissioner meeting on July 16th, as two of the Commissioners would be attending the NACO conference.

COUNTY COMMISSIONER REPORTS:

Commissioner Ertel was absent

Commissioner Suckla had no report to give

Commissioner Candelaria discussed the 7th Street extension project and the proposed convention / event center.

PUBLIC COMMENT: M.B. McAfee discussed the proposed updates to the Land Use Code setback requirements.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 2.00 p.m.

Clerk July 9, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 23, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday July 23, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of July 23, 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 July 9, 2019 as amended. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: No comments were made.

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** presented the road and bridge schedule for the dates of July 10, 2019 through July 26, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Superintendent Englehart presented **Change Order #2** in the amount of \$1,315,024.00 for approval. Commissioner Suckla moved to approve Change Order #2 in the amount of \$1,315.024.00 from the General Fund to the Road and Bridge department. Second by Commissioner Candelaria and carried. Other topics discussed included; an update on the Alkali Bridge project, a DOLA grant application, general road maintenance, a meeting with CDOT to discuss Road 21, the Board to Board meeting with the City of Cortez Council members, the Weber Canyon and Montezuma Valley Irrigation Company lawsuits. (See attached)

LANDFILL: Landfill Manager Mel Jarmon gave his monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; the Tire Clean-up project, the rental of the shredder, a proposed free tree limb collection day, maintenance, repairs to the scale platform and the Cell #3B development project. (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, and **Planning Assistant, S. Jane Duncan** presented for signatures of a variance requesting the 50' setback requirement per the County Land Use Code be relaxed to 5', submitted by **Jay & Virginia Collier; Agent: Justin Collier,** on property located at 18667 Hwy 145, Dolores, CO, consisting of 4 acres, more or less, located on the north side of Hwy 145, situated in S.12, T.37N. R.15W, N.M.P.M.

PUBLIC HEARING: It being the time set aside a continued public hearing from June 20, 2019 is held for review and determination of a proposed 2 Lot Minor Development on property owned by **Thomas & Sally Garrison,** located at 35324 Road R.5, Mancos, CO, consisting of 20 acres, more or less, north of Hwy 184, east of Road 35, situated in S.28, T.37N., R.14W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Director, Don Haley** and **Assistant, S. Jane Duncan** reported the application has been withdrawn. No further action will be taken.

Planning Director, Don Haley, and **Planning Assistant, S. Jane Duncan** presented for review a preliminary sketch plan for a proposed General Planned Unit Development submitted by **Andrew Taft,** located 10286 Road 29, Cortez, CO, situated in S: 21, T: 36N, R: 15W, N.M.P.M. Applicant, Andrew Taft and project architect **Sharon Porter** gave an overview of the proposed sketch plan.

COUNTY ATTORNEY REPORT: Attorney John Baxter discussed the Weber Canyon lawsuit, the Kinder Morgan BAA appeal, the Montezuma Valley Irrigation Company appeal, cleanup of a 2009 county vacate of a ½ mile of road on Road H.5 and the scheduled meeting regarding weekend hours for the Court house. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. **Director, Dietrich,** presented for approval **RESOLUTION 6-2019.** A resolution in support of Montezuma County's grant request to Great Outdoors Colorado, **Colorado the Beautiful** Grant (CTB) program, for the completions of the Paths to Mesa Verde Trail project design phase 1 in the amount of \$193,350.00. Commissioner Candelaria moved to accept Resolution #6-2019, a resolution in support of Montezuma County's grant request to Great Outdoors Colorado, Colorado the Beautiful Grant (CTB) program, for the completions of the Paths to Mesa Verde Trail project design phase 1 in the amount of \$193,350.00. Seconded by Commissioner Suckla and carried. Director, Dietrich updated the Commissioners on the scheduled meetings / field trips with the Montezuma County Recreation Advisory Committee (MCRAC), the BLM director introduction meeting and the Hesperus Coal Mine meeting. Other topics discussed included the electric car demonstrations and a County visit from Congresswoman DeGette. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** presented for review, the Senior Nutrition kitchen remodel project bids. Bids presented included **FLIPZ Construction** first advertised and second advertised bids, in the same amount of \$42,957.77. **Certified Cleaning and Restoration (dba CARE)** in the amount of \$ 68,203.00. The bids will be reviewed by Senior Nutrition Director, Parker and then awarded by the Commissioners. Other topics discussed included sessions attended at the recent NACO Conference, the **NACO County Explorer** application <https://ce.naco.org/index.html?zipSearch>, the **TestIT** phone application, the BLM director introduction meeting and the Cortez City Council / BOCC, Board to Board meeting scheduled on July 30, 2019 at 5:30 p.m. at the Cortez City Hall.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended Region 9 Stake Holders meeting and his trip to Washington D.C. to appear before the Subcommittee on National Parks, Forests and Public Lands legislative hearing, regarding Wilderness Study Areas.

Commissioner Suckla discussed sessions attended at the recent NACO Conference, the attended CCI meeting, review of the CCI proposed resolutions list and the attended WIR meeting.

Commissioner Candelaria discussed the sessions attended at the recent NACO Conference, the attended Public Health Department community conversation meeting and the attended Youth Summit at Mesa Verde National Park.

PUBLIC COMMENT: **Gala Pock** discussed chip seal on Road BB.

CORRESPONDENCE: The following correspondence was read and noted: The **Dolores Water Conservancy District**, Board of Directors meeting minutes and the May 9, 2019 meeting agenda.

Letter from the U.S Department of the Interior regarding noxious weeds on BLM lands.

Letter from the U.S. House of Representatives Committee of Natural Resources regarding Commissioner Ertel's appearance before the Subcommittee on National Parks, Forests and Public Lands legislative hearing.

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

MEETING ADJOURNED: 2:20 p.m.

Clerk July 23, 2019

Chairman

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

COLORADO DEPARTMENT OF TRANSPORTATION: **Michael McVaugh, Matt Muraro** and **Sidney Zink** met with the Commissioners to present the **Montezuma County Long Range Transportation Plan**. Topics of the discussion included a 5 year long range plan, county participation, the scheduled TPR meeting, the background and approach, a county overview, safety, economy, mobility and transit, multimodal, assessment management and future major projects. (See attached)

LIQUOR LICENSE: **Deputy Clerk, Jerri Frizzell** presented a liquor license renewal for **Kelly Place Inc.** located at 14537 Road G. Cortez. Commissioner Suckla moved to approve the retail liquor license renewal for Kelly Place Inc. doing business at 14537 Road G. Cortez Colorado 81321. Second by Commissioner Ertel and carried. (See attached)

2018 FINANCIAL AUDIT: **Chris Majors** with **Majors** and **Haley P.C.** presented the December 31, 2018 audit for review. Mr. Majors gave an overview of the audit reports. Commissioner Suckla moved to approve the audit for Montezuma County for the year of 2018. Second by Commissioner Candelaria and carried. (See attached)

SOUTHWEST HEALTH SYSTEMS: **CEO, Anthony Sudduth, CFO, Rick Shrader** and **CNO, Karen Labonte** met with the Commissioners to give an update on the local hospital. Topics of the discussion included; the June 2019 financial statements, an operational analysis, the financial indicators, the balance sheet, 2019 goals, deferred maintenance, the Medicare Hospital Compare rating, healthcare cost reduction initiatives, substance abuse and mental health, an opioid article in the local newspaper, educational advertising for Urgent Care and Emergency Care, the business model of physician employment, partnerships with the nursing home rehabilitation program and Axis Health. (See attached)

PLANNING: **Planning Director, Don Haley,** and **Planning Assistant, S. Jane Duncan** presented for signatures of a Final Plat for an Exemption Resolution submitted by **Tom & Karen Ritter, Agent: Stacy Boesch,** on property located at TBD Hwy 184, Dolores, CO, located south of Hwy 184, east of Road 27, situated in S.7, T.37N, R.16W, N.M.P.M. The Planning Department requested no signatures at this time due to new information and the plat will be presented at future Board of County Commissioner meeting.

The Planning Department presented for signatures of a boundary line adjustment to properties owned by **Raymond Wells III and Ruth Wells** located at 30520 Road R, consisting of 4+/- , located in S. 34, T.37N, R.15W, N.M.P.M. and **Kathleen Huffman and Alan Robichaux** 30010 Road R, consisting of 64.03+/-, located in S.33, T.37N, R.15W, N.M.P.M., both in Dolores, CO. Mr. & Mrs. Wells propose to purchase 1 acres, more or less from Kathleen Huffman & Alan Robichaux in order to square up the southwest boundary of their property.

The Planning Department presented for signatures of a Final Plat for an amendment to Lot #3B of the second Amendment of **Rolling Hills Estates Subdivision**, submitted by **John & Malaka Anderson**, on property located at TBD Road H.6, Cortez, CO, consisting of 18 acres, more or less, located on the south side of Road H.6, east of Road 27, situated in S.32 T.36N., R.15W., N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney **John Baxter** discussed a future conversation with Sheriff Nowlin regarding county marijuana regulations.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, met with the Commissioners to give his weekly report. Topics of the discussion included; updates on the **FLAP** and **Colorado the Beautiful** grant applications, the BLM Summit access, a meet and greet with the new BLM Director and a letter from **Congressman Tipton** regarding the **CORE Rec Act**.

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** presented a nomination form for the **Local Government Limited Gaming Impact Committee** representative. Commissioner Suckla moved to approve **Chuck Stevens** to be on the local government gaming impact committee. Second by Commissioner Candelaria and carried. Other topics discussed included; the scheduled Cortez City Council, Board to Board meeting and the proposed county record digitization project. (See attached)

ACCOUNTS PAYABLE: Administrator Powers presented the April and May 2019 Accounts Payable Expenditure Reports for approval. Commissioner Candelaria moved to accept the expenditure voucher for April 30, 2019 in the amount of \$1,079,856.19. Second by Commissioner Suckla and carried. Commissioner Suckla moved to approve the financial reports for May 31, 2019 for Montezuma County. Second by Commissioner Candelaria and carried. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner **Ertel** discussed the attended BLM field trip and the **Club 20** conference. Commissioner **Suckla** discussed the attended **Region 9** meeting and internships. Commissioner **Candelaria** discussed the BLM fieldtrip, the **Region 9** meeting, various other meetings and the County Fair.

PUBLIC COMMENT: **Greg Kemp** discussed the idea of a separation of duties between a Chief Financial Officer and the County Administrator.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 12:30 p.m.

Clerk July 30, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 6, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 6, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of August 6, 2019 with the Pledge of Allegiance.

MINUTES: Commissioner Candelaria moved to accept the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 23, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: Ellen Foster discussed county subdivision developments and the options to build designated red or green roads within those subdivisions.

SOLAR PROPOSAL: **Mike Ellis** and **John Shaw** from **Shaw Solar** met with the Commissioners to discuss opportunities to solarize Montezuma County buildings. The Annex I, Annex III and two of the Road and Bridge buildings, were identified for the project. **Maintenance Supervisor, Mike Chenard** reported on the roof conditions for the selected buildings. Attorney Baxter will review the proposed contract for determination at a future Board of County Commissioner meeting. (See attached)

FAIRGROUNDS: **Fairgrounds Manager, Larry Copeland** gave his monthly report which included the year to date numbers for income of \$38,924.99 and attendance at 42,495. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics

discussed included; the County Fair events, the Senior Services Commodities refrigeration units, the solar grant application, the light replacement project, the scheduled High School rodeo event, a donation of bleachers from the Cortez School District and the sound system. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for July, 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 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 July 2019 for Montezuma County. Second by Commissioner Candelaria and carried. Officer Torres gave an update on the Humvee Project along with estimates for hard tops and hard doors for the Humvee. Estimates included **Plan B Supply** in the amount of \$6391.18, **Midwest Military Equipment** in the amount of \$6547.81, **KT Performance** in the amount of \$11,250.00 and an **EBAY** price of \$7,995.00. Commissioner Candelaria moved to accept the Plan B Supply estimate in the amount of \$6391.18 to complete the hard top for the Humvee. Second by Commissioner Suckla and carried. Other topics discussed included the **George Gear Memorial Car Show**, the scheduled **Sargent First Class Will Lindsey Memorial Service / Celebration of Life**, recertification training for Officer Torres and the annual Veterans Day parade. (See attached).

WEED DEPARTMENT: Weed Department Office Manager, Bonnie Loving met with the Commissioners to discuss an additional purchase of herbicide chemicals for county road sides. Road Superintendent Englehart offered \$10,000.00 from the Road & Bridge Reserve Account to help purchase the chemicals. Administrator Powers presented, **ORDER #7-2019** a transfer of \$10,000.00 from the Road & Bridge Reserve Balance to Noxious Weed Department for the purchase of herbicide for maintaining county road sides. Commissioner Candelaria moved to accept Order #7-2019 for the transfer of \$10,000.00 from the Road & Bridge Reserve Balance to Noxious Weed Department for the purchase of herbicide for maintaining county road sides. Second by Commissioner Suckla and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the Weber Canyon Road lawsuit.

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

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the Board to Board, Empire Electric / Board of County Commissioner meeting scheduled August 9, 2019 at 8:30 a.m. and the scheduling of a Board to Board meeting with the Town of Mancos.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended City of Cortez / Board of County Commissioners, Board to Board meeting.

Commissioner Suckla discussed the attended solar vehicle test drive.

Commissioner Candelaria discussed the attended solar vehicle test drive.

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

Chairman Ertel announced the meeting would reconvene

PLANNING: Planning Director, Don Haley, and **Planning Assistant, S. Jane Duncan** presented for signatures of a Final Plat for a 2 Lot Minor Subdivision Application on property owned by **Robert & Susan Scott**, located at 11555 Road 39, consisting of 38.82 acres +/- requesting a 10 acre and 28.82 acre, more or less tract; property is situated south of Hwy 184, on Road 39, S.13, T.36N, R.14W, N.M.P.M.

Planning Director, Haley, and **Assistant, Duncan** presented for signatures of a Final Plat for an Exemption Resolution submitted by **Tom & Karen Ritter, Agent: Stacy Boesch**, on property located at TBD Hwy 184, Dolores, CO, located south of Hwy 184, east of Road 27, situated in S.7, T.37N, R.16W, N.M.P.M.

Planning Director, Haley, and **Assistant, Duncan** for signatures of a Final Plat for an AR10-34 rezoning request and two lot minor development consisting of two 12 acre, more or less tracts, on property owned by **Kevin Vaughn** and **Kelly Vaughn**, consisting of 24 acres total, more or less, located in Sec. 22, T.37N., R.15W., N.M.P.M

Planning Director, Haley, and **Assistant, Duncan** introduced **Quentin Stuart** and **Susan Innis** of **Invenergy, Solar Company** in conjunction with a Tri-State Cooperative for a proposed Solar Farm development in the Yellow Jacket/Pleasant View area. Ms. Innis gave an overview of the company and Mr. Stuart gave an overview of the proposed project.

Planning Director, Haley, and **Assistant, Duncan** presented for review, a preliminary site plan on a proposed development by **Vaquero Ventures** on the intersection of Hwy 491 and County Road G for a **Dollar General Store**. (See attached)

PUBLIC COMMENT: M.B. McAfee discussed the Shaw Solar proposal and the county RFP process.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 2:00 p.m.

Clerk August 6, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 13, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 13, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of August 13, 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 August 6, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: Marty Griffith, Troy Gattis, Gary Merrifield and Jason Chaffin discussed safety concerns with the County Road P overlay project. **Phil Schmitt** discussed the process for Montezuma County to receive Denver Television Stations.

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to present for approval a Road Project Agreement between Montezuma County and the USDA Forest Service, San Juan National Forest regarding the **House Creek Asphalt Patching** project. Commissioner Suckla moved to approve the agreement with the Forest Service in the amount of \$21,918.40 on the House Creek road. Second by Commissioner Candelaria and carried. Other topics discussed included the county overlay project on Road P. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of July, 2019. (See attached)

SOCIAL SERVICES: Director, Gina Montoya met with the Commissioners with a request to hire a full time employee for the **Employment First** program. Topics of the discussion included; a possible in house advancement, available Federal funds for the position, the required County portion of the salary, Federal Government mandates to the program, the Food Stamp Program, the Department employee change from 35-40 hour work weeks, the direct cost of the hourly changes to the County, performance plans, implementation of corrective action plans, staff support, the Social Services mission statement, the current department budget status, the new bi-weekly pay roll program, a cost comparison for the proposed changes and an employee resignation. Commissioner Candelaria moved to accept the Employment First program, full time employee for the Social Service Department. With a lack of a second the motion failed. Commissioner Suckla moved to approve a full time employee position for the Social Services Department at no more than \$30,144.00 annually. Second by Commissioner Candelaria and carried. Commissioner Candelaria moved to accept the \$63,223.12 and to accept the 40 hour work week for Social Services. Second by Commissioner Suckla and with two votes in favor by Commissioners Suckla and Candelaria and one vote against from Commissioner Ertel, the motion carried. (See attached)

MONTEZUMA LAND CONSERVANCY: Property owner, Rick Lee and Montezuma Land Conservancy Executive Director, Travis Custer met with the Commissioners to request a letter of support or letter of non-objection to the **Great Outdoors Colorado Trust Fund Board** as they work to convert part of the **RSL Ranch, LLP** property to a conservation easement. Commissioner Candelaria moved to sign the letter of non-objection for the Great Outdoors Colorado Trust Fund Board for the RSL Ranch. Second by Commissioner Suckla and carried. (See attached)

LETTER OF SUPPORT: Rachel Landis with **Good Food Collective** met with the Commissioners with a request for a letter of support regarding a **Colorado Economic Development Fund, Enterprise Zone Application**. Topics of the discussion included; the program establishment in 2017, the mission of the program, regional collaborations and support, projects within Montezuma County, agricultural support, food security, year one impacts, mobile work force, shared infrastructures and how to maintain farm lands. Commissioner Suckla moved to approve the letter of support for the enterprise zone for the Good Food Collective. 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 July 2019 Calls for Service report, a current homicide investigation, the jail report, the DOC holds report, parole holds, daily inmate counts, municipal arrests, total inmate days, the total monthly arrests, the E-Force program and trainings, the booking process, the County Operational expenses for the month of July, monies paid into the General Fund, Senate Bill 191 and booking fee changes, the pre-trial monitoring, restitution costs for the stolen dump truck, statute changes for retirement options within Senate Bill 106, the department vehicle purchases and the recent Escalante Days event. (See attached)

COUNTY ATTORNEY REPORT: Attorney, **John Baxter** discussed the Kinder Morgan CO2 case, the Senate Bill 191 meeting with the Judicial Court, and his participation in a scheduled jury trial.

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

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** presented the June 2019 **Accounts Payable Expenditure Report** for approval. Commissioner Suckla moved to approve the accounts payable report for June 1, 2019 through June 30, 2019 for Montezuma County. Second by Commissioner Candelaria and carried. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner **Ertel** had no report to give. Commissioner **Suckla** discussed the attended, Empire Electric Board meeting and additional ideas for our County Fair. Commissioner **Candelaria** discussed the attended Senate Bill 191 Judicial meeting, the Empire Electric Board meeting, an herbicide seminar and the Southwest TPR meetings.

