

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 2, 2021**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 2, 2021 at the Montezuma County Administration building in Cortez, Colorado, there were present:

Jim Candelaria, Chairman
Kent Lindsay, Vice Chairman
Joel Stevenson, Commissioner of Deeds
Shalako Powers, County Administrator
John C. Baxter, County Attorney
Kim Percell, County Clerk

CHAIRMAN, CANDELARIA opened the meeting of February 2, 2021 with the Pledge of Allegiance.

MINUTES: Commissioner Lindsay moved to accept the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 26, 2021 as presented. Motion was seconded by Commissioner Stevenson and carried.

PLANNING: Director, Don Haley with **Assistant, S. Jane Duncan** presented for signatures, a Variance to circumvent the Special Use Permit process for the construction of a third water storage tank, on property owned by **Montezuma Water Company**, located at 29995 Hwy 184, west of Road 30, north of Hwy 184, situated in Section 16, T.37N, R.15W, N.M.P.M. Commissioner Lindsay moved to approve the variance for Montezuma Water Company for the new tank in the same location, with a corrected address of 29589 Hwy 184, Dolores. Second by Commissioner Stevenson and carried. (See attached)

PUBLIC COMMENT: Bob Clayton presented a signature petition from property owners living on Roads 27.1, 27.3 and L.9, with a request to pave their roads. (See attached)

Congresswomen, Lauren Boebert's Representative, Devin Camacho attended by Zoom to introduce himself to the Commissioners.

MONTEZUMA COUNTY VFW AUXILIARY POST 5231: Secretary / Treasurer, Queenie Barz met with the Commissioners with a request, to use the County Annex I, for a Saint Patrick's Day Fundraiser event along with a request to waive the Annex fees. Ms. Barz reported the event had been cancelled last year due to the COVID-19 restrictions. The Commissioners were in agreement to reinstate the permission granted the previous year.

SPECIAL EVENT LIQUOR LICENSE: Donna Foster, Carol Click and Tracey Hatley from the **Kiwanis of Mesa Verde** met with the Commissioners to discuss a request to use the County Fairgrounds and to serve alcohol for the Annual Charity Night event, scheduled for April 17, 2021. Commissioner Stevenson moved to give the go ahead to get the liquor license for the event on April 17th, for the Kiwanis of Mesa Verde. Second by Commissioner Lindsay and carried.

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give a monthly report. Superintendent Englehart introduced himself and gave an overview of the Road and Bridge Department. A road and bridge schedule for the dates of January 7, 2021 through February 12, 2021 and an overview of the type of work scheduled for each crew was presented. Other topics discussed included; updates on the **McElmo Slip Project**, a **CDOT Driveway Snow Removal** recommendation pamphlet, a land owners closed / locked gate on County Road Y, a scheduled executive session with the Board of the **Montezuma Valley Irrigation Company**, the Roads 27.1, 27.3, and the Road L.9 petition paving request from Mr. Clayton. Supervisor Englehart presented for approval, the 2021, **Tozer Gravel Pit Lease Agreement** between Montezuma County and **Carol L. Tibbits**. Commissioner Lindsay moved to sign the lease agreement between, Montezuma County and Carol L. Tibbits for the Tozer Gravel pit down in McElmo Canyon. Second by Commissioner Stevenson and carried.

Superintendent Englehart along with **GIS Manager, Doug Roth** presented for approval, the **Colorado Department of Transportation's, Highway Users Tax Fund (HUTF)** road work and changes for reporting year 2020. Topics of the discussion included; the Montezuma County Mileage Certification, road segments added or adjusted in the road inventory, surface status changes, completed chipseal projects and the total of 789.68 reporting miles for Montezuma County. Commissioner Stevenson moved to sign the certification for the Colorado Department of Transportation on our HUTF road mileages. Second by Commissioner Lindsay and carried. (See attached)

WEED DEPARTMENT: Weed Department Manager, Bonnie Loving met with the Commissioners to give a monthly report. Manager Loving introduced herself and gave an overview of the Weed Department. Topics discussed included; Grants and other funding, No spray agreements, the notification system, enforcement, property visits, the Mancos River Project, the Weber Canyon Project, treatments, the Phreatophyte project, the Adopt a Trail program, the New Homeowner Project, collected data, education, roadside spraying, yearly statistics, the budget and a confidentiality clause within the RCPP grant application. (See attached)

LANDFILL: Landfill Manager, Mel Jarmon introduced himself and gave an overview of the Landfill. Manager Jarmon gave his monthly report which included the 2020 Landfill budget spread sheet. Other topics discussed with the report included; the proposed compost operation project, engineer expenses, weather closures, the upcoming household hazardous waste facility, the proposed scale replacement, contaminated recycling, electronics, the Trammel screen grant reimbursement, a grant application for a new shredder, the yearly totals, an update on the developed Cell #4, the Tire Cleanup projects, municipality clean up days and the mattress disposal fee. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Justin McGuire introduced himself and gave an overview of the Fairgrounds Department. Manager McGuire gave his monthly report which included the year to date numbers for income of \$13,340.00 and attendance at