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 the purpose of reviewing and determining a proposed Single Lot Development Application submitted by **Charlie Porter, Jr; Agent: Maness & Associates**, on property located at 2243 Road 21, Cortez, CO, consisting of 6 acres, more or less, located on the north side of Road B, west of Road 21, situated in S.36 T.35N., R.17W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Porter and Agent Maness were present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel made a request for the findings of the Planning and Zoning Commission. 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 single lot development application submitted by Charlie Porter, Jr; Agent: Maness & Associates, on property located at 2243 Road 21, Cortez, CO, consisting of 6 acres, more or less, located on the north side of Road B, west of Road 21. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

ASSESSOR: Montezuma County Assessor, **Leslie Bugg** met with the Commissioners to give an update on assessed values and protests. Topics of the discussion included; the current protest list, the BIA'S in 2019, the 2019/2018 values as of July 2019, the 2019 Class abstract as of July 15, 2019, an estimated tax on a proposed solar farm, ad valorem appraiser certifications, a subcontracted commercial appraiser and the Kinder Morgan audits. (See attached)

BOARD OF EQUALIZATION: It being the time set aside the following Board of Equalization appeal was heard. The roll was called and the proceedings were recorded for the record. The appeal is from **Leo Bartholomew** and **Jodi Goodall** on account #R002877. The petitioner, Leo Bartholomew was present. The Petitioner along with **Appraiser, Zane Fischer** discussed the petition for appeal and the process of valuation of said land. After hearing the evidence presented, Commissioner Suckla moved to assess the value of the property at \$123,323.00. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

BOARD OF EQUALIZATION: It being the time set aside the following Board of Equalization appeal was heard. The roll was called and the proceedings were recorded for the record. The appeal is from **Bent Ridge LLP** on account #R0133962. The Petitioners, **Thurl** and **Leah Boyd** were present. The Petitioner along with **County Assessor, Leslie Bugg** discussed the petition for appeal and the process of valuation of said land. After hearing the evidence presented, Commissioner Candelaria moved to accept the Assessor's valuation of \$712,271.00. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

BOARD OF EQUALIZATION: It being the time set aside the following Board of Equalization appeal was heard. The roll was called and the proceedings were recorded for the record. The appeal is from **Wal-Mart Stores, Inc. 0966 Inc.** on account #P000147. The petitioner's personal property protest is based as follows: over evaluation of the personal property, values do not take into account external and additional obsolescence typical to big box retailers in today's economy. **County Assessor, Leslie Bugg** and **Stacie Hunt** with the Assessor's Office discussed the petition for appeal. After hearing the evidence presented, Commissioner Suckla moved to deny the request and accept the Assessor's recommendation for the Wal-Mart property located at 1835 E. Main St. Cortez Co. in the amount of \$1,370,476.00. Seconded by Commissioner Candelaria and carried. Comm. Ertel closed the hearing at this time.

BOARD OF EQUALIZATION: Hearing scheduled for **Seely Oil** was cancelled.

PUBLIC COMMENT: **Burt Ramsey** and **Jason Chaffin** discussed additional concerns with the County Road P overlay project. **M.B. McAfee** discussed the Social Service department's extension of work hour's request.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 4:00 p.m.

Clerk August 13, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 20, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 20, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of August 20, 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 August 13, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Garth Greenlee** discussed proposed upgrades to the local airport. (See attached) **Tom Seymour** discussed a Democrat Party event scheduled in September, 28 2019 and a Republican Party event scheduled in October 12, 2019. **M.B. McAfee** discussed freight transportation inside and out of the area at the local airport.

SPECIAL EVENT LIQUOR LICENSE: Cancelled

MONTEZUMA COUNTY FAIRBOARD: County Fairboard President, **Allen Higgins** met with the Commissioners to give an update of the recent County Fair. Topics discussed included; the concert income, the current Memo of Understanding, advertising the fair results in the local newspaper, the VS outbreak, rulebook changes to address VS outbreaks, condensing the days and events of the County Fair, the number of Fairboard members, the County Fair budget and the PA system. (See attached)

PLANNING: Planning Director, Don Haley, and **Planning Assistant, S. Jane Duncan** presented for signatures of a final Plat for a single lot development submitted by **Charlie Porter, Jr; Agent: Maness & Associates,** on property located at 2243 Road 21, Cortez, CO consisting of 6 acres, more or less, located on the north side of Road B, west of Road 21, situated in S.36 T.35N., R.17W., N.M.P.M.

Planning Director, Don Haley, and **Planning Assistant, S. Jane Duncan** presented for discussion, a variance application to the Montezuma County Land Use Code submitted by **Mike & Deborah Rosso,** on property located at 19800 Hwy 145, Dolores, CO Stapleton Subdivision Tracts 10&11 2.75AC, S.4, T.37N, R.14W, N.M.P.M, for the following reasons: 1) a 50- foot setback to the Dolores River for a residence (in lieu of the 100 feet requirement), 2) a setback of up to the boundary line between lots 10 & 11 3) to the setback requirements to move a small barn that has been on the property since its inception and place it 15 feet from the eastern boundary line, and 4) to the 230-foot diameter requirement due to lot size. The discussion will continue to a future meeting. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give his biweekly report. Superintendent Englehart presented the road and bridge schedule for the dates of August 14, 2019 through August 30, 2019 and gave an overview of the type of work scheduled for each crew. Other topics discussed included; the chip seal projects, signage for the pot hole crew, a meeting with **Kinder Morgan** regarding maintenance help on roads used, seasonal restrictions to roads to prevent road damage, a proposed waterline project for the ditch that runs parallel to Road G, the **Elam Construction** report, the **Stripes a Lot** project, mile markers for Road 31, the **House Creek Repair Project** and the **7th Street Extension** project. (See attached)

COUNTY CORONER: Coroner George Deavers met with the Commissioners to give an update on the year to date county deaths. Coroner, Deavers reported there had been, a year to date total of 71 deaths that included; 1 homicide, 3 motor vehicle accident deaths, 6 overdose deaths and 5 suicides.

EVIDENCE STORAGE BUILDING: A discussion on the proposed evidence storage building was held with **Montezuma County Sheriff, Steve Nowlin** and **Coroner Deavers.** Topics of the discussion included; preliminary architect plans, placement and the size of the building, backup generators, required city codes, funds set aside within the 2019 budget, a pathologist commitment letter, expense for a set of plans and possible grant opportunities. (See attached)

MONTEZUMA COUNTY HISTORICAL SOCIETY (MCHS): Historical Society Board President, Ann Brown, met with the Commissioners to give updates on the Historical Society Museum. Topics discussed included the DOLA grant application, fund raisers, membership drives and the replacement of two board members. (See attached)

PUBLIC LANDS: Forrest Service, Derek Padilla met with the Commissioners to give updates on various projects. Topics discussed included a prescribed burn in the **Boggy Draw** area,

boulder placement on the **Sage Hen Trail** project, the **McPhee Breakwater**, the **Lone Pine** environmental assessment, timber sales in the **Hay Camp** area, and the **Rico West Dolores** lawsuit. The Commissioners were in agreement for County support for the boulder placement project on the Sage Hen Trail.

Bureau of Land Management, Connie Clementson gave updates to the Commissioners on the following topics; the **Transportation and Access Plan**, the **King Coal Lease Application**, the **Areas of Critical Environmental Concern** (ACEC) environmental assessment, the County visit from **Congresswoman Diana DeGette** and the **Paths to Mesa Verde Trail** grant application.

Acting Canyon of the Ancients National Monument Manager, Chris Rose reported to the Commissioners on the **Yellow Jacket Flowline**, the opening of a new special exhibit, the fee increase proposal, RFP requests for the master exhibit hall update and an Interagency Agreement with the National Park Service for the **Lowry Pueblo** on stabilization

Staff Archeologist, Vince McMillon and **Historical Society Board President, Ann Brown**, met with the Commissioner to discuss the request of designation of the Lamb House as a historic landmark to the Montezuma County Historic Registry. Historic Society Board President, Brown will present the request to the Historic Society Board for recommendations and then return to the Board of County Commissioners for approval. (See attached)

Colorado Parks & Wildlife: Officer, Matt Thorpe representing the **Colorado Division of Parks and Wildlife** met with the Commissioners to give a report. Topics of the discussion included department head turnovers, the **Aquatic Nuisance Species Inspections**, illegal launches at **Narraguinnep Reservoir**, perpetual agreements with **Montezuma Valley Irrigation Co**, sterilization of boats leaving Lake Powell, and the **Paths to Mesa Verde** grant.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Director Dietrich presented for approval a **Federal Highway Administration Funds Transfer Agreement** and a **Federal Lands Access Program Project Memorandum of Agreement** for the (FLAP) Federal Lands Access Program project grant application for the Paths to Mesa Verde. Commissioner Candelaria moved to sign the Federal Land Access Program (FLAP) project memorandum of agreement for the Path to Mesa Verde. Second by Commissioner Suckla and carried. Commissioner Suckla moved to approve the Federal Highways Administration, Federal Lands Highway, Funds Transfer agreement for the FLAP, Paths to Mesa Verde trail for the amount of \$10,000.00. Second by Commissioner Candelaria and carried. Other topics discussed included; the Sage Hen Trail field trip, the BLM Transportation Plan release, the final sign for the McElmo Flume and the visit from Congresswoman, DeGette.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the Shaw Solar project.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented for **Health Department Director, Bobbi Lock**, an original Contract #18FHLA104703, with Amendment #120FHLA140880 between the **Colorado Department of Public Health and Environment** and the Board of County Commissioners for the use and benefit of the Montezuma County Public Health Agency in the amount of \$118,278.00 for the **WIC** program.. Commissioner Candelaria moved to sign the original **Contract Amendment 1** #18FHLA104036, to the new amendment contract #120FHLA140880 for the Health Department

in the amount of \$118,278.00. Second by Commissioner Suckla and carried. Administrator Powers presented review comments from the **Senior Services Director, Jonathon G. Parker** regarding the Senior Services kitchen remodel project bids from **Flipz Construction** and **Certified Cleaning & Restoration Inc, DbA CARE**. Commissioner Candelaria moved to reject the bids for the remodel project, to establish a better RFP and re-bid the project. Second by Commissioner Suckla and carried. Other topics discussed included the **GovSpend** procurement software. Commissioner Suckla moved to approve the GovSpend contract for a renewable three year contract in the amount of \$8,000.00. Second by Commissioner Candelaria and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel had no report to give

Commissioner Suckla discussed the proposed Chief Financial Officer position, the process for Montezuma County to receive Denver Television Stations and the CCI County committee member appointment. Commissioner Candelaria moved to appoint Commissioner Suckla to the Legislative committee member appointment for the coming year. Second by Commissioner Ertel and carried. (See attached)

Commissioner Candelaria discussed the proposed Chief Financial Officer position, the attended City of Cortez Council meeting, an email sent to CDOT regarding the Hwy. 491 building cleanup, the scheduled Deconstruction meeting and the scheduling of a Public Hearing on the proposed Road 21 closure.

PUBLIC COMMENT: Greg Kemp discussed the abandoned CDOT weigh station building.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 1:00 p.m.

Clerk August 20, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 27, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 27, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of August 27, 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 August 20, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Tom Hayden** discussed concerns he had with the drilling of a Kinder Morgan well near his property. **Gala Pock** discussed concerns for the Kinder Morgan monitoring and venting of well sites. **M.B. McAfee** discussed a conversation request with Kinder Morgan to review constituents concerns regarding well sites.

DISCUSSION: A discussion was held regarding the intersection of County Road 21 and Highway 491. Property owners **Jimmy Porter, Drew Gordanier, Jim Krater, Jeff Coulon, Kelly Weyand** and **Schelli Porter** discussed their concerns with the project. Commissioner Candelaria gave an overview of the current discussion with CDOT regarding the project. Topics discussed included; the closure of the intersection of Road 21 and Hwy 491, negotiations for 800 tons of asphalt for upgrades to Road B and the intersection of Road 21 and Road B. The CDOT design was available on line for review.

ENERGY PERFORMANCE CONTRACTING: **John Busch** from **Siemens** met with the Commissioners to give a presentation regarding **Energy Performance Contracting (EPC)**. Topics of the presentation included; utility costs, limited capital budgets, deferred maintenance lists, sustainable target goals, HB#971285, upgrades within the current budget, the Colorado Energy Office Program, local users of the Energy Performance Contracts, building improvements, water conservation, renewable energy, street lighting, fleet conversions, project composition and an overview of the EPC process. (See attached)

SENIOR EXEMPTION PETITION was received from **David Blaine**. The roll was called and the proceedings were recorded for the record. The petitioner was present. A denial for tax year 2019 was presented to the Board on account number R016820. The denial letter states that Mr. Blaine was not the continuous owner of record of the property from December 31, 2008 to present. Mr. Blaine stated in his appeal that he and his wife built their home and moved into it on October 1, 2007 and are the only owners of record. The criteria for the senior exemption program was explained and with additional research from the Assessor's office, Mr. Blaine met the requirements of the exemption. **County Assessor, Leslie Bugg** and **Administrative Supervisor, Eve Boellstorff** recommended the petition be approved. Commissioner Suckla moved to approve the senior exemption for David Blaine for the 2019 tax year. Second by Commissioner Candelaria and carried. (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 **Finance Officer, Lori Higgins** were present. (See attached)

LANDFILL: **Landfill Manager Mel Jarmon** gave his monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; the Tire Clean-up event, a Cell 4 design change, a proposed rental of a compactor, repairs to the BOMAG machine, current warranty repairs, a back-up machine during the BOMAG down time, and the line item designation of Landfill closer and post closure funds. (See attached)

BID OPENINGS: Chairman Ertel opened the bids for the reroofing projects at the Annex III building and the west building at the Road & Bridge departments. Bids presented from **Top Line Installers Inc.** for the Annex III building in the amount of \$74,593.00, the Road & Bridge west building roof \$55,957.00 and the Road & Bridge east building roof in the amount of \$38,112.00, for a total bid for Annex III and the west Road & Bridge roof in the amount of \$130,550.00. Bid presented from **Whittle Inc. dba T&L Roofing** for the Annex III building in the amount of \$122,098.00 and the Road & Bridge west building roof in the amount of \$79,420.00 for a total bid amount of \$201,518.00. The bids will be reviewed and the project awarded during the Board of County Commissioner meeting scheduled September 3, 2019.

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

Chairman Ertel announced the meeting would reconvene

PLANNING:

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a proposed Single Lot Development and Rezoning Application submitted by **William Butler, POA for Vesta Butler** on property located at 26986 Road R,

Dolores, CO, consisting of 49.61 acres, more or less, located south of Road R, west of Hwy 145, situated in S.36 T.37N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Agent, Scott Wallace** was present. Mr. Wallace gave an overview of the application. **Planning Director, Don Haley** and **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve a proposed single lot development and rezoning application submitted by William Butler, POA for Vesta Butler on property located at 26986 Road R, Dolores, CO, consisting of 49.61 acres, more or less, located south of Road R, west of Hwy 145. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a proposed 3 Lot Moderate Subdivision Application submitted by **Ron Buehring** on property located at 19983 Road 15, Yellow Jacket, CO, consisting of 27.32 acres, more or less, located south of Road W, west of Road 15, situated in S. 1, T.37N, R.18W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Buehring 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 Ertel 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 a proposed 3 lot moderate subdivision application submitted by Ron Buehring on property located at 19983 Road 15, Yellow Jacket, CO. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a proposed Subdivision Application for an Amendment to the Baumgartner 2 Lot Minor Subdivision submitted by **Brett & Margaret Baumgartner, Agents: Bryan & Katrina Baumgartner** on property located at 25204 Road 9, Pleasant View, CO, consisting of 35 acres, more or less, located north of Road BB, east of Road 9, situated in S.6 T.38N., R.18W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Katrina Baumgartner 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 Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve the Baumgartner 2 lot minor Subdivision submitted by Brett & Margaret Baumgartner, for a boundary line adjustment on property located at 25204 Road 9, Pleasant View, CO, consisting of 35 acres, more or less, located north of Road BB, east of Road 9. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a Special Use Permit Application for the purpose of a USDA Meat Processing Facility, submitted by **Daniel Mominee**, Agent: Kelly McCabe, PC, on property located at 6761

Road 39, Mancos, CO, located south of Road G, east of Road 38, situated in S.12, T.35N., R.14W., 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** made a request to continue the hearing to September 3, 2019 at 1:00 p.m. Commissioner Candelaria moved to accept the Planning Department's request for a continuance to September 3, 2019 at 1:00 p.m., for the public hearing for the review and determination of a Special Use Permit application for the purpose of a USDA Meat Processing Facility, submitted by Daniel Mominee, Agent: Kelly McCabe, on property located at 6761 Road 39, Mancos, CO,. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

The Planning Department presented for signatures of a Variance request submitted by **Mike & Deborah Rosso**, on property located at 19800 Hwy 145, Dolores, CO, Tracts 10&11 in the Stapleton Subdivision, consisting of 2.75 acres, more or less, situated in S.4, T.37N, R.14W, N.M.P.M. Commissioner Suckla moved to approve the variance request submitted by Mike & Deborah Rosso, on property located at 19800 Hwy 145, Dolores, CO. Second by Commissioner Candelaria and carried.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the development of a stage rental agreement for the Fairgrounds, the Denver TV issue, the Historical Society Lamb House designation, the Road 41 / Weber Canyon lawsuit and the Shaw Solar agreement.

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

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the meeting scheduled with Congresswoman Diane Degette on Menefee Mountain, Wednesday August 28, 2019 at 9:30 a.m.

ACCOUNTS PAYABLE: Administrator Powers presented the July 2019 Accounts Payable Expenditure Reports for approval. Commissioner Suckla moved to approve the July Payables for Montezuma County for 2019. Second by Commissioner Candelaria and carried. (See attached)

ORDER: Administrator Powers presented **Transfer Order #8-2019**. A transfer in the amount of \$11,657.00 from the Road and Bridge Fund to the General Fund to correct check #32002 for the purchase of the side by side for the Weed Department that was printed from the wrong account. Commissioner Candelaria moved to accept Order #8-2019 for the transfer of \$11,657.00 from the Road and Bridge to the General Fund. Second by Commissioner Suckla and carried. (See attached)

ORDER: Administrator Powers presented **Transfer Order #9-2019**. A transfer of \$40.00 from the General Fund to the Administration Fund for a correction of check #75979 written from the wrong account. Commissioner Suckla moved to approve Order #9-2019 a transfer of \$40.00 from the General Fund to the Administration Fund for check #75979 printed from the wrong account. Second by Commissioner Candelaria and carried. (See attached)

ORDER: Administrator Powers presented **Transfer Order #10-2019**. A transfer in the amount of \$145.92 from the Road and Bridge fund to the General Fund for check #31766 for \$105.92 and check #31767 in the amount of \$40.00 that were printed from the wrong fund. Commissioner Candelaria moved to accept Order #10-2019, for the transfer \$145.92 from the Road and Bridge to the General Fund. Second by Commissioner Suckla and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended Work Force Development Board meeting, the Western District CCI meetings and the Town Hall meeting with Congresswoman Degette. **Commissioner Suckla** discussed an attended Forest Service Collaborative and funds for wildfire mitigation made available by the Secretary of Agriculture, and the attended Western District CCI meetings.

Commissioner Candelaria discussed the attended Western District CCI meetings, the solar vehicle purchases, solar charging stations, re-advertising for 2 vacant positions to the Lodgers Tax Board, the Cortez City Council meeting to discuss the 7th Street extension project, the attended Community Action meeting and the extension of the Moratorium on the Transfer of Title for Regulation 43 regarding septic systems. Commissioner Candelaria moved to purchase 3 EV Chevy Bolt 2020 vehicles at \$32,163.00 each with the funds coming from the General Fund. Second by Commissioner Suckla and carried. Commissioner Suckla moved to extend the Regulation 43 moratorium for Montezuma County for the transfer of title until November 1, 2019. Second by Commissioner Candelaria and carried.

PUBLIC COMMENT: Gala Pock discussed a wireless microphone for Attorney Baxter. **M.B. McAfee** discussed the County Fleet department.

CORRESPONDENCE: The following correspondence was read and noted: A letter from the Colorado Department of Transportation re; follow up to the 2019 annual meeting with CDOT.

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

MEETING ADJOURNED: 2:00 p.m.

Clerk August 27, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 3, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday September 3, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of September 3, 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 August 27, 2019 as amended. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Ellen Foster** discussed concerns and needed improvements with nationwide health care. (See attached) **John Rutledge** discussed a culvert issue on Road N.

LIQUOR LICENSE: **Deputy Clerk, Jerri Frizzell** presented for approval a special events Liquor License permit application from the **Montezuma School to Farm Project**. The event is scheduled for October 12, 2019 located at 39133 Road G, Mancos, Co. Commissioner Candelaria moved to accept the application for a special event liquor permit for the Montezuma School to Farm Project event scheduled October 12, 2019 at 39133 Road G, Mancos Co. Seconded by Commissioner Suckla and carried. (See attached)

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** met with the Commissioners to give his biweekly report. Superintendent Englehart presented the road and bridge schedule for the dates of August 21, 2019 through September 6, 2019 and gave an overview of the type of

work scheduled for each crew. Other topics discussed included; an appraisal of the old Pleasant View Fire Department building, road mowing, verbiage within the **Kinder Morgan** Impact Use Permit for seasonal road damages, the **Century Link** permits and a Commissioner visit to review a culvert issue on Road N. Superintendent Englehart presented for approval a **Dedication Statement for Road H.6**. A 60 feet wide access easement in the NW/4 of Section 32, T36N., R.15W., N.M.P.M. Montezuma County, Colorado. The County added .36 miles of chip seal to the road and would like to add it to the County road inventory. Commissioner Suckla moved to approve Road H.6 be included in the Montezuma County Road inventory, .36 miles headed east. Second by Commissioner Candelaria and carried (See attached)

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland gave his monthly report which included the year to date numbers for income of \$43,964.99 and attendance at 57,045. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the LED light replacement project, a proposal from Anthony's Refrigeration to upgrade the commodity coolers at the Fairgrounds, the solar charging station grant application, the bathroom upgrade project and a proposed project to place a water line to the upper barn. (See attached)

COUNTY TREASURER/ TRUSTEE: Treasurer, Ellen Black met with the Commissioner to present for approval the **Schedule of Receipts and Disbursements** for January 1, 2019 through June 30, 2019. Commissioner Candelaria moved to accept the report for the Schedule of Receipts and Disbursements for January 1, 2019 through June 30, 2019, from the Montezuma County Treasurer. Second by Commissioner Suckla and carried. Other topics discussed included; funds in the dissolved **Goodman Point Water District** account, and investment interest rates. (See attached)

IT QUARTERLY REPORT: IT Director, Jim McClain met with the Commissioners to present his quarterly report. Topics discussed included the **Divisionary Broadband Agreement** for wireless to the Landfill and Fairgrounds, upgrades to the Sheriff's office camera system and restructuring for the new body scanner, a rewire project for the Annex I building, attendance to the Broadband Roundtable, a clean-up project at the Landfill, IT support for the Social Services Department, help desk ticket numbers, county vehicles for the IT department, a Request for Product (RFP) for a county sign and the redesign project of the County website.

KINDER MORGAN: Chris Lopez, Barry Swift, Chris Millican and Mike Hannigen from Kinder Morgan met with the Commissioners to discuss **Tom Hayden's** concerns for the monitoring and venting of a well close to his property. Topics of the discussion included; public education of the process, on site monitor equipment, monitor testing, Kinder Morgan personnel within the area during the venting process, gas analysis data, mercaptan odors, emergency procedures for neighborhood property owners and education to the property owners of the phases for drilling. (See attached)

SAN JUAN SKYWAY SCENIC BYWAY: Heidi Pankow, Western Colorado's Byway Representative from the **Scenic Byway Commission** met with the Commissioners to discuss the designation of the San Juan Skyway Scenic Byway and to invite the county to appoint a

representative to the Byway Management Committee. Ms. Pankow reported that an organizational meeting was scheduled for October 15, 2019.

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

PLANNING:

PUBLIC HEARING: It being the time set aside a continued public hearing is held for review and determination of a Special Use Permit Application for the purpose of a USDA Meat Processing Facility, submitted by **Daniel Mominee, Agent: Kelly McCabe, PC**, on property located at 6761 Road 39, Mancos, CO, located south of Road G, east of Road 38, situated in S.12, T.35N., R.14W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Mominee 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 Ertel opened the hearing to public comment. Public comment was made by **Rob Pope, Douglas Doty, Sarah Staber, John Patton, Robin Strother, M.B. McAfee, Felicity Broennan, Paul Beldon, and Ann Patton.** Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve the application without the 500 head restriction and if the threshold is exceeded, Mr. Mominee would be required to come back before the Board of Commissioners for a new permit application at that time. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Planning Director, Haley with Assistant, Duncan presented for signatures of a Vacation of Resolution #P-36-88 request submitted by **Theresa O'Brien, Trustee for The Donald A. O'Brien Living Trust** on property located at 17593 Hwy 145, Dolores, CO consisting of 21.39 acres, more or less, situated in S.4, T.37N, R.14W, N.M.P.M. Commissioner Candelaria moved to accept the vacation of resolution #P-36-88, submitted by Theresa O'Brien, Trustee for the Donald A. O'Brien Living trust on property located at 17593 Hwy 145 Dolores Co. Second by Commissioner Suckla and carried. (See attached)

Planning Director, Haley with Assistant, Duncan presented for signatures of an Amendment to Resolution #P-46-78 request submitted by **Theresa O'Brien, Trustee for The Donald A. O'Brien Living Trust** on property located at 17521 Hwy 145, Dolores, CO, consisting of 5.56 acres, more or less, situated in S.4, T.37N, R.14W, N.M.P.M. Commissioner Suckla moved to amend resolution #P-46-78 request submitted by Theresa O'Brien, Trustee for The Donald A. O'Brien Living Trust on property located at 17521 Hwy 145, Dolores, CO. consisting of 5.56 acres, more or less. Second by Commissioner Candelaria and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the **Solar System Power Lease Agreement** with **Shaw Solar**. Commissioner Candelaria moved to go forward with the Health Department building for the Solar System Power Lease Agreement #18-G with Shaw Solar, with an option to buy out in six years, contingent on the revolving account to be paid in 5 annual payments of \$30,579.00 and the sixth year buy out at \$40,437.00 for a total amount of \$193,331.00. Second by Commissioner Suckla and carried. (See attached)

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

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed a scheduled Board to Board meeting with the Mancos Board of Trustees that will be held at the Mancos Town Hall on Saturday September 7, 2019.

COUNTY COMMISSIONER REPORT: Commissioner Ertel discussed the attended Board to Board meeting with the City of Cortez, the Sheriff's Office evidence building and the attended Menefee Mountain / Congresswoman Degette meeting. Commissioner Suckla discussed a proposed new breakwater for the McPhee Marina. Commissioner Candelaria discussed the attended Board to Board meeting with the City of Cortez, the Menefee Mountain / Congresswoman Degette meeting the CDPHE deconstruction workshop, the Shaw Solar Contract and the CSU Memo of Understanding regarding the County Extension Agents.

BID OPENINGS: A discussion was held regarding the bids for the reroofing projects at the Annex III building and the west building at the Road & Bridge departments. Bids opened on August 27, 2019 during the Board of County Commissioners meeting were reviewed for comparison. Commissioner Candelaria moved to accept the apparent low bidder from **Top Line Installers Inc.** to repair the west building roof at the Road and Bridge Department in the amount of \$55,957.00. Second by Commissioner Suckla and carried.

PUBLIC COMMENT: Gala Pock discussed the morning's Kinder Morgan presentation. Elaine Fletcher discussed her support for the meat packing plant facility in Mancos. M.B McAfee discussed opportunities for the Commissioners to make clarifications during the meetings for the audience's understanding of the topic being discussed.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 2:40 p.m.

Clerk September 3, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 10, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday September 10, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of September 10, 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 September 3, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: D&L Construction Owners Dave and Lana Waters, thanked the BOCC for a letter of support given in regards to a grant application on the purchase of a crusher for recycling concrete and asphalt and gave an update on the project. **Ellen Foster** discussed public input for the settlement funds from the opioid lawsuits and the citizen concerns for the monitoring and venting of the Kinder Morgan wells. (See attached) **Administrator, Powers** discussed the draft funding priorities list form the Commissioners. (See attached) **Retha Williams** discussed the inclusion of a treatment housing area within the breakdown of the opioid settlements. **Dave Nuttle, President, of Needful Provision**, discussed a presidential executive order regarding the expedition for EMP pre-disaster mitigation and preparedness. **Lisa Henry** discussed sustainability with the programs developed from the opioid settlement funds after the grant has expired. **Tom Seymour** discussed the anniversary of the 911 attack and read the American Creed written by **William Tyler Page** in 1918.

2020 CENSUS: GIS Manager, Doug Roth, GIS Specialist, Rachel Medina along with **City of Cortez Mayor, Karen Sheek** met with the Commissioners to give an update on the preparations for the 2020 Census. Topics of the discussion included: the development of the **Complete Count Committee**, partnership agreement opportunities, direct benefits of the census to the County, grant requests, promotional materials, an outreach time line, dates of residency, educational programs for the schools, the new born program, and a Census representative for the Ute Mountain Ute Reservation. (See attached)

SECURE RURAL SCHOOLS FUNDING: Mancos School District Re-6 Superintendent, Brian Hanson, Dolores School District Re-4A Superintendent, Lis Richard and Montezuma Cortez School District Re-1 Superintendent, Lori Haukness, met with the Commissioners to discuss the **Secure Rural Schools** allocation of funding. The Superintendents were in agreement that due to currently approved budgets that the disbursements for the district allocations remain the same as in past years, and to include a proposal to create a year to year plan for future allocations. Commissioner Suckla moved to go on the advice of the Superintendents and keep the allocation as it was in the past. Second by Commissioner Candelaria and carried. That allocations will be the Montezuma Cortez School District Re-1 \$95,929.53, the Dolores School District Re-4A \$24,407.30 and the Mancos School District Re-6 \$15,382.04. Superintendent Richard made a request for additional funding from the County for safety and security expenses for the Dolores RE-4A schools. The request will be reviewed during future budget discussions. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of August, 2019. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the **Certification of Pay** for August, 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 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 August, 2019 for Montezuma County. Second by Commissioner Ertel and carried. Other topics discussed included Officer Torres's annual Certificate of Completion, a car give away by the **Durango Elks Lodge #507 Veterans Committee**, the scheduled **Montezuma Stand Down for Veterans** event and an update on the Humvee project. (See attached).

SHERIFF'S MONTHLY REPORT: Sheriff, Steven Nowlin met with the Commissioners to give his monthly report which included; a deputy vehicle accident, the August 2019 Calls for Service report, traffic stops, a single plane crash, livestock calls, executed search warrants for a major target of a heroin and fentanyl distributor, a vehicle / foot pursuit, the jail report, the DOC holds report, parole holds, daily inmate counts, municipal arrests, total inmate days, the total monthly arrests, the County operational expenses for the month of August, monies paid into the General Fund, booking fee charges, the summons process and statute requirements, the **Peace Officers Mental Health Support and Counseling Grant Program** and help from the Sherriff's office regarding security and safety at the Dolores School District Re-4A buildings. (See attached)

EMERGENCY MANAGER REPORT: Emergency Manager Mike Pasquin met with the Commissioner to give his budget presentation. Other topics discussed included; a **Drought Workshop** scheduled October 17, 2019, the **Hazard Mitigation Plan**, the **Emergency Operations Plan**, the **Debris Management Plan**, the **Continuity of Operations Plan**, the **Training an Exercise Plan**, an **Emergency Preparedness Partnership**, **FIMA** virtual table top exercises and proposed grant applications. Manager Pasquin reported he had successfully graduated from the **Emergency Management Academy**. (See attached)

WEED DEPARTMENT: Weed Department Manager, **Bonnie Loving** presented for approval **Noxious Weed Resolutions #6-2019, #7-2019, #8-2019, #9-2019, #10-2019, #11-2019, #12-2019 #13-2019 and #14-2019**. Commissioner Suckla moved that Montezuma County pass Noxious Weed resolutions #6-2019, #7-2019, #8-2019, #9-2019 #10-2019, #11-2019, #12-2019 #13-2019 and #14-2019, giving the Montezuma County Weed Department authority to enter properties to control noxious weeds. Second by Commissioner Candelaria and carried. (See attached)

WILDFIRE ADAPTED PARTNERSHIP (WAP): **Ashley Downing** along with **Alex Graf** the new Montezuma **Coordinator for Wildfire Adapted** introduced himself and gave an update on the wildfire adapted partnership with Montezuma County. Topics of the discussion included the Wildland-Urban interface, the Montezuma County wildfire risk map, the Wildfire Adapted Partnership Mission Statement, 2019 education and outreach highlights, the **Neighborhood Ambassador Program**, consulting with Planning and Zoning Department, 2019 outlook and plans, education and outreach within Montezuma County and the promotion of community resilience and self-reliance. Coordinator Graf made a request for the budget year of 2020 in the amount of \$15,000.00 from the County for support for the activities and the programs for the Wildfire Adapted Partnership. The request will be reviewed during future budget discussions (See attached)

PLANNING: Planning Director, **Haley** with Assistant, **S. Jane Duncan** presented for signatures a Final Mylar submitted by **Theresa O'Brien, Trustee for The Donald A. O'Brien Living Trust** on property located at 17521 Hwy 145, Dolores, CO, consisting of 5.56 acres, more or less, situated in S.4, T.37N, R.14W, N.M.P.M.

Director, Haley with **Assistant, Duncan** presented for signatures a Special Use Permit for the purpose of a USDA Meat Processing Facility, submitted by **Daniel Mominee**, Agent: Kelly McCabe, PC, on property located at 6761 Road 39, Mancos, CO, located south of Road G, east of Road 38, situated in S.12, T.35N., R.14W., N.M.P.M.

Director, Haley with **Assistant, Duncan** presented for signatures a Final Mylar for a second Amendment of Rolling Hills Estates Subdivision, submitted by **Timothy & Christine Gallagher**, on property located at TBD Road H.6, Cortez, CO, both consisting of 20 acres, more or less, located on the north side of Road H.6, east of Road 27, situated in S.32 T.36N., R.15W., N.M.P.M

DISCUSSION: a discussion was held regarding a request from **Shelby Campbell** for a refund of paid Road Impact Fees, in the amount of \$1125.00, due to the property development not moving forward. Commissioner Suckla moved to approve the refund of road impact fees to Shelby Campbell. Second by Commissioner Ertel and with two votes in favor by Commissioners Suckla and Ertel and one vote against from Commissioner Candelaria the motion carried. (See attached)

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

DISCUSSION: Regent 5 Director, Mike McVaugh and Resident Engineer, Tim Webb from the **Colorado Department of Transportation** met with the Commissioners for a follow up discussion on the County Road 21 closure with the **Hwy 491 Passing Lanes Project**. Topics discussed included; the chip seal project, striping, the **Towaoc Passing Lanes Project, Tiger Grant** funds, road accident history, County improvement investments on County Road 21, engineer estimates, Road B asphalt, signage options, budget incentives, cost adjustments, cost overruns, change orders and the current status of the project. Director McVaugh reported there would be additional updates to the Commissioners in early and late October. (See attached)

OLD BUSINESS: Administrator Powers discussed the purchase of electric cars for the County, the development of charging stations and the scheduled **govspend.com application** training. Commissioner Candelaria discussed the **Shaw Solar** contracts, a scheduled meeting with the Cortez City Council to discuss the contract between Montezuma County and the City of Cortez regarding the 7th street extension project, along with the proposed County purchase of a building owned by the City of Cortez. Commissioner Suckla moved to delegate the authority to Commissioner, Jim Candelaria the Montezuma County Commissioner of Deeds to make a decision on the purchase of building from the City of Cortez. Second by Commissioner Ertel and carried.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed additional Shaw Solar contracts for county buildings, the funds within the dissolved **Goodman Point Water District**, the **FCC** petition to access **Denver TV** stations and the attachments required for the petition.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; contact with a property owner regarding the **Summit Ridge** BLM access, the **Sand Canyon** parking lot project, a scheduled scoping meeting with the **Central Federal Lands Highway Division**, an update on the proposed new breakwater project, the opening of Forest Service Roads #212 and #214, scoping comments for the **Sage Hen** project and the **Rico West Dolores**. Director Dietrich presented for approval a welcome / thank you letter addressed to **Jamie Connell** the new **BLM State Director**. Commissioner Candelaria moved to approve the thank you letter to Ms. Connell from the Montezuma County Board of County Commissioners with congratulations and an extension of a warm welcome to her new position as the State BLM Director. Second by Commissioner Suckla and carried. Director Dietrich presented a letter of support addressed to **Pam O'Malley** with the **Colorado Parks and Wildlife State Trails Program** regarding the **Boggy Draw Trail Maintenance Project**. Commissioner Suckla

moved to approve the Boggy Draw Trail Maintenance Project letter of support addressed to Pam O'Malley for the \$64,000.00 from the Colorado Division of Wildlife. Second by Commissioner Candelaria and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** discussed the scheduled **Commissioner's Town Hall** meeting on Thursday September 12, 2019 at 6:30 p.m., the **Lab to Combat Human Trafficking** meeting scheduled September 24, 2019 at 5:00 p.m. and the USDA award of funds to the Historical Society for the museum project. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended Court Judges meeting, the attended **AAA Governing Board** meeting and a **Noxious Weed Department** field trip to **Weber Canyon**. **Commissioner Suckla** discussed the scheduled **Fairboard** and **CSU Advisory** meeting and his scheduled trip to Washington D.C. to advocate for PILT and SRS. **Commissioner Candelaria** no report given.

PUBLIC COMMENT: No public comment was given.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 2:30 p.m.

Clerk September 10, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 17, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday September 17, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of September 17, 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 September 10, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Gala Pock** discussed recent road repairs done by the Road Department on Road 8. **Ellen Foster** discussed the Kinder Morgan shut down of well CX-14, concerns for the monitoring and venting of the Kinder Morgan wells and the high impact permit process. (See attached). **M.B. McAfee** discussed a common sense process for the High Impact permit applications and public education of the process.

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** met with the Commissioners to give his biweekly report. Superintendent Englehart presented the road and bridge schedule for the dates of September 11, 2018 through September 27, 2018 and gave an overview of the type of work scheduled for each crew. Other topics discussed included; updates on the 2019 Overlay Change Orders, the 7th Street extension project, recording of a Quit Claim Deed regarding a

property acquisition on Road H.6, proposed 2020 overlay and chip seal projects, maintenance on gravel roads and a proposed discussion with the Forest Service regarding a Tiger Grant application for the Dolores Norwood Road. (See attached)

ORDER: Administrator Powers presented **Transfer Order #11-2019**, a transfer of \$1125.00 from the Road Impact Fund to the Road and Bridge to cover a refund to Shelby Campbell, voted on by the Board of County Commissioners in their regular meeting on September 10, 2019. Commissioner Suckla moved to approve transfer Order #11-2019, a transfer of \$1125.00 from the Road Impact Fund to the Road and Bridge to cover a refund to Mrs. Shelby Campbell. Second by Commissioner Candelaria and carried. (See attached)

ORDER: Administrator Powers presented **Transfer Order #12-2019**, a transfer of \$190,821.46 from the Road and Impact Fund to the Road and Bridge for work done on Road 42, Mancos; Roads H and H.6; Road 29; Road M (Hwy 145 to Hwy 491); Road T; Road 31; Road BB; Roads G, Road 25 and Road F. Commissioner Candelaria moved to accept order #12-2019 for the transfer of \$ 190,821.46, from the Road Impact Fund to the Road and Bridge for work done on Road 42, Mancos; Roads H and H.6; Road 29; Road M (Hwy 145 to Hwy 491); Road T; Road 31; Road BB; Roads G, Road 25 and Road F. Second by Commissioner Suckla and carried. (See attached)

LETTER OF SUPPORT: Jay Wood, President of the Board of Directors for Southwest Memorial Hospital Foundation, met with the Commissioners with a request for a letter of support regarding the **Hospital Foundation Enterprise Zone Contribution Project**. Commissioner Candelaria moved to send a letter of support to the Southwest Memorial Hospital Foundation Enterprise Zone Contribution Project. Second by Commissioner Suckla and carried. (See attached)

PLANNING: The Planning Department presented for signatures, a Final Mylar for a Single Lot Development Application submitted by **Garon Jones, Agent: Eugene Reininger** on property located at 13941 Road 29.2, Dolores, CO, consisting of 35 acres, more or less, located on the north side of Road N, east of Road 29, situated in S.4 T.36N., R.15W., N.M.P.M.

DISCUSSION: the **2020 Capital Expenses** discussion was tabled for future BOCC meeting.

PUBLIC LANDS: Forrest Service, Derek Padilla met with the Commissioners to give updates on various projects. Topics discussed included; Road #212 and Road #214 in the Ground Hog Lake area, the **Aspen Environmental Assessment**, a scheduled Open House on September 24, 2019 at the Public Lands office from 5:00 p.m. to 7:00 p.m. for public discussion of the **Sage Hen** and **Rico Trails Projects**, the prescribed fire plans for the **Boggy Draw** and **Hay Camp** areas, and upgrades to the **House Creek Campground**. A discussion was held regarding a proposed Forest Service Tiger Grant application for the Dolores Norwood Road.

Bureau of Land Management, Connie Clementson introduced **Heather Sauls** as the new acting **Canyon of the Ancients National Monument Manager** and gave updates to the Commissioners of the following topics; the roll out of the **Areas of Critical and Environmental Concern Environmental Assessment (EA)**, the re-designation of the **Anasazi Culture (Mud**

Springs) area and renaming it to **Ancestral Pueblo**, the **Mesa Verde Escarpment**, the preliminary EA of the **Transportation Access Plan**, the artist in residence display at the Canyon of the Ancient National Monument, the **Sand Canyon** parking lot project, the BLM Summit access, the BLM move to Grand Junction the **Southwest Resource Advisory** meeting and the proposed McPhee breakwater.

COLORADO PARKS & WILDLIFE: Park Manager of Lone Mesa, Scott Elder representing the **Colorado Division of Parks and Wildlife** discussed a staffing update for the Colorado Parks and Wildlife **Southwest Regent Manager** position to **Cory Chick**, proposed restructuring of Wildlife and Parks assets, the addition of **Fishers Peak State Park**, fee increases, the future of Lone Mesa, the Stewardship Management Plan, the length of hunting seasons, the appointment of **Dan Prenzlowl** as the **Colorado Parks and Wildlife** Director, construction of service buildings at **Jackson Lake** and opportunities for local OHV registrations.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed review of the Shaw Solar Lease documents, an update on the Road 41 / Weber Canyon lawsuit, the development of an Airport Authority, a scheduled unemployment hearing and a motion to allow Clerk Percell the authority to make corrections to the date on Noxious Weed Resolutions #6-2019 through #14-2019 that had been approved in the BOCC meeting held September 10, 2019. Commissioner Suckla moved to give the Clerk and Recorder, Kim Percell the authority to fix the corrections on the Noxious Weed documentations for Right of Entry from the September 10, 2019 Commissioner meeting. Second by Commissioner Candelaria and carried.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; a McPhee Reservoir Breakwater project cost estimate from **SEH**, the scheduled tour of **Lake Nighthorse**, the scheduled **Montezuma County Recreation Advisory Committee**. (MCRAC) meeting, the scheduled Noxious Weed field trip to **Menefee Mountain** and a draft letter addressed to **Congresswoman Diana DeGette**. The letter to Congresswoman DeGette was not approved. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented a letter of support addressed to the Montezuma Food Coalition's Sharehouse Project in support of an Enterprise Zone project designation. Commissioner Suckla moved to approve the letter in support of the Montezuma Food Coalition's Sharehouse Project. Second by Commissioner Candelaria and carried. Other topics discussed included; a public notice of a scheduled meeting to discuss the weed issue on the burn scar at Weber Canyon and the Commissioner's review of letters of interest from applicants for appointments to the **Lodgers Tax Board**. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner Ertel discussed the attended Commissioner Town Hall meeting and the attended MAC meeting. **Commissioner Suckla** reported on his trip to Washington D.C. **Commissioner Candelaria** discussed the attended Commissioner Town Hall meeting and the real estate transactions with the City of Cortez.

PUBLIC COMMENT: M.B McAfee discussed the discussed development of an Airport Authority and advertising for the Commissioner Town Hall meetings.

CORRESPONDENCE: The following correspondence was read and noted: **Dolores Water Conservancy District**, Board of Directors meeting agenda and minutes from the July 11, 2019.

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

MEETING ADJOURNED: 11:45 a.m.

TOUR OF THE JAIL

Clerk September 17, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 24, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday September 24, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of September 24, 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 September 17, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: Gala Pock, discussed a Kinder Morgan well venting incident with the Wolf family from 2014. (See attached) **Ellen Foster**, discussed the gas analysis reporting from the Kinder Morgan CX-14 well and the acceptable levels of exposure from the EPA website. **Bob Clayton** discussed his concerns for the House Creek Campsite updates. **Mesa County Commissioner, John Justman** discussed the working relationship between Mesa County and Montezuma County.

DISCUSSION: **Dennis Atwater** met with the Commissioners to discuss a request for a resolution for assertion of the Montezuma County Jurisdiction over RS 2477 historical roads and trails as reflected on the Canyon of the Ancients map. Mr. Atwater gave an overview of the **South West Public Lands Coalition** process and a history of Colorado Law. Topics of the discussion included; excerpts from the **Forest Service Manual** chapter 2730 titled **Road and**

Trail Rights of Way Grants, the Travel Management Plan, and additional current Colorado Law. (See attached)

LETTER OF SUPPORT: Becky Levy with the **Cortez Cultural Center** met with the Commissioners to request a letter of support for an Enterprise Zone Project designation. Commissioner Suckla moved to approve the letter of support for the Cortez Cultural Center enterprise zone project to be approved by Montezuma County. Second by Commissioner Candelaria and carried. (See attached)

BOARD OF SOCIAL SERVICES MONTHLY REPORT: It being the time set aside, the Board of Social Services was conducted. **Finance Officer, Lori Higgins and LueAnn Everett** were present. (See attached)

SHERIFF DEPARTMENT: Montezuma County Sheriff, Steven Nowlin met with the Commissioners to give the **Sheriff Department, Detention Center, LEA, Town of Dolores Contract, Pre-Trial Unit, Casino Contract,** the proposed **Grants** and the **Marijuana Black-Grey Impact Grant** budget presentations. Topics discussed included; projected totals, collected Sheriff fees, Pre Trial Services, a proposed 2% increase in pay, the additions of full time employees, deputy holiday pay, shift changes, inmate expenses, inmate reimbursements, the Road Gang, long distance transports, fuel expense, the inmate commissary, the Forest Service Grant, the Mounted Patrol, dispatch fees and DWI traffic checks. (See attached)

LANDFILL: Landfill Manager, Mel Jarmon met with the Commissioners to give his 2020 Budget presentation and the monthly report which included the 2020 Landfill budget spread sheet. Topics discussed with the report included; the closure of the Carver field, an update on the County Tire clean-up program that included a 5 day total of 19,655 tires turned in for shredding, fuel pricing, a proposed construction estimate for the building of Cell #4, grant opportunities, and recent cardboard shipments. (See attached)

DISTRICT ATTORNEY: District Attorney, Will Furse, along with **Clarisa Feuilly** and **Assistant District, Attorney, Matt Margeson** met with the Commissioners to give the 2020 budget presentation. Topics included; a proposed 2% employee raise, vehicle expense, the addition of a full time entry level attorney, legislative changes in 2020, felony caseloads, the average criminal caseloads, a biannual Fellowship grant application, a comparison of salary and benefits for public defenders, retirement opportunities and health insurance increases. (See attached)

SENIOR SERVICES: Director, Johnathan Parker gave the 2020 budget presentation for the Senior Services Department. Topics of the discussion included; a City of Cortez Grant application, a Rocky Mountain Health grant application, an increase of donations to the program, the kitchen remodel project, the Care Giver Program, the Nail it Down program, Home Chore Contracts, the Tia Chee program, a minimum wage increase, a proposed 2% increase for full time employees and moving the commodity give away location. (See attached)

CSU EXTENSION OFFICE: Extension Agent, Kacey Reidel met with the Commissioners to give the 2020 budget presentation. Topics of the discussion included; the July through

September report, the CSU Extension Newsletter, a calendar of events, upcoming programs, field visits, the AgrAbility workshop, the Master Gardner Program, permanent salaries, a part time salary position, Fringe Benefits, professional services, an incentive bonus, employee evaluations, a second full time Agent, Dues, Travel and Trainings, Fleet expenses, Operational Expenses and Postage. (See attached)

PLANNING: Planning Director, Don Haley, and Planning Assistant, S. Jane Duncan asked to postpone the presentation for signatures of a Final Mylar submitted by **Theresa O'Brien, Trustee for The Donald A. O'Brien Living Trust** on property located at 17521 Hwy 145, Dolores, CO, consisting of 5.56 acres, more or less, situated in S.4, T.37N, R.14W, N.M.P.M.

DISCUSSION: A discussion was held regarding the **Shaw Solar Leasing Contracts**. Commissioner Candelaria moved to accept the Solar System Power Lease Agreement #18-1 for the Montezuma County Road/Tire shop #4 at 1680 Hwy 145 with six payments, five payments at \$14,958.00 and one at \$27,612.00 with a total amount \$102,402.00. Second by Commissioner Suckla and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed a request from Kinder Morgan for an extension of time to file an appeal, an attended unemployment hearing, the proposed Airport Authority and the Weber Canyon/ Road 41 lawsuit.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers reported he had received letters of interest from **Rachael Marchbanks Simbeck, Kirk T. Swope** and **Matt Eytchison** for the **Lodgers Tax Committee** appointments. Commissioner Candelaria moved to appoint Mr. Eytchison and Mrs. Simbeck for a three year term and Mr. Swope as the alternate. Second by Commissioner Suckla and carried. Other topics discussed included; the substance abuse settlement survey, the Weed Department field trip, a meeting with the executive director from DOLA and exit interviews for employees leaving the County. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner Ertel discussed the attended **Club 20** meeting. **Commissioner Suckla** no report given. **Commissioner Candelaria** discussed the attended COGCC meeting, the Lake Nighthorse field trip, a feed lot issue and health insurance options for County employees.

PUBLIC COMMENT: Ellen Foster discussed the attended meeting with the local COGCC representative. **M.B. McAfee** discussed the legal publications of the Commissioners meetings.

CORRESPONDENCE: The following correspondence was read and noted: a letter from the **Montezuma County Historical Society**.

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

MEETING ADJOURNED: 1:40 p.m.

Clerk September 24, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 1, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday October 1, 2019 at the courthouse in Cortez, Colorado, there were present:

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

VICE CHAIRMAN, SUCKLA opened the meeting of October 1, 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 September 24, 2019 as amended. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: Greg Kemp discussed implementation of the E911 fee increase. **Ellen Foster** discussed links and reports from the EPA, CDPHE also the toxicology report and the revised H2S plan from Kinder Morgan.

ASSESSOR: Montezuma County Assessor, Leslie Bugg met with the Commissioners to present her 2020 proposed budget presentation. Topics discussed included; salary increases, fringe benefits, operating expense, increases to the professional services, a contracted commercial appraiser, postage and an increase to the maintenance contracts. (See attached)

DISCUSSION: Matt Benitez met with the Commissioners to give an update on the **Colorado Retirement Association (formerly CCOERA)** Retirement Plan Overview. Topics discussed included; **HB#19-1299, SB#19-106**, plan features, average age of participants, average tenure,

the **457 Plan**, the **401(a) Plan**, participants in each plan, participation in the loan program, investments, defined contributions plans, defined benefits plans, State Pension funding ratios, rates of return, the **FPPA** retirement system, key issues to consider, county options, **Huelers Income Solutions** and combined service efforts. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give his biweekly report. Superintendent Englehart presented the road and bridge schedule for the dates of September 25, 2019 through October 11, 2019 and gave an overview of the type of work scheduled for each crew. Superintendent, Englehart presented a draft **2020 Road Project Options** report for review. Other topics discussed included; fencing on Road S, using County Reserve funds for county road projects and the 7th Street extension project. (See attached)

GROUNDS AND BUILDINGS: Maintenance Supervisor, Mike Chenard met with the Commissioners to give his 2020 budget presentation. Topics discussed included; salary increases, the development of a pay scale the HVAC budget, plumbing, electrical, landscaping, floor maintenance, the Sally Port at the Combined Court Buildings, a new municipal regulation for backflow prevention assemblies on six county buildings, the purchase of a maintenance vehicle, maintenance of a new evidence building and chemical inspections. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland met with the Commissioners to give his monthly report and to present the 2020 budget proposal for the Fairgrounds. Topics discussed included; attendance, income, events, salary increases, a developed pay scale, extension of irrigation to the indoor arena, grant applications and the solar station project. (See attached)

TRANSIT (MOCO): Jennifer Morris presented the 2020 budget proposal for the Transit program. Topics of the discussion included; a job description, a minimum wage increase, a 2% salary increase, revenues, operational expenses, dues training and travel, an increase to grant requests, vehicle replacements and a CDOT fixed route grant application. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report along with the 2020 budget presentation. Topics of the discussion included; the proposed 2% salary increase, Operating Expenses, Miscellaneous expenses, the purchase of software, an increase in the Dues Training and Travel, grant training, the **Mesa Verde Trail** project, the breakwater project, the **Rico Trail** projects and the **Rico West Dolores**. (See attached)

OLD BUSINESS: Attorney Baxter, GIS Manager Doug Roth, GIS Specialist Rachel Medina and **Resource Director, James Dietrich**, joined in a discussion regarding the previous request from **Dennis Atwater** for a County Resolution that historical roads in Sand Canyon be designated as RS2477 roads. Topics discussed included the development of a county map to include all potential RS2477 roads within the county and a Resolution to include all identified roads. The discussion was postponed for the development of the map.

SOUTHWEST HEALTH SYSTEMS: CEO, Anthony Sudduth, CFO, Rick Shrader and **CNO, Karen Labonte** met with the Commissioners to give an update on the local hospital.

Topics of the discussion included; the August 2019 **Financial Statements** and the **Statistical Summary** the current days in reserve funds, local walk in clinics, infrastructural repairs, the Hospital Sharps Disposable Program and a Medication Disposal Program. (See attached)

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the Weber Canyon Road lawsuit and the opioid settlement funds lawsuit. Attorney Baxter presented for approval **RESOLUTION #6-2019**. A resolution authorizing **Montezuma County Public Transportation** to use a **Frist National Bank** Account. Commissioner Candelaria moved to authorize and accept Resolution #6-2019 for the Montezuma County Public Transportation to use a Frist National Bank Account. Second by Commissioner Suckla and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented a letter addressed to the **Honorable Mitch McConnell, Majority Leader, U.S. Senate** and the **Honorable Chuck Schumer, Minority Leader, U.S. Senate** regarding a two year reauthorization of **Payments in Lieu of Taxes (PILT)** and the **Secure Rural Schools (SRS)**. Commissioner Candelaria moved to accept the letter to be sent to the Honorable Mitch McConnell, Majority Leader, U.S. Senate in support of the Payments in Lieu of Taxes and the Secure Rural Schools funding. Second by Commissioner Suckla and carried. (See attached)

Administrator Powers presented for review a letter of interest from **Ed Rice** regarding the **Cortez Cemetery Board** appointment. Commissioner Candelaria moved to accept Ed Rice's application to be appointed to the Cemetery Board. Second by Commissioner Suckla and carried. (See attached)

Administrator Powers discussed a report from the **County Treasurer, Ellen Black**, that the **Federal Mineral Lease** funds in the amount of \$1,933,864.03 had been received. Administrator Powers recommended a disbursement of the funds in the amount of \$1,400,000.00 to the Road and Bridge and \$533,864.03 into the Capital Fund. Commissioner Candelaria moved that out of the \$1,933,864.03, transfer \$1,400,000.00 to the Road and Bridge and \$533,864.03 to the Capital Fund. Second by Commissioner Suckla and carried.

Administrator Powers discussed letters of interest for the **County Fairboard** appointments. A decision was postponed till the October 8, 2019 Commissioner meeting to include Commissioner Ertel. Other topics discussed included a **Scope of Work** from **Rocky Mountain Imaging** for the County digitization project. (See attached)

TRANSFER ORDER: Administrator Powers presented for approval **Transfer Order #13-2019**. A transfer of \$830.61 from the Road Impact Fund to the Road and Bridge for work done on Road 29 and Road M (HWY 145 to Hwy 491. Commissioner Candelaria moved to accept Order #13-2019 for the transfer of \$830.61 from the Road Impact Fund to the Road and Bridge for work done on Road 29 and Road M. Second by Commissioner Suckla and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel was absent. **Commissioner Suckla** discussed a graph from all Electric Associations that had bought power from **Tri State** and Montezuma County's consumer pricing, the PILT funding and the development of a Federal Mineral Leasing District and a phone conference regarding proposed bills from CCI. **Commissioner Candelaria** discussed the attended **Cortez City Council** meeting, the **Region 9** meeting and a **Democrat** dinner event.

PUBLIC COMMENT: No comments were made.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 11:45 p.m.

BOARD OF HEALTH MEETING 1:30 p.m.

Clerk October 1, 2019

Chairman

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of September, 2019. (See attached)

COUNTY CORONER: Coroner, George Deavers met with the Commissioners to present his 2020 budget proposal. Topics discussed included; the possible location change for the Coroner, pathologist facility fees, deputy pay, weekend coverage, the addition of deputies and a five county Coroner's budget comparison. (See attached)

TREASURER/TRUSTEE: Montezuma County Treasurer, Ellen Black, along with **Deputy Clerk, Tara Conner** met with the Commissioner to give the Treasurer and Trustee 2020 budget proposals. Topics of the discussion included; a 2% salary increase, operating expenses, an increase to the publications expense, distrained mobile homes, postage, tax notifications and a Weed Department insert. (See attached)

WEED DEPARTMENT: Weed Department Office Manager, Bonnie Loving gave an overview of the Weed Department, a progress report and presented her 2020 budget proposal. Topics discussed included; notifications, mapping, notification statistics, enforcement, the Russian Olive project, the Habitat Partnership program, Colorado 4 Healthy Landscapes, the Mancos River project, the Weber Canyon field trip, educational outreach, salary increases, a sign on bonus and grant funding. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give the 2020 Road and Bridge Department and the County Service Department budget proposals. Topics discussed included; salary increases, truck purchases, signs and addressing, full time and part time employees, the 7th Street extension project and the 2020 proposed Chip Seal project. A discussion was held regarding a proposed transfer of funds from the General Fund to the Capital Fund for the additional road projects. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for September 2019 along with the Monthly Report of Services. Officer Torres gave an update on the monthly statistical data, the indirect income to Montezuma County and the 2020 Veterans Department budget presentation. 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 September 2019 for Montezuma County. Second by Commissioner Ertel and carried. Other topics discussed included; salary increases, the addition of a cell phone, the VFW Veterans Stand Down event, public outreach, the Humvee project, and the Veterans Day Parade. (See attached)

SOCIAL SERVICES: Director, Gina Montoya and Lori Higgins presented the 2020 Social Services budget proposal. Topics of the discussion included; the employees change to a 40 hour week, the 2% salary increase, the addition of full time positions, the county contribution percentage of the budget, a request for a letter of support for **Axis Health**, and a testimony presentation by the **Intensive Family Therapist, Annie Diaz**. (See attached)

IT MONTHLY REPORT: IT Director, Jim McClain met with the Commissioners to present his 2020 budget presentation. Topics discussed included; virtual equipment leasing, **DataSafe**, server costs, server storage, the county record digitization projects, network testing, server growth predictions, a **Dell VM** partnership, **American Capital Financing**, a new system migration time frame, the **Tyler Technologies** software expense, network cost negotiations with Farmers Telephone and a proposal from **Mesa Media Productions** for live streaming the Commissioner Meetings. (See attached)

HEALTH DEPARTMENT: Public Health Director, Bobbie Lock along with **Laurel Schafer**, met with the Commissioners to present for approval the Amendment #3 to the **Colorado Department of Public Health and Environment, (OPPI) Office of Planning and Partnering Initiatives Contract** and to give the Health Department 2020 budget presentation. Commissioner Candelaria moved to accept contract amendment #3 from the original contract #18FAAA97480 to the amended contract #2019*0353 Amendment #3. Second by Commissioner Suckla and carried. Topics discussed included; the 2% salary increase, a grant funding application for the dental health program, expansion of the Dental Health Program, operating expenses, vehicle maintenance, a proposed County wellness program and funding for a full time Health Navigator position. (See attached)

GIS MAPPING: GIS Manager Doug Roth and **Mapping Specialist, Rachel Medina** met with the Commissioners to give the GIS department 2020 budget proposal. Topics discussed included; a 2% salary increase, operating expenses, a \$4,500.00 quote for a plotter replacement, training, dues, travel, data acquisition, the 2020 aerial imagery collection project, a partnership with the City of Cortez for the high resolution collection and the availability of **NAIP** imagery. (See attached)

AXIS INTERGRATED HEALTH: Public Relations Director, Haley Leonard Saunders and **Marketing and Public Relationship Manager, K02arla Sluis** met with the Commissioner with a 2020 request of funding in the amount of \$10,000.00, for operational support to the **Acute Treatment Unit**. Topics of the discussion included; the location of the units on the western slope, the number of Montezuma County people served, psyche evaluations, video support, outpatient services, available patient space in the unit, follow up treatments, behavior health providers, recruitment efforts, and relocation incentives. (See attached)

OLD BUSINESS: MONTEZUMA COUNTY FAIRBOARD: Administrator Powers presented Fairboard appointment letters of interest from **Dustin Sturdevant** and **Lindsey Gaasch**. Commissioner Candelaria moved to appoint Dustin Sturdevant as the Fairboard member and Lindsey Gaasch as an alternate to the Fairboard. 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: Planning Director, Don Haley presented the 2020 budget proposal for the Planning Department. Topics discussed included; the 2% salary increase, a raise for Assistant Duncan, overtime pay, a copier lease, operating expenses, a new software contract, Planning and

Zoning Commission public hearings, professional services, dues, training and travel and the addressing program. (See attached)

Planning Director, Don Haley with **Assistant, S. Jane Duncan** presented for signatures of a final mylar submitted by **Theresa O'Brien, Trustee for The Donald A. O'Brien Living Trust** on property located at 17521 Hwy 145, Dolores, CO, consisting of 5.56 acres, more or less, situated in S.4, T.37N, R.14W, N.M.P.M.

PUBLIC HEARING: It being the time set aside a public hearing is held for a Heavy Industrial rezoning request and High Impact Permit & Special Use Permit on property owned by **Ironwood Group, LLC**, consisting of 45.48 acres, more or less, located at 27736 Road T, Dolores CO and High Impact Permit & Special Use Permit Application for the purpose of a manufacturing business facility, on property owned by **Horst Norbert Bukowski**, leased by Ironwood Group, LLC, consisting of 19.62 acres, more or less, located 27930 Road T, Dolores, CO, both situated in Sec. 19, T.37N., R.15W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Jeff Bunnell** with **Ironwood LLC** 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 Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved that the heavy industrial rezoning request in favor of Ironwood Group LLC, consisting of 45.48 acres, more or less, located at 27930 Road T, Dolores CO. be approved. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for a proposed Rezoning request and Single Lot Development on property owned by **Deric Freeman, Agent: Cody Likes**, consisting of 56.71 acres, more or less, located at 20700 Hwy 491, Lewis, CO situated in Sec. 35, T.38N, R.17W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent Cody Likes 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. The Planning and Zoning approval stipulations included a weed plan and a driveway permit purchase. Commissioner Ertel 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 rezoning request and single lot development on property owned by Deric Freeman, Agent, Cody Likes, consisting of 56.71 acres, more or less, located at 20700 Hwy 491, Lewis, CO. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for a proposed Rezoning request and Single Lot Development on property owned by **Rita Simmons, Agent: Cody Likes**, consisting of 71.28 acres, more or less, located at 20742 Road 20, Lewis, CO, east of Road 20, north of Hwy 491, situated in Sec. 36, T.38N, R.17W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent, Cody Likes 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 Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve the rezoning request and single lot development on property owned by Rita Simmons, Agent, Cody Likes, consisting of 71.28 acres, more or less, located at 20742 Road 20, Lewis, CO,. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for 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-28 CO2 well, on property owned by **Ralph Walters**, located at 18344 Road T, Cortez, CO, consisting of 284.99 acres, more or less, situated in S.22, T.37N, R.17W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Director, Haley** asked for a continuance of the hearing to November 5, 2019 at 1:00 p.m.. Commissioner Candelaria moved to continue the public hearing to November 5, 2019 at 1:00 p.m. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for 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-30 CO2 well, on property owned by **Dennis Anderson**, located at 15510 Road 17, Cortez, CO, consisting of 80 acres, more or less, situated in S.28, T.37N, R.17W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Director, Haley** asked for a continuance of the hearing to November 5, 2019 at 1:10 p.m. Commissioner Suckla moved to continue the GP-30 well, public hearing to November 5, 2019 at 1:10 p.m. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is for a proposed High Impact Permit and Special Use Permit submitted by **Horizon Tower, Agent(s): Sarah Neace & Shelly Neace, Horizon Tower**, for the purpose of a new Wireless Telecommunications Facility, on property owned by **John Robert Hayes**, located at 2551 E. Hawkins St, Cortez, CO, consisting of 48.53 acres, more or less, situated in S.30, T.37N, R.15W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agents, Sarah Neace and Shelly Neace were present. Agent Sara Neace gave an overview of the application. **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 Ertel opened the hearing to public comment. Public Comment was made by **Joe Holahan, Martha Dean**, and **M.B. McAfee**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve a high Impact permit and special use permit submitted by Horizon Tower, Agents, Sarah Neace and Shelly Neace, on property located at 2551 E. Hawkins St, Cortez, CO. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for an Amendment to an existing Certification of Use High Impact Permit #689 and INDHZ Rezoning for the purpose of expansion of a small waste management company, on property owned by **Herman & Kim**

Rosas, consisting of 4.13 acres, more or less, located at 25582 Road H, Cortez, CO, south of Road H, east of Road 25, situated in Sec. 2, T.35N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Mr. Rosas** and **Attorney, Erin Johnson** 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. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Julie Pluemmer, Scott Daves** and **Holly Robasa**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve the application for commercial rezoning and not heavy industrial rezoning. Second by Commissioner Candelaria, and with two votes in favor by Commissioners Suckla and Candelaria and one vote against by Commissioner Ertel the motion and carried. Commissioner Candelaria moved to vacate the Certificate of Use and approve High Impact Permit #689. Second by Commissioner Suckla and with two votes in favor by Commissioners Suckla and Candelaria and one vote against by Commissioner Ertel the motion carried. Commissioner Ertel closed the hearing at this time. (See attached)

Planning Director, Don Haley with **Assistant, S. Jane Duncan** presented for signatures of a final mylar submitted by **William Butler, POA** for **Vesta Butler** on property located at 26986 Road R, Dolores, CO, consisting of 49.61 acres, more or less, located south of Road R, west of Hwy 145, situated in S.36 T.37N., R.16W., N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed a received tort claim letter for property located at 15123 Road 18, the Shaw Solar Agreement and presented his 2020 budget proposal. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented the 2020 Administration Budget proposal. Topics of the discussion included; a 2% salary increase, fringe benefits, vehicle maintenance expenses and the proposed Chief Financial Officer position. (See attached)

CLERK AND RECORDER: Montezuma County Clerk & Recorder, Kim Percell met with the Commissioners to give her 2020 Clerk and Elections budget proposals. Topics of the discussion included; the proposed 2% salary increase, the digitization project grant application, the Tech Fund, operating expenses, postage, maintenance contracts, dues, training, travel, profession services and a proposed purchase of a ballot processing machine. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended CSU Extension Agent interview, and a presentation by **Ed Millard** that will be presented Thursday at the Southwest Roundtable in Durango.

Commissioner Suckla reported he would be attending a CCI meeting next week to discuss the proposed CCI legislative bills.

Commissioner Candelaria discussed the scheduled meeting with the City of Cortez City Council, the attended CSU Extension Agent interview and reported that **Gregory Fellson** would be starting as the new Montezuma County CSU Agent in February of 2020.

PUBLIC COMMENT: No comments were made.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 3:45 p.m.

Clerk October 8, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 15, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday October 15, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of October 15, 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 October 8, 2019 as amended. Motion was seconded by Commissioner Ertel and carried.

PUBLIC COMMENT: **M.B. McAfee** discussed the placement of the proposed charging stations at the Fairgrounds.

GROUND AND BUILDINGS: Maintenance Supervisor, Mike Chenard met with the Commissioner to discuss the City of Cortez mandate for five backflow valves. Supervisor Chenard reported that he had received one bid from **Mountain Desert Plumbing** in the amount of \$17,015.00. Commissioner Suckla moved to approve the bid from Mountain Desert Plumbing to install the back flow preventers for Montezuma County at a cost up to \$17,000.00. Second by Commissioner Ertel and carried. (See attached)

CDOT DISCUSSION: Resident Engineer, Tim Webb from the **Colorado Department of Transportation** met with the Commissioners for an update on the two mile Hwy 491 paving project. Topics discussed included; embankments, outstanding pavement, asphalt quality

incentives, asphalt for Road B, sections of passing lanes within the project, turn lanes, the project schedule, the project completion date and a November project update.

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give his biweekly report. Superintendent Englehart presented the road and bridge schedule for the dates of October 9, 2019 through October 25, 2019 and gave an overview of the type of work scheduled for each crew. Other topics discussed included; a letter from **Withers Ditch Pipeline Association** regarding damages to irrigation pipe, road maintenance on Forest Service **Schedule A** roads, blade patching, a proposed lease purchase of a crusher and the 7th Street expansion project. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland met with the Commissioners to present for approval a letter of support addressed to **Charge Ahead Colorado** regarding the Montezuma County Fairgrounds EV charging station grant application along with certifications regarding lobbying, debarment, suspension and other responsibility matters. Commissioner Suckla moved to sign the letter of support for the EV charging station grant application for the Fairgrounds and the two certification documents supporting the letter. Second by Commissioner Ertel and carried. Other topics discussed included the **Living Solar EV Charging System Installation Proposal**, the Fairgrounds EV charging station grant application and the extension of irrigation to the indoor arena project. (See attached)

PUBLIC LANDS: Forrest Service, Derek Padilla met with the Commissioners to give updates on various projects. Topics discussed included the objection period for the **Lone Pine Project**, the **Aspen Environmental Assessment** objection period, the **House Creek** road repair project, prescribed burns and the pine beetle infestation.

PLANNING: Planning Director, Don Haley with **Assistant, S. Jane Duncan** presented a sketch plan for an Industrial PUD on property owned by **Brian & Kathy Lyons** located at 24153 Road G.2, Cortez, CO, consisting of 3 acres, more or less, in the Blue Door Subdivision, situated in S.3, T.35N, R.16W, N.M.P.M. The Commissioners were in agreement for the application to move forward not as a PUD but as a subdivision.

DISCUSSION: Planning Director, Don Haley with **Assistant, S. Jane Duncan** along with **Herman Rosas** owner of **Countryside Disposal** met with the Commissioners to discuss the previously approved Commercial Rezoning decision for Countryside Disposal. Mr. Rosas was in attendance. Topics discussed included; the approved commercial rezoning did not account for the storage totes and containers, uses by right, the Montezuma County Land Use Code zoning commercial uses defined, zoning classifications, recommendations from the Planning Department, the difference between light industrial and heavy industrial zoning, a proposed contingency for re-evaluation in three years and postponement of the decision to include Mr. Rosas attorney and Commissioner Candelaria. Commissioner Suckla moved to approve the light industrial use for Countryside Disposal. Second by Commercial Ertel and carried. (See attached)

Planning Director, Don Haley with **Assistant, S. Jane Duncan** presented a sketch plan for an After-The-Fact Exemption on property owned by **Gordon Steves**, located at 17714 Road 22,

Dolores, CO, consisting of 3.10 acres, more or less, situated in S.17, T.37N, R.16W, N.M.P.M. The Commissioners were in agreement for the application to move forward.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed an inverse condemnation claim filed regarding the Road 41 / Weber Canyon lawsuit.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; the Breakwater grant application, the scheduled Montezuma County Recreation Advisory Committee (MCRAC) meeting and the scoping comment periods for the Sage Hen project, the Rico West Dolores and the BLM Travel Management Plan. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented for review and discussion the preliminary 2020 proposed department budget requests.

ACCOUNTS PAYABLE: Administrator Powers presented the August 2019 Accounts Payable Expenditure Reports for approval. Commissioner Suckla moved that the Board of County Commissioners approve the pay period for August 1, 2019 through August 31, 2019 for Montezuma County. Second by Commissioner Ertel and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended meeting with DOLA Director, Rick Garcia and the attended AFLAC meeting.

Commissioner Suckla discussed the attended CCI legislative bill discussions.

Commissioner Candelaria was absent.

PUBLIC COMMENT: Gala Pock discussed Commissioner Suckla's proposed budget spending.

CORRESPONDENCE: The following correspondence was read and noted: a letter from CTSI regarding MSHA new miner training for 2020.

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

MEETING ADJOURNED: 12:30 p.m.

Clerk October 15, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 21, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 21, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHARIMAN Ertel opened the Special meeting of October 21, 2019.

2020 BUDGET WORKSHOP: Administrator, **Shak Powers** gave an overview of the preliminary 2020 proposed department budget. Topics of the discussion included; the 2018 total taxes paid by **Kinder Morgan**, the 2018 **General Fund** revenue, the 2018 **Road & Bridge Fund** revenue, **Social Services** total tax revenue, the **General Fund** balance as of 9/30/2019, the monthly General Fund expenditures, the **Capital Fund** balances as of 9/30/2019, earning percentages from financial institutions holding county reserves, the revolving loan account, the total County funds as of 9/30/2019, the financial highlights from the last three years of audits, the total county monthly expenditures, the 2018 **Abstract of Assessments**, the Board of County Commissioners discretionary fund amount, a financial management analysis, the **Schedule of Receipts and Disbursements** for September 2019, prudent reserve amounts, investments in proposed projects, the **Gallagher** adjustment, the current and future jail capacity, a proposed county sales tax, departmental five year plans and a list of long range capital priorities. (See attached)

PUBLIC COMMENTS: Chairman Ertel opened the discussion to public comment. Discussion regarding improvements to the **County Race Track** were presented by **Promoter, Eugene**

Felker, Steve Blair, Tony Hill and Jay Kibel. Discussion regarding conditions and repairs to County Road 40 were made by **Preston Dillon.**

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

DISCUSSION: A discussion was held regarding County budget requests. Topics discussed included, the **Fairgrounds** irrigation water project, improvements to the **County Race Track**, the proposed **Road & Bridge** 2020 projects, the six new requested employees for the **Sheriff's** department, the **Maintenance Department** wage increase, the **Weed Department** employment incentives, an employee cost of living raise, the **District Attorney** request for an additional attorney, the **Social Service Department** 40 hour week operations increase, and miscellaneous budget request by **Axis Health**, the **Forest Service** McPhee Breakwater project, the **Mesa Media** streaming proposal, **Fire Wise**, **Housing Solutions**, **Search and Rescue** and the **Region 9** dues. Topics to be discussed at the **City of Cortez** Board to Board meeting included the local **Animal Shelter**, the **Library**, the City **Airport** and the **MoCo Montezuma County Public Transportation.**

Natural Resource Director, James Dietrich, discussed the proposed Race Track improvement designs, a secondary access to the race track, utilizing the county space at the Fairgrounds and the EV charging stations.

Administrator Powers presented for review an anonymous email regarding funding for the local school districts. (See attached)

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

MEETING ADJOURNED: 1:25 p.m.

County Clerk October 21, 2019

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday October 22, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of October 22, 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 October 15, 2019 as presented. Motion was seconded by Commissioner Ertel and carried.

PUBLIC COMMENT: **M.B. McAfee** discussed the grand opening event for the **Bridge Shelter**. **Julia Anderson** discussed placement of road signs regarding the usage of Jake brakes on Hwy 184. **Ellen Foster** discussed the **Kinder Morgan** toxicology report for the CX14 well and the wells #28 and #30 neighbor meeting. **Tom Seymour** discussed the recently held **Lincoln Day Dinner** event.

FAIRGROUNDS: **Fairgrounds Manager, Larry Copeland**, along with **Grant Writer, Cindy Ramsey** met with the Commissioners to present for approval the **Charge Ahead Colorado Grant** application in the amount of \$9,000.00. Commissioner Candelaria moved to sign and accept the grant application form for the Charge Ahead Colorado, for the EV charging station. Second by Commissioner Suckla and carried. (See attached)

COLORADO WATER ISSUES: Executive Director of Southwest Water Conservation District, Frank Kugel, Southwest Water Conservation District Representative, Don Schwindt, and Southwest Basin Round Table, Montezuma County Representative, Ed Millard met with the Commissioners to give an update on water issues. Topics discussed include: a round table presentation, the **1922 Compact Colorado River System** articles I-IV, the **1928 Boulder Canyon Project Act**, the **Water Basin Tributaries**, the **Little Colorado River**, the **Virginia River** demands, the **Mexico Obligation**, the 2018 desalination plant in Yuma, the 1964 Arizona versus California lawsuit, the 1965 **Tipton Report**, the 1965 HR 4671 first attempt for the **Colorado Basin Projects Act**, augmentation, regional compromises, **Section 603(a) of the Colorado River Basin Project Act**, forest health management, demand management, interim guidelines, water measurement, the **Family Farm Alliance**, senior and junior water rights, funding for additional water production, future technology development, implementation, a cohesive group message and presentation discussions. Executive Director Kugel discussed a focus from the district to reach out to the local communities, the scheduled **Southwest Seminar** on November 1st in Durango, the 2020 grant application program, placement of remote generators for cloud seeding and the **Upper Colorado River Commission**. **Dolores Water Conservation District Manager, Ken Curtis** discussed weather modification, cloud seeding, radar, radiometer investments, success percentages, optimizing the process, the **Water Resource Committee** meeting and the development of discussions with Colorado State Legislatures. (See attached)

LANDFILL: Landfill Manager Mel Jarmon gave his monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; the County Tire clean-up program, tree limb grinding, proposed purchase options for a loader, a screener grant application, an CDPHE inspection scheduled for the end of the month, the SWANA conference and the new cell development. (See attached)

PLANNING:

Planning Director, Don Haley with Assistant, **S. Jane Duncan** presented for signatures for a High Impact Permit & Special Use Permit for the purpose of a manufacturing business facility on property owned by **Ironwood Group, LLC**, consisting of 45.48 acres, more or less, located at 27736 Road T, Dolores CO, and on property owned by **Horst Norbert Bukowski**, leased by Ironwood Group, LLC, consisting of 19.62 acres, more or less, located 27930 Road T, Dolores, CO, both situated in Sec. 19, T.37N., R.15W., N.M.P.M..

Planning Director, Don Haley with Assistant, **S. Jane Duncan** presented for signatures for a High Impact Permit and Special Use Permit submitted by Horizon Tower, Agent(s): **Sarah Neace & Shelly Neace, Horizon Tower**, for the purpose of a new Wireless Telecommunications Facility, on property owned by **John Robert Hayes**, located at 2551 E. Hawkins St, Cortez, CO, consisting of 48.53 acres, more or less, situated in S.30, T.37N, R.15W, N.M.P.M., located south of E. Hawkins St, east of Road 27.

Planning Director, Don Haley with Assistant, **S. Jane Duncan** presented for signatures for a Vacation of Certification of Use & High Impact Permit Amendment to an existing High Impact Permit #689 with Light Industrial Rezoning for the purpose of expansion of a small waste

management company, on property owned by **John Schutz**, agents: **Herman & Kim Rosas dba Countryside Disposal**, consisting of 4.13 acres, more or less, located at 25582 Road H, Cortez, CO, south of Road H, east of Road 25, situated in Sec. 2, T.35N., R.16W., N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the FCC petition to get Denver TV in the area. Topics discussed included; the completed La Plata County process, financial negotiations for advertisement expense required by Denver TV stations, high definition TV stations, and the TV stations provided to the area with the purchase of rabbit ear TV antennas. The Commissioners were in agreement to not pursue the process further.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; a request to the City of Cortez for a letter of support for the McPhee Breakwater Project, the scheduled 10-24-2019 Montezuma County Recreation Advisory Committee meeting, draft planning sketches for the Fairgrounds, the Paths to Mesa Verde Trail, and the Rico Trails Alliance.

RESOLUTION #7-2019: Director Dietrich presented for approval **Resolution #7-2019**. A resolution in support of Montezuma County's grant request to **Great Outdoors Colorado, Local Parks and Outdoor Recreation** (LPOR) Grants program, for the completion of the **McPhee Breakwater Project**. Commissioner Candelaria moved that the Board of County Commissioners of Montezuma County, State of Colorado, sign Resolution #7-2019, a resolution in support of Montezuma County's grant request to Great Outdoors Colorado, Local Parks and Outdoor Recreation Grants program, for the completion of the McPhee Breakwater Project. Second by Commissioner Suckla and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator Shak Powers discussed the development of proposed State legislation and the creation of an evidence based process to help deal with the substance abuse and mental health issues. Topics of the discussion included; news stories from the local paper, County Coroner, Deavers reports of County overdoses, suicide toxicology reports, the 2018 suicide numbers, petitions to the court for an Emergency Durable Power of Attorney to make medical decisions, constitutional rights to reject medical treatment, A Search and Rescue Guide for Public Safety phone application, proposed employment of a research intern, and a request to reach out to local stake holders to pull together the case studies for the creation of an evidence based practice and start determining what some of the best practices are for treatment. The current proposed stake holder list included; Southwest Memorial Hospital, Axis Health, the Police Department, the District Attorney, Social Services, the Public Health Department, the Sheriff's Department, the Recovery Center, the Fire District with EMS, recovered addicts and rehabilitation facilities. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed a preview of Ed Millard's presentation.

Commissioner Suckla no report given.

Commissioner Candelaria no report given.

PUBLIC COMMENT: Lisa Henry discussed inclusion of The Bridge, Renew and non-profit organizations to Administrator Powers local stake holder list.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 11:45 a.m.

Clerk October 22, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 29, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday October 29, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of October 29, 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 October 21, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 22, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Ellen Foster** discussed the **Kinder Morgan** toxicology report, the revised H2S contingency plan, an updated Emergence Response plan, and the scheduling of neighbor meetings for well applications.

ASSESSOR: **Montezuma County Assessor, Leslie Bugg** met with the Commissioners to present a contract of agreement between the Montezuma County Assessor and **Value West, Inc.** regarding professional services as a commercial appraiser. Commissioner Candelaria moved to accept the agreement for the professional services for the Assessor, from Value West Inc. located

at 5125 S. Kipling Parkway, Suite 301, Littleton, Co. Second by Commissioner Suckla and carried. (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 **Finance Officer, Lori Higgins** were present. A presentation by Annie Diaz on substance, abuse and mental health crisis testimony was postponed to a later date. (See attached)

DISCUSSION: **Mancos, Visitor Center** and **Chamber of Commerce Director, Maggie Goodall** along with **Dolores Visitor Center and Chamber of Commerce Director, Susan Lisak** met with the Commissioners to discuss the Dolores and Mancos town Visitors Centers budgeting and the **Lodgers Tax** grant requests. Topics discussed included; the centers statistics, collection of **Air B&B** lodgers tax, event planning, a proposed local marketing district tax, the **Mancos Creative District**, town administrative financial support for the centers, local attractions, social media advertising, an overview of the Visitor Centers tourism services and support from Town Boards and the community. Public Comment was made by **Mancos Mayor, Quenie Barz** and **Mancos Town Administrator, Heather Alvarez**. (See attached)

DISCUSSION: **Ron Kotarski** along with **Representative, Keenan Lovett** met with the Commissioner to discuss support and possible funding partners for improvements to the intersection of **Hwy 145** and **Fairway Drive**. Topics discussed included; the CDOT qualifications for problematic intersections, support from local governments regarding the project, current and future Transportation Planning Region (TPR) projects, funding options, possible road striping, concerns for pedestrian and bicycle traffic, the Appeals Board process and a petition signed by 111 residents in support of the installation of northbound and southbound turn lanes at the intersection. (See attached)

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** met with the Commissioners to give his biweekly report. Superintendent Englehart presented the road and bridge schedule for the dates of October 23, 2019 through November 8, 2019 and gave an overview of the type of work scheduled for each crew. Other topics discussed included; an update for the **7th Street Extension Project**, a portable cone crusher comparison and attendance to the **Road BB DOLA Grant** presentation in Alamosa scheduled on November 6, 2019. Superintendent Englehart presented for approval a **Schedule A Forest Service Agreement** in the amount of \$16,000.00, for blade patch materials. Commissioner Suckla moved to approve the road project agreement between Montezuma County and the United States Forest Service San Juan National Forest for the year 2019. Second by Commissioner Candelaria and carried. (See attached)

LIQUOR LICENSE: **Deputy Clerk, Jerri Frizzell** presented a liquor license renewal applications for **Ted R. Lawrence** dba **Log Cabin Liquor**, 41900 Hwy 160, PO Box 272, Mancos, CO 81328. Commissioner Candelaria moved to accept and sign for the Log Cabin Retail Liquor or 3.2 Beer license renewal application. Second by Commissioner Suckla and carried. (See attached)

IT: IT Director, Jim McClain along with **Road Superintendent, Rob Englehart** met with the Commissioners to discuss the **7th Street Extension Fiber Optic Installation Project**. Topics discussed included; advertisement for bids, clearing and grubbing, supplies provided by the City of Cortez, directional boring, placement of a handhold, trenching, concrete encasements and utility corridors. (See attached)

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed delinquent accounts at the Landfill and the received PILT settlement funds.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, presented for approval a letter addressed to the **San Juan National Forest, Dolores Ranger District, Tom Rice** in support of the **Sage Hen Motorized Trail Proposal**. Commissioner Suckla moved to approve the Sage Hen Motorized Trail Proposal letter to be sent to the San Juan National Forest Dolores Ranger District. Second by Commissioner Candelaria and carried. Director Dietrich presented for approval a letter addressed to **District Ranger, Derek Padilla** regarding concerns for federal land management agencies recreational funding budgets and the repayment of the County investment on the **McPhee Reservoir Breakwater Project**. Commissioner Candelaria moved to accept and send a letter in support of the McPhee Breakwater project, along with a repayment schedule of \$6,900.00 per year, for a 20 year period of time. Second by Commissioner Suckla and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator Shak Powers, presented for approval a proposed Board of County Commissioners **Proclamation** in recognition of **Greenlight a Vet**. Commissioner Suckla moved to approve the Greenlight for a Vet Proclamation. Second by Commissioner Candelaria and carried (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel, discussed the attended 2020 Budget Workshop.

Commissioner Suckla discussed scheduling a night budget workshop meeting for 11/19/19.

Commissioner Candelaria discussed the attended Cortez City Council meeting and the attended table top exercise with the Emergency Manager. Commissioner Candelaria presented for approval a Memorandum of Understanding (MOU) with **Chargepoint** for the fast charging station units. Commissioner Candelaria moved to sign the Memorandum of Understanding for the DC fast charging projects. Second by Commissioner Suckla and carried.

PUBLIC COMMENT: No comments were made.

EXECUTIVE SESSION: Commissioner Candelaria moved to go into executive session for a conference with the attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and to include by conference call the **Landfill Manager, Mel Jarmon**, seconded by Commissioner Suckla and carried. Topics for the executive session were legal tactics of negotiation, legalities and procedure regarding delinquent accounts at the Landfill. Commissioner Suckla moved to go out of executive session, seconded by Commissioner Candelaria and carried. (See attached)

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 2 Lot Moderate Subdivision & Commercial Rezoning request & High Impact Permit for the purpose of a **Dollar General Store Facility**, submitted by **Bradley Perrigot & Person Enterprises, LLLP, Agent: Vaquero Cortez Partners, LP**, on property located at 23890 Road G, Cortez, CO, consisting of 5.11 acres, more or less, located south of Road G, west of Hwy 491, situated in S.9 T.35N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Matthew Smith** with Vaquero Ventures 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 Ertel 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 2 lot moderate subdivision and commercial rezoning request and High Impact Permit for the purpose of a Dollar General Store Facility, submitted by Bradley Perrigot & Person Enterprises, LLLP. Second by Commissioner Ertel and carried. Commissioner Ertel closed the hearing at this time. (See attached)

CORRESPONDENCE: The following correspondence was read and noted: An invitation to attend the **Ute Mountain Ute Tribal Chairman and Council** swearing in on November 1, 2019.

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

MEETING ADJOURNED: 1:30 p.m.

Clerk October 29, 2019

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

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

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

CHAIRMAN, ERTEL opened the meeting of November 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 October 29, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Art Rohr** discussed impacts to neighbors close to the Kinder Morgan wells and providing air quality monitoring data to the public.

PUBLIC HEARING: It being the time set aside a continued public hearing is held for 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-28 CO2** well, on property owned by **Ralph Walters**, located at 18344 Road T, Cortez, CO, consisting of 284.99 acres, more or less, situated in S.22, T.37N, R.17W, N.M.P.M., located south of Road T, east of Road 18. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent Chris Lopez and, Barry Swift 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. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Ellen Foster, Gala Pock, Larry Keller, Lynn Udick** and **County Road**

Superintendent Englehart. Hearing no further public comment that portion of the hearing was closed. 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-28 CO2 well, on property owned by Ralph Walters, located at 18344 Road T, Cortez, CO, consisting of 284.99 acres more or less. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a continued public hearing is held for 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-30 CO2** well, on property owned by **Dennis Anderson**, located at 15510 Road 17, Cortez, CO, consisting of 80 acres, more or less, situated in S.28, T.37N, R.17W, N.M.P.M., located south of Road S, east of Road 17. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent Chris Lopez and Barry Swift 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. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Lynn Udick**, and **Art Rohr**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve the 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-30 CO2 well, on property owned by Dennis Anderson, located at 15510 Road 17, Cortez, CO, consisting of 80 acres, more or less, contingent on a Traffic Control Plan (TCP) and a Method of Handling Traffic (MHT) Plan submitted. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

ROAD DEPARTMENT: Road Superintendent, **Rob Englehart** along with **Safety Circuit Rider, James Nall** and **Rich Bechtolt** from **Bechtolt Engineering** met with the Commissioners to discuss a **Safety Circuit Program**. Topics of the discussion included the Safety Circuit rider, history, mission, training, technology transfer, technical assistance, local road safety plan origins, development of a local road safety plan, the benefits of a plan and societal costs of road accidents. (See attached)

OLD BUSINESS: No old business presented for discussion.

COUNTY ATTORNEY REPORT: Attorney, **John Baxter** reported that the delinquent account at the Landfill had been paid. Attorney Baxter discussed the requested Montezuma Valley Irrigation Company appeal and the scheduled Road 41 / Weber Canyon hearing.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, presented for approval a letter addressed to **Tom Rice, Dolores Ranger District** regarding the **CPW Motorized Trail Grants**. Commissioner Candelaria moved to send the letter to Tom Rice, District Manager, Dolores, Colorado regarding the CPW Motorized Trail Grants. Second by Commissioner Suckla and carried. Director Dietrich presented for approval a letter addressed to **Jeff Christiansen, Outdoor Recreation Planner** at the **Tres Rios Field Office** in regards to the CPW Motorized Trails Grant. Commissioner Suckla moved to approve

the letter for the CPW Motorized Trail Grant, Tres Rios Field Office in favor of the grant application being applied for. Second by Commissioner Candelaria and carried. Director Dietrich presented for approval a letter addressed to **Connie Clementson, Tres Rios Field Manager** regarding the **BLM Transportation and Access Plan I DOI-BLM-CO-Co10-2018-0013-EA**. Commissioner Candelaria moved to send the letter to Connie Clementson the Tres Rios Field Manager in regards to the BLM Transportation and Access Plan. Second by Commissioner Suckla and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented for review **BID OPENINGS** for the **2020 CLEANING CONTRACTS**. Bids opened by Chairman Ertel included:

Redfin Janitorial LLC. \$1,300.00 per month for the Montezuma County Annex III Building.
Redfin Janitorial LLC. \$200.00 per month for the Montezuma County Transportation Department Office.

Redfin Janitorial LLC. \$5,000.00 per month for the Montezuma County Annex I Building.
Busy "B" Janitorial Service \$1,650.00 per month for the Montezuma County Annex III building.

Schafer Cleaning \$1,604.16 per month for the Montezuma County Annex I Building.

Monica's Cleaning Service **\$450.00** per month for the Montezuma County Road and Bridge Department Building.

Monica's Cleaning Service \$400.00 per month for the Montezuma County Transportation Department Building.

Monica's Cleaning Service \$1,100.00 per month for the Montezuma County Sheriff's Office.

Monica's Cleaning Service \$4,500.00 per month for the Montezuma County Annex I Building.

Monica's Cleaning Service \$4,800.00 per month for the Montezuma County Administration Building.

Monica's Cleaning Service \$3,500.00 per month for the Montezuma County Annex III Building.

Monica's Cleaning Service \$4,800.00 per month for the Montezuma County Combined Courts Building.

Administrator, Shak Powers presented for review **BID OPENINGS** for the **LANDFILL CONCRETE PAD**. Bid opened by Chairman Ertel from **Daniels Concrete & Excavation LLC** in the amount of \$11,970.00. (See attached)

EXPENDITURES REPORT: Administrator Powers presented the September 2019 Expenditure Reports for approval. Commissioner Candelaria moved to accept the payables for September 1st through September 30th 2019 in the amount of \$2,443,063.43. Second by Commissioner Suckla and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended 37th Annual Water Seminar in Durango.

Commissioner Suckla no report given.

Commissioner Candelaria discussed the attended Dolores Playground Fund raiser, the Region 9 Paradise Proposal, and the kitchen and bathroom remodel projects at the Landfill and Senior Services.

PUBLIC COMMENT: **Ellen Foster** discussed accumulative effects of the Kinder Morgan well projects. (See attached) **Gala Pock** discussed her filed scoping comments regarding restricted surface drilling at the Canyon of the Ancients.

CORRESPONDENCE: The following correspondence was read and noted:

The 37 Annual Water Seminar Program.

A letter from the Montezuma County Heritage Museum regarding the 35 S. Chestnut property.

Special Warranty Deed between the City of Cortez and Montezuma County for 7th Street Right of Way.

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

MEETING ADJOURNED: 4:00 p.m.

Clerk

November 5, 2019

Chairman

discussed included; the water line project and the kitchen / bathroom remodel project. (See attached)

LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell presented a liquor license renewal application for **Maverick Country Stores Inc. #275**, located at 10223 Hwy. 491, Cortez Co 81321. Commissioner Suckla moved to approve the liquor license renewal for Maverick Country Stores Inc. #275, located at 10223 Hwy. 491, Cortez Co for the year 2020. Second by Commissioner Candelaria and carried. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the **Certification of Pay** for October, 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 Officer in the amount of \$8,152.71 for the month of October. Second by Commissioner Suckla and carried. Other topics discussed included: the **New Mexico VAMC Reps** visit on November 21, 2019, the scheduled **Outreach and Benefit** event on the same evening and the completion of the Humvee project. (See attached).

SHERIFF'S MONTHLY REPORT: Sheriff Steven Nowlin met with the Commissioners to give his monthly report. The following reports were presented for review: the Parole Holds report, the DOC Holds report, the Courtesy Hold report, the October Jail report, the Total Monthly Inmate report, the monthly Arrests Report, the monthly Fees Collected report, the Total Calls for Service report, the October Transport report, the Prisoner Hold Billings report, the Monies Paid to the General Fund report, the Total Arrests report and the Monthly Operations Expenses report. Other topics discussed included; Road 21 access, DUI traffic, the gaming contract, burglaries, livestock complaints, security checks, traffic complaints, marijuana impact funding, possible jeopardy of current State and Federal grants, court security deputies, the increase to \$75.00 for the inmate reimbursement charges, a proposed resolution, a future inmate cost analysis, inmate bed capacity, a proposed jail expansion project, funding for additional technology, a request for additional deputies, deputy retention, deputy pay, deputy certifications, and the **Wildfire Cooperative Agreement**. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give his biweekly report. Superintendent Englehart presented the road and bridge schedule for the dates of November 6, 2019 through November 22, 2019 and gave an overview of the type of work scheduled for each crew. Other topics discussed included: the DOLA grant application presentation, crack sealing, blading roads, an update on the **7th Street Extension** project, graveling, a scheduled **Alkali Bridge** project meeting, paving on Road B, the proposed Road 21 closure, the proposed **Pleasant View** fire station purchase and a future addition of a new road crew district within the northern part of the county. (See attached)

DISCUSSION: Commissioner Candelaria presented for review, proposals from **JLD Architect** for the **Fairgrounds** kitchen / bathroom remodel in the amount of \$5,950.00, for the **Fairgrounds** arena entrance in the amount of \$4,420.00 and for the **Senior Center** kitchen remodel in the amount of \$5,780.00. Commissioner Candelaria moved to accept the 3 proposals, the kitchen remodel for the Fairgrounds along with the bathroom, the kitchen remodel for the

Senior Center and for the outdoor canopy at the Fairgrounds. Second by Commissioner Ertel. With two votes in favor by Commissioners Candelaria and Ertel and one vote against from Commissioner Suckla the motion carried. (See attached)

OLD BUSINESS:

LANDFILL CONCRETE PAD. The bid previously opened from **Daniels Concrete & Excavation LLC** in the amount of \$11,970.00 was reviewed. Commissioner Candelaria moved to accept the bid in the amount of \$11,970.00 and get the work scheduled for the Landfill. Second by Commissioner Suckla and carried

2020 CLEANING CONTRACTS: The bids previously opened were reviewed by the Commissioners. Commissioner Candelaria moved to award the following cleaning contracts to: **Schafer Cleaning** \$1,604.16 per month for the Montezuma County Annex I Building, **Monica's Cleaning Service** \$450.00 per month for the Montezuma County Road and Bridge Department Building, **Monica's Cleaning Service** \$1,100.00 per month for the Montezuma County Sheriff's Office, **Monica's Cleaning Service** \$4,800.00 per month for the Montezuma County Administration Building, **Monica's Cleaning Service** \$4,800.00 per month for the Montezuma County Combined Courts, **Redfin Janitorial LLC.** \$1,300.00 per month for the Montezuma County Annex III Building and **Redfin Janitorial LLC.** \$200.00 per month for the Montezuma County Transportation Department Office. Second by Commissioner Suckla and carried.

COUNTY ATTORNEY REPORT: Attorney, **John Baxter** discussed the scheduled **Pax LLC** lawsuit and a proposed Resolution for **Wolf Management in Montezuma County.**

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

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** no report given.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended water seminar.

Commissioner Suckla discussed an invitation received to attend a round table in Washington D.C. to discuss affordable housing, the Cortez City Council airport discussion, the City of Cortez Land Use Codes and a ballot question for voter approval of additional Sheriff Deputies.

Commissioner Candelaria no report given.

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 Rezoning Application for a Commercial Envelope, submitted by **Tom Ritter, Agent: Bryce Young dba Youngland Storage**, on property located at TBD Road 27, Dolores, CO, consisting of 21.67 acres, more or less, located south of Hwy 184, east of Road 27, north of Road 25, situated in S.7 T.37N., R.15W., N.M.P.M., located south of Road T, east of Road 18. The roll was called, the public notice read, and the proceedings were recorded for the record. Bryce Young 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. Director Haley reported that Mr. Young had recently completed the purchase of the property and the address had been identified as 18400 Road 27, Dolores Co. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Suckla moved to approve the determination of a rezoning application, for a commercial envelope, submitted by Bryce Young, dba Youngland Storage, on property located at 18400 Road 27, located south of Hwy 184. Second by Commissioner Candelaria and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Director Haley and Assistant Duncan presented for review of a **Sketch Plan** submitted by **Richard and Melanie McDonald**, for the purpose of a new 5 Lot Moderate or 6 Lot Major Subdivision, on property located at 12107 Hwy 145, Cortez, CO, consisting of 52.01 acres, more or less, situated in S.12, T.36N, R.16W, N.M.P.M., located north of Road M, west of Hwy 145. The Commissioners were in agreement that the application move forward to the Planning & Zoning Commission.

Director Haley and Assistant Duncan presented for signatures an **Amendment to Exemption Resolution #P-29-95E** and a **Setback Variance Request** on property owned by **Jetson & Virginia McKinney**, located at 13393 Hwy 145, Cortez, CO, consisting of 9.81 acres, more or less, , north of Road N, west of Hwy 145, situated in Sec. 1, T.36N., R.16W., N.M.P.M. Commissioner Suckla moved to grant the variance request and Exemption Resolution #P-29-95E on property owned by Jetson and Virginia McKinney. Second by Commissioner Candelaria and carried.

PUBLIC COMMENT: No public comment made.

CORRESPONDENCE: The following correspondence was read and noted: The **Dolores Water Conservancy District**, Board of Directors meeting minutes and the November, 2019 meeting agenda.

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

MEETING ADJOURNED: 1:45 p.m.

Clerk November 12, 2019

Chairman

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

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday November 19, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of November 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 November 12, 2019 as amended. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Gala Pock** discussed a possible violation of ethics and made a request that Commissioner Candelaria recuse himself from any future decisions concerning permits for Kinder Morgan. **Greg Kemp** discussed the dispatch center E911 fee increase. **M.B. McAfee** discussed the appearance of a conflict of interest with Commissioner Candelaria and Kinder Morgan. **Heather Sauls** acting Monument Manager for the **BLM Canyons of the Ancients National Monument** gave updates to the Commissioners on the Sand Canyon parking lot project, a change in hours of operations and county feedback on the proposed visitor fee increase.

KINDER MORGAN PRESENTATION: **Chris Millican, Barry Swift** and **Mike Hannigan** with **Kinder Morgan** presented for review, the Montezuma County resident, educational resource video **Co2 Wells, Start to Finish**. (See attached)

EMERGENCY ALERT SYSTEM / E911: Dispatch Manager, Lori Johnson, Colorado E911 Resource Center Executive Director, Monica Mullion, and Wes Horn with Century Link, met with the Commissioners to discuss the new 911 tariff increase. Topics discussed included; the transition to a new emergency services network, IP based software services, reasons for the migration, the migration schedule, current 911 lines in to dispatch, an estimated cost of \$20,817.88 for the installation of the new line, project management fees of \$3,341.60, reimbursements for the installation, a total annual tariff fee in the amount of \$36,106.56, the current approximate tariff fees of \$12,000.00, the negotiation period, the Western Slope representative, enhanced recording, updated reports, resiliency, enhanced redundancy, routing, consumer expectations, text to 911 capabilities, the data pipeline for first responders, routing of cell phone towers and the 911 system infrastructure. Manager Johnson presented for approval the **Quote for ESInet NRC and PMF**, a quote in the amount of \$24,159.48 to the Public Utilities Commission for the installation costs reimbursement of the migration. Commissioner Candelaria moved to accept the Quote for the ESInet NRC and PMF, in the amount of \$24,159.48 for the 911 Authority. Second by Commissioner Suckla and carried. (See attached)

ASSESSOR: Montezuma County Assessor, Leslie Bugg met with the Commissioners to give an update on the **Kinder Morgan** audit revenue for the County General fund. Topics discussed included: completed audits, amounts deposited into County General, up to date tax payments, an estimation on production for the remainder of years to be audited, an update on the current 2014 audit, a request to Kinder Morgan for the audit numbers for the years 2015-2017, the completion of the 2015–2017 audits, signed stipulations on agreed values for 2011, 2012 and 2013, the pending 2009 is currently at the Court of Appeals, a possible refund plus interest to Kinder Morgan, an outstanding balance from 2014-2017 of \$1,171,900.00, the Supreme Court ruling on audits, the total estimated Kinder Morgan audit revenue for County General and tariff reporting. (See attached)

ROTARY CLUB: Vangi McCoy from the **Montelores Early Childhood Council, Rotary Club President, John Dougherty, Rotary Club Member, Karen Sheek, Rotary Club Secretary / Treasurer, Jim Reeser, Deputy Director of Onward a Legacy Foundation, Nicky Crowley and Montezuma County Public Health Director, Bobbie Lock** met with the Commissioners to discuss funding for the local **Imagination Library Project**. President Dougherty gave an introduction of the Rotary Clubs, Imagination Library project. Rotary Club member Mrs. Sheek gave a background of the Imagination Library along with the Rotary Club's service to the county participants. Mrs. McCoy discussed the Books, Reading and the literacy for Montezuma County kids. Director Lock discussed previous participation in the program within the Public Health Department. Director Crowley gave an overview of the proposed development for an Onward Community Foundation, Imagination Library Endowment in the amount of \$150,000.00 and presented for review the draft **Agreement Establishing the Imagination Library Endowment Fund**. Other topics discussed included; a developed partnership for the Endowment funding, a community investment, the county reserve funds, long term effects of the program, The Colorado Preschool program, Secure Rural Schools funding, the age limits for the program and the benefits from parent / child interactions. (See attached)

COMMUNITY CONNECTIONS: Community Connections, Vice President in Marketing and Development, Ellen Stein, Community Connections President and CEO, Tara Kiene, Community Connections Board Member, Cynthia Sadler and daughter Kaki Sadler met with Commissioners with a request for renewed funding for 2020. Topics discussed included; previous County funding support from Social Services, comprehensive services provided, early intervention therapies, financial and case management support, employee numbers, State contracts, funding partnerships, Community Center Boards, service to member of the Ute Mountain Ute Tribe, a county wide service waiting list, proposed state legislation, and a request for \$15,000.00 to cover the costs of uncompensated care. (See attached)

LIABILITY INSURANCE STRATEGY: Benefit Health Advisor, Jake Zehnder along with Taggart Insurance Advisor, Mark Harrington met with the Commissioners to discuss an analysis of the current insurance carrier and coverage. Topics discussed included: an introduction to Taggart Insurance, annual reviews, services provided, claims management, the current County insurance situation, areas of concern, the employee handbook, an employment application process, the current liability insurance limit, active shooter coverage, loss control, education and the services that Montezuma County is not currently getting. (See attached)

DISCUSSION: Southwest Basin Round Table, Montezuma County Representative, Ed Millard, met with the Commissioners to discuss his **Forgotten Law of the River** presentation. In an effort to make the Forgotten Law of the River presentation public on the CMU website, Commissioner approval is required, for the proposed addition of disclaimer and litigation information to the presentation. Commissioner Suckla moved to approve that Montezuma County stay in the presentation. Second by Commissioner Candelaria and carried.

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

Chairman Ertel announced the meeting would reconvene.

County Attorney Baxter was absent for the evening session and Assistant County Attorney Ian MacLarren joined the evening session.

SHERIFF'S: Sheriff, Steven Nowlin met with the Commissioners to present for approval **Resolution #403-Series 2019, 2020 Contract for Law Enforcement Services between Montezuma County Board of County Commissioners, the Montezuma County Sheriff's Office and the Town of Dolores.** Commissioner Candelaria moved to accept Resolution #403 series 2019, for the 2020 contract for law enforcement services between Montezuma County Board of County Commissioners, the Montezuma County Sheriff's Office and the Town of Dolores. Second by Commissioner Suckla and carried. (See attached)

PUBLIC COMMENT: Under Sheriff **Vernon Knuckles**, Detective Lieutenant **Tyson Cox**, Deputy **Travis Anderson**, Citizen **Holly Huber**, Deputy **Victor Galarza**, former deputy **Brad Ray**, Citizen **Mike Marston**, Patrol Lieutenant, **Jeff Copeland**, Detention Deputy **Tom Sparker**, Deputy **Alex Kennedy**, Deputy **John Hargraves**, Citizen **Gail Alexander** and Detention Deputy **Tom Enders** discussed support for the request of additional deputies for the Sheriff's department. **Rafe Obrien** discussed the closure of local lakes and options to deal with the Aquatic Nuisance Species. (See attached)

RESOLUTION #7-2019: A resolution on **Wolf Management in Montezuma County**. Public comments in favor of the resolution were made by **Phyllis Snyder** and **Dexter Gill**. Commissioner Suckla moved to approve Resolution #7-2019, Wolf Management in Montezuma County. Second by Commissioner Candelaria and carried. (See attached)

2020 BUDGET WORKSHOP: **Administrator, Shak Powers** presented parts of the 2020 proposed budget for review and discussion. Topics of the discussion included; a prudent reserve amount, Social Services reserves, Road & Bridge reserves, General Fund reserves, paid services for constituents, a proposed county sales tax, a transfer from the General Fund into the Capital Fund, miscellaneous contribution requests from other organizations, a review of departmental capital improvement project requests, expansion of the local jail, the Kinder Morgan settlement, additional staffing requests, a proposed 1% cut in all departmental budgets for the next 10 years to fund the requested additional Sheriff deputies and proposed infrastructure projects for 2020. (See attached)

OLD BUSINESS: No old business was presented.

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

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

COUNTY ADMINISTRATOR REPORT: **Administrator, Shak Powers** discussed the attended meeting with CHFA, Axis Health Services and the Social Service Department regarding the housing needs for Montezuma County.

COUNTY COMMISSIONER REPORT: **Commissioner Ertel** no report given. **Commissioner Suckla** discussed the proposed airport expansion project and the proposed City of Cortez, Land Use Codes. **Commissioner Candelaria** no report given.

CORRESPONDENCE: The following correspondence was read and noted: Colorado Department of Public Health and Environment Department, **Contract Amendment #1 Original Contract CT2020*261 amended to CT 2020*261 Amendment 1**.

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

MEETING ADJOURNED: 8:15 p.m.

Clerk November 19, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 26, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday November 26, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of November 26, 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 November 19, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PLANNING: Planning Director, Don Haley, and Planning Assistant, S. Jane Duncan 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-28 CO2 well, on property owned by **Ralph Walters**, located at 18344 Road T, Cortez, CO, consisting of 284.99 acres, more or less, situated in S.22, T.37N, R.17W, N.M.P.M., located south of Road T, east of Road 18.

Director, Haley, and Assistant, Duncan 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-30 CO2 well, on property owned by **Dennis Anderson**, located at 15510 Road 17, Cortez, CO, consisting of 80 acres, more or less, situated in S.28, T.37N, R.17W, N.M.P.M., located south of Road S, east of Road 17.

Director, Haley, and **Assistant, Duncan** presented for signatures an AR3-9 & AR10-34 Rezoning request and an 2 Lot Minor Subdivision Application submitted by **Paul & Wendy Schwarting, Agent: William Lannigan** on property located at 23535 Hwy 184, Dolores, CO, located north of Hwy 184, east of Road 23.5, situated in S.9, T.37N., R.16W., N.M.P.M.

PUBLIC COMMENT: No public comments were made.

BOARD OF SOCIAL SERVICES MONTHLY REPORT: It being the time set aside, the Board of Social Services was conducted. **Director, Gina Montoya** and **Finance Officer, Lori Higgins** were present. **Montezuma County Social Services Mental Health Therapist, Annie Diaz** shared her testimony on the mental health crisis within the County. Director Montoya made a request to hire a full time employee for the Hotline Crisis Center. Commissioner Suckla moved to approve the request from the Montezuma County Board of Social Services for a full time, 24 hours a day, 7 days a week, suspected child abuse hotline, for information gathering services. Second by Commissioner Candelaria and carried. **Haley Leonard** from **Axis Mental Health** joined the conversation and discussed youth substance abuse issues within the county. (See attached)

DISCUSSION: Andy Carver, Orly Lucero and **Chris Snyder** with the **Empire Electric Association** met with the Commissioners to discuss the proposed **EV Charging Station**. Topics discussed included; rebates, cost effectiveness, the peak demand rate, large power rates, demands on system, the grid access charge, the distribution demand, the generation transmission, the cost of service base, the average residential electricity price, rate manipulations, member cost subsidizing, grant funding opportunities, cost of operations, a proposed Board to Board meeting and the next Empire Electric Board meeting scheduled in December. (See attached)

CHRISTMAS COMMUNITY DINNER: Sharon King met with the Commissioners to discuss a facility fee waiver for the Annex I building for the **Community Christmas Dinner** event scheduled for December 25, 2019. Commissioner Suckla moved to approve the Community Christmas dinner request for non-payment of fee, with the \$100.00 refundable cleaning deposit paid. Second by Commissioner Candelaria and carried. (See attached)

LANDFILL: Landfill Manager, Mel Jarmon gave his monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; the monthly electricity expense, capital equipment purchases, capital improvements, the closure and post closure transfer of funds, interest bearing accounts, a proposed increase to the tire with rims fee, the **Carver Landfill** closure and the concrete pad project. (See attached)

OLD BUSINESS: Commissioner Candelaria reported that they had completed the interviews with applicants for the appointments to the **Planning & Zoning Commission**. Commissioner Candelaria moved to reappoint **Rob Pope** and **Mike Rosso** for 3 year terms and **Joel Stevens** to a 2 year term. Second by Commissioner Suckla and carried. Commissioner Candelaria moved to appoint **Haley Saunders** for a 4 year term and **Zac Fahrion** for a 3 year term for alternate. Second by Commissioner Suckla and carried.

COUNTY ATTORNEY REPORT: Attorney, **John Baxter** reported that the approved **Wolf Management Resolution** was incorrectly numbered 7-2019 and should be #8-2019. Commissioner Suckla moved to change the Wolf Resolution from #7 to #8-2019. Second by Commissioner Candelaria 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 (MCRAC) **Montezuma County Recreation Advisory Committee** meeting, the proposed Fairground projects, regional connections for the proposed **County Wide Trail Plan**, an update to the **Comprehensive Plan**, the **TAP** application, the **Breakwater Project**, the **CORE Act**, a GOCO Grant application and a recent article **Three Days of Mountain Biking in Mesa Verde Country**. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** discussed the recently approved State legislation regarding the possession of fentanyl.

COUNTY COMMISSIONER REPORT: Commissioner **Ertel** discussed the attended Communications meeting and the DOLA Grant award in the amount of \$231,000.00 for the Road Department's Road B project.

Commissioner Suckla discussed the attended CHAFTA meeting and the Housing Authority Board member applications.

Commissioner Candelaria discussed an attended meeting with Lori Johnson, the attended Housing Solutions meeting and the attended Southwest Mental Health Listening Session.

PUBLIC COMMENT: **M.B McAfee** discussed the mental health issue and the addition of Mental Health providers within the County. **Ellen Foster** discussed the Kinder Morgan, **Co2 Wells, Start to Finish** presentation. (See attached) **Tom Seymour** discussed a county wide coordination to address mental health issues.

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

2020 BUDGET WORKSHOP: Road Superintendent, **Rob Englehart** along with County Coroner, **George Deavers** met with the Commissioner to discuss the proposed 2020 budgets for their departments. Topics discussed with Superintendent Englehart included; the proposed 2020 paving projects, a proposed transfer of funds for additional road projects, Road and Bridge reserves, locked in oil pricing, total county reserves, the 2018 county audit, the proposed five year plan, the previously approved Resolution #12-2018, road paving to gravel pits, private enterprise competition, yearly county gravel usage and the county crusher. Commissioner Suckla moved to transfer 3.7 million from the General Fund to the Capital Fund to make up the 4.9 deficit, to do the additional projects for 2020 within Montezuma County. Second by Commissioner Ertel and carried. Topics discussed with Coroner Deavers included; a request for additional deputy coroners, hospice deputies, Coroner services provided to the Ute Mountain Ute Tribe, certification requirements, Deputy Coroner comparisons to other Colorado counties, the 2019 time off taken by the Coroner, out of county autopsies, on call pay for Deputy Coroners, a

pathology lab in Montezuma County, an increase of Coroner attended deaths and an increase of population within Montezuma County. The Commissioners were in agreement to leave the Coroner's budget as presented. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 2:15 p.m.

Clerk November 26, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 10, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday December 10, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of December 10, 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 November 26, 2019 as presented. Motion was seconded by Commissioner Ertel and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an Application for a proposed Amendment to an Existing Subdivision Common Lot Line of Lots 19 & 20 in the **Lost Canyon Estates Subdivision** submitted by **Diane Schmitt** on property located at 30135 Road S.6, Dolores, CO, consisting of 1.63 acres, more or less, and **Justin & Mary Foster** on property located at 30167 Road S.6, consisting of 1.28 acres, more or less, both situated north and east of Hwy 184, situated in S.22 T.37N., R.15W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Property owner Justin Foster was present. **Planning Director, Don Haley** along with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve the amendment to an

existing subdivision common lot line of lots 19 & 20 in the Lost Canyon Estates Subdivision submitted by Diane Schmitt on property located at 30135 Road S.6, Dolores, CO, consisting of 1.63 acres, more or less, and Justin & Mary Foster on property located at 30167 Road S.6. Second by Commissioner Ertel and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination for a proposed 2 Lot Subdivision Application submitted by **Kevin & Heather Rice** on property located at 14879 Road 21, Cortez, CO, consisting of 7.5 acres, more or less, located west of Road 21, north of Road P, situated in S.36 T.37N., R.17W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Director, Don Haley** along with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve the 2 lot subdivision application submitted by Kevin & Heather Rice on property located at 14879 Road 21, Cortez, CO, consisting of 7.5 acres, more or less located west of Road 21, north of Road P. Second by Commissioner Ertel and carried. Commissioner Ertel closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination for a proposed Subdivision Application for an Amendment to the **Mancos Hills Subdivision**, submitted by **Gene Bott, Agent: Maness & Associates**, on property located at 42009 Road J.75, Mancos, CO, consisting of 4.27 acres, more or less, located south of Road 42, north of Hwy 160, situated in S.28, T.36N, R.13W, N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent, Ernie Maness was present. **Planning Director, Don Haley** along with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Suckla moved to approve the lot line adjustment amendment to the Mancos Hills Subdivision, submitted by Gene Bott, Agent: Maness & Associates, on property located at 42009 Road J.75, Mancos, CO, consisting of 4.27 acres, more or less. Second by Commissioner Ertel and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Director, Haley with **Assistant, Duncan** presented for signatures a final Mylar submitted by **Deana Hudson** on property located at 11750 Road 38.5, Mancos, CO, consisting of 34.60 acres, more or less, situated in S.13, T.36N, R.14W, N.M.P.M. Commissioner Suckla moved that Resolution P-02-2019, a resolution for exemption from the subdivision regulations for property owner Deana Hudson be approved. Seconded by Commissioner Ertel and carried. (See attached)

Director, Haley with **Assistant, Duncan** presented for review of proposed vacation of a right-of-way located within the **Lebanon Town Sites**, located on the south side of Road S.8, west of property owned by **Levi Hill** at 24946 Road S.8, situated in S.22 T.37N, R.16W, N.M.P.M.. The Commissioners were in agreement to set a public hearing on January 21, 2019 at 9:00 a.m. for further review.

Planning Director, Don Haley with **Assistant, S. Jane Duncan** presented for signatures of a final Mylar submitted by **Deric Freeman, Agent: Cody Likes**, consisting of 56.71 acres, more or less, locates at 20700 Hwy 491, Lewis, CO situated in Sec. 35, T.38N, R.17W, N.M.P.M.

Director, Haley with **Assistant, Duncan** presented for review a nomination for the **James D Lamb House** to be designated within the **Montezuma County Historical Registry**. Commissioner Suckla moved to approve that on the recommendations of the local Historical Society, that the Lamb House be placed on the County Historical Registry. Second by Commissioner Ertel and carried. (See attached)

PUBLIC COMMENT: Betty Ann Kolner discussed the 2020 budget discussion from the November 26, 2019 Board of County Commissioners meeting. (See attached) **Dave Waters** discussed the adoption of a County resolution in opposition to the proposed City of Cortez Land Use Codes. **Elizabeth Berger** discussed County opposition to the proposed City of Cortez Land Use Codes. **M.B. McAfee** discussed the 2020 budget discussion from the November 26, 2019 Board of County Commissioners meeting. (See attached)

DISCUSSION: Terrance Milligan property owner within the **Forks Subdivision** met with the Commissioners to discuss neighbor opposition to his military retreat. Mr. Milligan proposed a County resolution to protect retreats and a resolution regarding the waste of county resources. **Mercedes Milligan** joined the meeting by phone. **Sheriff Nowlin** joined the discussion to report on river patrols and deputy response calls to the subdivision for complaints. The Board of County Commissioners were in agreement that this was a personal matter between the subdivision property owners and was a civil issue. (See attached)

SHERIFF'S MONTHLY REPORT: Sheriff Steven Nowlin met with the Commissioners to give his monthly report. The following reports were presented for review: the Parole Holds report, the DOC Holds report, the Courtesy Hold report, the Jail report, the Total Monthly Inmate report, the monthly Arrests Report, the monthly Fees Collected report, the Total Calls for Service report, the Prisoner Hold Billings report, the Monies Paid to the General Fund report, the Total Arrests report and the Monthly Operations Expenses report. Other topics discussed included; the contraband scanner, the percentage of jail population with mental health issues, repeat offender percentages, the state mental health facility wait list, the proposed jail expansion, proposed legislation and road base for the parking lot extension project. (See attached)

COUNTY CLERK & RECORDER: County Clerk, Kim Percell along with **Eric Nejedly** from **US Imaging Inc.** met with the Commissioners to discuss the **Electronic Recording Technology Board (ERTB)** digitization Grant Application and to request a letter of support for the grant. Commissioner Suckla moved to approve the letter of support and the Electronic Recording Technology Board grant application for the Montezuma County Clerk and Recorder for digitizing the county records. Second by Commissioner Ertel and carried. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of November 2019. (See attached)

DISCUSSION: Gerri Goodall, Laurie Hall and Kendra Brewer with Southwest Farm Fresh Coop met with the Commissioners to discuss “Finding a way to help young farmers”. Topics discussed included; the benefits of a regional farmer owned cooperative, how it all began, community fund raising, grant funding, established partnerships, assets gained, refrigerated trucks, warehouse storage, agricultural roundtables, distributions, the 2019 sales numbers, the broadening of the **Community Supportive Agriculture (CSA)**, a farmers market CSA program, brand marketing, the number of members, small business opportunities, the mission statement, product line expansion, the **Rocky Mountain Farmers Union**, challenges, reestablishing the agriculture legacy of the county, training and mentoring, the demand for locally grown produce and a developed communication between the County and the Coop.

BID OPENING: The following bids for the **7th Street Extension Fiber Optic Installation Project** were opened by Chairman Ertel. Bids received included: **DAK Well Service & Drilling** total \$54,880.00, **Circle Z Construction** total \$22,900.00 and **Apeiron Utility Construction LLC**, total \$40,450.00. The Board of County Commissioners will review the bids and make a determination at a later date. (See attached)

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for November, 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 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 November, 2019 for Montezuma County. Second by Chairman Ertel and carried. Other topics discussed included the proposed renaming of City Park to Veterans Park and a proposed memorial for fallen warriors. (See attached)

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

Chairman Ertel announced the meeting would reconvene

IT QUARTERLY REPORT: IT Director, Jim McClain met with the Commissioners to give a quarterly report. Director McClain reported on completed projects that included; wireless services at the Fairgrounds, the evidence building and rewiring the Annex I building. Other topics discussed included the Windows 10 upgrade, wireless services at the Landfill, an up to date yearly total of 2787 help desk tickets, the Human Services contract, the addition of the Sheriff's booking computers, accounting software and the secure door system for the Health Department.

FAIRGROUNDS: Fairgrounds Manager, Larry Copeland gave his monthly report which included the year to date numbers for income of \$75,367.24 and attendance at 68,185. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the approved **Charge Ahead Grant**, the replacement of appliances for the Kitchen Remodel Project, energy credits, the proposed irrigation system, repairs for the bleachers at the race track, a GOCO grant application for lighting at the race track and additional fees charged for County maintenance at the race track. (See attached)

DISCUSSION: Manaugh Elementary Principal, Whitney Wrap, Teacher, Sarah Merlino along with students **Markus Frans** and **Brielle Tucker** met with the Commissioners with a request of support for a **GOCO** grant application for the **Manaugh Elementary Playground Improvement** project. Topics discussed included a proposed resolution, an Intergovernmental Agreement, the **Youth Task Force** project design process, the heritage tree orchard, a swing set bay, play structures, an obstacle course, ADA accessibility, a sensory garden, a basketball court, tether ball courts, a mini zip line, a tree house fort, a sand pit and the phasing stages of the proposed project. Commissioner Suckla moved to approve the resolution, a partnership between Manaugh Elementary and Montezuma County for the support of a grant application for the school yard initiative with the State Board of the Great Outdoors Trust Fund, the request is for \$110,000.00 and to amend the original motion to include the approval of the Intergovernmental Agreement. Second by Commissioner Ertel and carried. (See attached)

WEED DEPARTMENT REPORT: Weed Department Manager, Bonnie Loving met with the Commissioners to give a quarterly / end of year report. Topics discussed included the **Russian Olive and Salt Cedar Waterway Project** final report, a wrap up of the 2019 projects, plans for 2020, the **Habitat Partnership Program, Colorado 4 Healthy Landscapes**, the **Mancos River Project**, the **Weber Canyon State Land** project, a property tax lien request, a **Montezuma County Noxious Weed Advisory Board** member request, grant applications, 2020 enforcement, the county roads bare ground treatments, educational outreach and a 2020 property tax bill insert. Commissioner Suckla moved to sign the document that has been presented to the Montezuma County Commissioners by the Montezuma County Weed program on a lien in the amount of \$858.98. Second by Commissioner Ertel and carried. Commissioner Suckla moved to approve **Scott Hauck** to be on the Montezuma County Noxious Weed Department Advisory Board. Second by Commissioner Ertel and carried. (See attached)

DISCUSSION: Monique DiGiorgio, the **Local First Executive Director** and by phone **Tamara Drangstveit** with the **Southwest Health Alliance** met with the Commissioners to discuss how they believe they can save the County money on insurance, and possibly include other agencies within the County. Topics discussed included; the recent CCI presentation, a five county purchasing alliance, provider negotiations, core hospital rates, administration costs, out of state providers, migration reports, affiliation with the **PEAK Health Alliance**, a proposed letter of intent, implementation dates, a county investment and the total number of County employees.

OLD BUSINESS: None presented.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the Walmart lawsuit, the Montezuma Valley Irrigation Company lawsuit, the Weber Canyon lawsuit, and the Kinder Morgan lawsuit.

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

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** discussed Commissioner approval that the Road Department haul gravel donated by **Mrs. Saunders** to the Lewis Arriola Community Center, the attended CCI conference seminars, the attended **Changing our Mental and Emotional Trajectory** training, the 2020 Montezuma County Official County Holiday Schedule, the renaming of the City park to Veterans Park and the Administrator's recommendation to hire **Joyce Williams** as the new County **Budget Controller**. Commissioner Suckla moved to approve the Official County Holiday for 2020 for Montezuma County; January 1st, New Years, January 20th, Martin Luther King Jr Day, February 17th, Presidents' Day, May 25th, Memorial Day, July 3rd, Independence Day, September 7th, Labor Day, November 11th, Veterans Day, November 26th and 27th, Thanksgiving, December 24th and 25th, Christmas Eve and Christmas Day, December 31st, New Years Eve and January 1st, New Years 2021. Second by Commissioner Ertel and carried. Commissioner Suckla moved to approve Joyce Williams as the new Budget Controller for Montezuma County. Second by Commissioner Ertel and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended CCI seminars.

Commissioner Suckla no report given.

Commissioner Candelaria was absent.

PUBLIC COMMENT: **Margaret Reed** discussed Mr. Milligan's testimony from the morning session. **Suzanne Motsinger** discussed Mr. Milligan's testimony and the Forks Subdivision issue.

CORRESPONDENCE: The following correspondence was read and noted:

Email from **Casey McClellan** regarding the 2020 budget discussion from the November 26, 2019 Board of County Commissioners meeting. A letter from **Roger Brooks** regarding the additional Sheriff Deputies. The **Dolores Water Conservancy District**, Board of Directors meeting minutes and the December, 2019 meeting agenda.

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

MEETING ADJOURNED: 3:15 p.m.

Clerk December 10, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 17, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday December 17, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, ERTEL opened the meeting of December 17, 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 December 10, 2019 as presented. Motion was seconded by Commissioner Ertel and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a proposed Subdivision Amendment Application for division of Lot #5 into two parcels within the Sutherland Subdivision submitted by **Larry & Michelle Funk, Agent: Susan Owen Likes** on property located at 11504 Road 22, Cortez, CO, consisting of 21.19 acres, more or less, located south of Road M, east of Road 22, situated in S.17 T.36N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Larry and Michelle Funk joined the meeting by phone and Agent Susan Owen Likes was present. **Planning Director, Don Haley** along with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Ertel 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 amendment application for

division of lot #5 into two parcels within the Sutherland Subdivision submitted by Larry & Michelle Funk, Agent: Susan Owen Likes on property located at 11504 Road 22, Cortez, CO. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Director, Haley with **Assistant, Duncan** presented for signatures a Final Mylar submitted by **Rita Simmons**, Agent: **Cody Likes**, on property located at 20742 Road 20, Lewis, CO, consisting of 71.28 acres, more or less, east of Road 20, north of Hwy 491, situated in Sec. 36, T.38N, R.17W, N.M.P.M.

Director, Haley with **Assistant, Duncan** presented for signatures for an Amendment to Exemption Resolution **#P-67-80** on property owned by **Cindy Olson**, located at 13850 Road 29, Dolores, CO, consisting of 5 acres, more or less, west of Road 29, south of Road P, situated in Sec. 5, T.36N., R.15W., N.M.P.M.. Commissioner Suckla moved to approve the amendment to exemption resolution **#P-67-80** on property owned by Cindy Olson, located at 13850 Road 29, Dolores. Second by Commissioner Candelaria and carried.

Director, Haley with **Assistant, Duncan** presented for signatures for an Amendment to Exemption Resolution **#P-20-99E** on property owned by **Jeffrey & Shawna Lively**, located at 13687 Road 29, Dolores, CO, consisting of 5.63 acres, more or less, west of Road 29, south of Road P, situated in Sec. 5, T.36N., R.15W., N.M.P.M. Commissioner Candelaria moved to accept the amendment to Exemption Resolution **#P-20-99E** on property owned by Jeffrey & Shawna Lively, located at 13687 Road 29, Dolores, CO. Second by Commissioner Suckla and carried.

PUBLIC COMMENT: Bentley Colbert with **Walcott Mountain West Insurance** discussed the County renewal with **Travelers Insurance**. **Fred Petit, Board President** for the **Pleasant View Fire Protection District** discussed the proposed County purchase of the Pleasant View Fire House building. Commissioner Candelaria moved to approve the expenditure of \$130,000.00 to purchase the Pleasant View Fire Protection District's old headquarters and buildings at Pleasant View. Second by Commissioner Suckla and carried. **Curtis Nelson, Lana Waters, Elizabeth Berger, Fred Petit** and **Jeff Coulon** discussed the proposed City of Cortez Land Use Code. **M.B. McAfee** discussed the 2020 budget discussion from the November 26, 2019 Board of County Commissioners meeting. (See attached)

TEEN MAZE: Mary Jo Standard met with the Commissioners to give an update on the recently held Teen Maze event and to request 2020 County funding in the amount of \$4,000.00. Topics discussed included; local donors, the number of students in attendance, the number of volunteers, additional services provided, additional follow up programs, and funding requests for the five counties that participate in the event.

LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell presented liquor license renewals for **G Whil Liquors LLC, DBA G Whil Liquors** located at 24001 Road G.2, Cortez, and **Double R Liquors, LLC, DBA-Double R Liquors**, located at 18794 Hwy 491, Lewis Co. 81327. Commissioner Suckla moved to approve the liquor license renewal for Double R Liquors, LLC, doing business at 18794 Hwy 491, Lewis Co. and the acceptance of the liquor license renewal

application for G Whil Liquors LLC., located at 24001 Road G.2, Cortez Co... Second by Commissioner Candelaria and carried. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give his biweekly report. Superintendent Englehart presented the road and bridge schedule for the dates of December 11, 2019 through December 27, 2019 and gave an overview of the type of work scheduled for each crew. Other topics discussed included; the **Pleasant View Fire District** building purchase, the **7th Street** extension project, an electronic information sign, the **Century Link** fiber installation, the proposed **2020 Road Projects** list, the County departmental vehicle inventory, the **Year End Summary Report** and sign placement for the intersection of Road B and Road 21. (See attached)

PUBLIC LANDS: Bureau of Land Management, Connie Clementson gave updates to the Commissioners on the following topics; the **Lamb House** local historical registry designation, the **Transportation and Access Plan 1**, the comment letter process, the Commissioner's thoughts of electric bike usage on the Federal Lands within Montezuma County, the **Sand Canyon** parking lot project, the **Canyons of the Ancients** proposed road projects for the **Painted Hand** and **Cut Throat Castle** sites, the proposed fee increase for the **Canyons of the Ancients Visitors Center and Museum**, the environmental assessment for the **Flowdine** and **Yellow Jacket** allotments and a discussion about Dolores County pursuing the National Conservation Area. (See attached)

Forrest Service, Derek Padilla met with the Commissioners to give updates on various projects. Topics discussed included; the **Aspen Environmental Assessment**, the **Lone Pine Project**, the **Rocky Mountain Restoration Initiative**, a **Collaborative Landscape Forest Restoration Proposal**, the 2019 volume of timber sold, road maintenance funding, forest health projects, the **McPhee Breakwater** project, vehicle accidents on the little bean canyon and the additional funding needed for the McPhee recreational area.

LANDFILL: Landfill Manager Mel Jarmon met with the Commissioners to discuss the proposed purchase of a loader. Manager Jarmon presented a quote from **Wagner CAT** in the amount of \$52,157.81 for the purchase of a 2020 903D compact wheel loader. Other bids provided included a bid from **Kubota Southwest Ag** in the amount of \$58,650.11 and **John Deer** in the amount of \$86,469.00. The Commissioners will review the bids for a future decision. (See attached)

TRANSFER ORDER: Administrator Powers presented for approval **Transfer Order #14-2019**. A transfer of \$114,000.00 from the Landfill Enterprise fund 053 to the Landfill Closure Fund 075. Commissioner Suckla moved to approve Transfer order #14-2019, a transfer in the amount of \$114,000.00 from the Landfill Enterprise Fund 053, to the Landfill Closure Fund 075. Second by Commissioner Candelaria and carried. (See attached)

MONTEZUMA COUNTY PUBLIC TRANSPORTATION (MOCO): MOCO Manager, Jennifer Morris met with the Commissioners to discuss funding for the Creative Bus purchase. **TRANSFER ORDER: Administrator Powers** presented for approval **Transfer Order #15-2019**. A transfer to match the costs of a new transit bus, a transfer of \$15,612.00 from the Senior Citizen Bus Replacement Fund 089 to the Capital Fund. Commissioner Candelaria moved to

accept the Transfer Order #15-2019, a transfer to match the costs of a new transit bus, to transfer \$15,612.00 from the Senior Citizen Bus Replacement fund 089 to the Capital Fund. Second by Commissioner Suckla and carried. (See attached)

SOUTHWEST HEALTH SYSTEMS: CEO, Anthony Sudduth, CFO, Rick Shrader and CNO, Karen Labonte met with the Commissioners to give an update on the local hospital. Topics of the discussion included; an updated financial statement, a statistical summary, the monthly operations report, the balance sheets, and operational analysis, the proposed 2020 budget, the number of days cash on hand, physical inventory counts, structural changes, deferred maintenance, public education for the levels of facility care, primary care screening, crisis care, a local services web site (www.auntbertha.com), primary care visits, family practice physician recruiting, substance abuse and mental health disorder treatments, a debt upgrade from the lenders and the forbearance agreement. (See attached)

CERTIFICATION OF LEVIES AND REVENUE: Administrator Powers presented for approval the budget year 2019 report of **Certification of Levies and Revenue** by the Montezuma County Commissioners to be sent to the State of Colorado. Commissioner Suckla moved to approve the Montezuma County, certification of levies and revenue for the year 2020. Second by Commissioner Candelaria and carried. (See attached)

RESOLUTIONS #9-2019 and #10-2019: Administrator Powers presented for approval Resolution #9-2019. A resolution levying general property taxes for the year 2019 to help defray the costs of government for Montezuma County, Colorado for the 2020 budget along with Resolution 10-2019, a resolution levying general property taxes for the year 2019 to help defray the costs of the Law Enforcement Authority of Montezuma County, Colorado for the 2020 budget. Commissioner Candelaria moved to accept Resolution #9 and #10 for the levying of general property taxes for the year 2019 to help defray the cost of the government for Montezuma County Co. for the 2020 budget. Second by Commissioner Suckla and carried. (See attached)

TRANSFER ORDER: Administrator Powers presented **Transfer Order #16-2019**. A transfer of \$1,555,101.00, from the **Law Enforcement Authority (LEA) Fund 077** to the **County General Fund 001** for the 2018 LEA actual expenses and estimated January - December, 2019 LEA expenditures. Administrator Powers reported that this was a two year transfer as the transfer had not been made in 2018. Commissioner Suckla moved to approve transfer #16-2019 a transfer of \$1,555,101.00, from the LEA Fund 077 to the County General Fund 001. Second by Commissioner Candelaria and carried. (See attached)

TRANSFER ORDER: Administrator Powers presented **Transfer Order #17-2019**. A transfer of \$62,402.00 from the **Conservation Trust Fund 052** to the **General Fund 001** for the operation of the County Fairgrounds from January – December, 2019. Commissioner Candelaria moved to accept order #17-2019, the transfer of 62,402.00 from the Conservation Trust Fund 052 to the General Fund 001 for the operation of the County Fairgrounds from January – December, 2019. Second by Commissioner Suckla and carried. (See attached)

TRANSFER ORDER: Administrator Powers presented **Transfer Order #18-2019**. A transfer from the **ETA Fund 048** to the **General Fund 001** in the amount of \$24,310.00 for 2019 salaries and benefits for GIS and Mapping. Commissioner Suckla moved to approve order #18-2019, a transfer from the ETA Fund 048 to the General Fund 001 in the amount of \$24,310.00 for 2019 salaries and benefits, for a 20% of the GIS/ Mapping 2019 salaries and benefits. Second by Commissioner Candelaria and carried. (See attached)

TRANSFER ORDER: Administrator Powers presented **Transfer Order #19-2019**. A transfer from the **County General Fund 001** to the **Public Health Fund 004** in the amount of \$39,232.50 for the 2019 per capita calculations. Commissioner Candelaria moved to accept order #19-2019 for the transfer from the County General Fund 001 to the Public Health Fund 004 in the amount of \$39,232.50 for 2019 per capita calculations. Second by Commissioner Suckla and carried. (See attached)

LETTER OF SUPPORT: Administrator Powers presented for approval a letter of support regarding a GOCO grant application, addressed to **Youth Recognition Program Officer, Ms. Erika Meyer** for the **Cortez Middle School** request for playground equipment. Commissioner Suckla moved to approve the letter of support for the Cortez Middle School request for playground equipment. Second by Commissioner Candelaria and carried. (See attached)

LETTER OF INTENT: Administrator Powers presented a letter of intent addressed to **Southwest Health Alliance, Monique DiGiorgio**, regarding the county participation in the **Peak Health Alliance**. Commissioner Suckla moved to approve the letter of intent to participate in the Peak Health Alliance. Second by Commissioner Candelaria and carried. (See attached)

BUDGET ADOPTION: Administrator Powers gave an overview of the proposed 2020 Budget and presented **Resolution #11-2019** and **Resolution #12-2019** for approval. Commissioner Suckla moved to approve Resolution #11-2019, a resolution adopting a budget for Montezuma County Co., for the calendar year beginning on the first day of January 2020 and ending on the last day of December 2020. Second by Commissioner Ertel and with two votes in favor by Commissioners Ertel and Suckla and one vote against from Commissioner Candelaria the motion carried. Commissioner Suckla moved to approve **Resolution #12-2019** a resolution to appropriate sums of money for 2020 for the County of Montezuma. Second by Commissioner Ertel and with two votes in favor by Commissioners Ertel and Suckla and one vote against from Commissioner Candelaria the motion carried. (See attached)

SOUTHWESTERN CONSERVATION BOARD APPOINTMENT: Administrator Powers presented an emailed letter of interest, for a 3 year term, reappointment to the **Southwestern Water Conservancy District Board** from **Donald Schwindt**. Commissioner Candelaria moved to reappointment Donald Schwindt to the Southwestern Water Conservation Board. Second by Commissioner Suckla and carried.

COUNTY ATTORNEY REPORT: Attorney, John Baxter presented for approval **Resolution #13-2019**. A resolution regarding the **Declination of Department of Corrections Inmates at the Montezuma County Jail**. Commissioner Suckla moved to approve Resolution #13-2019, a

declination of department of corrections inmates at the Montezuma County Jail. Second by Commissioner Candelaria 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 scheduled **Montezuma County Recreation Advisory Committee**. (MCRAC) meeting and the Mesa Verde Trail. Director Dietrich presented for signatures, letters addressed to **US Senators, Cory Gardner** and **Michael F. Bennet**, regarding the release of local designated wilderness study areas. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented for approval a proposed contract with **American Capital Financial Services Inc.**, in the amount of \$238,537.63, to be paid over a five year period, for the County digitization and storage project. Commissioner Candelaria moved to accept the contract to American Capital for the digitizing and storage of the Montezuma County records. Second by Commissioner Suckla and carried. Other topics discussed included; a release of the Weed Department lien placed on the property of **Lyle Rice** and a request from **Risk Placement Services and Taggart & Associates** to be appointed as the County's exclusive insurance broker and representative. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner Ertel discussed the attended Charge Point meeting, the attended Pleasant View Fire District Board meeting and the 2 day TPR meetings. **Commissioner Suckla** no report given. **Commissioner Candelaria** discussed the proposed City of Cortez Land Use Code.

PUBLIC COMMENT: No public comment was made.

EXECUTIVE SESSION: Pursuant to Attorney Baxter's suggestion, Commissioner Candelaria moved for the Board of County Commissioners to go into executive session for the discussion of personnel matters, pursuant to C.R.S. 24-6-402 (4) (f), and in attendance will be, Commissioner Suckla, Commissioner Ertel, Commissioner Candelaria, Attorney Baxter, Administrator Powers and Clerk Percell. Second by Commissioner Suckla and carried. Topics for the executive session included, the yearly employee evaluation for Administrator Powers. Commissioner Suckla moved to go out of executive session, seconded by Commissioner Candelaria and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 1:30 p.m.

Clerk December 17, 2019

Chairman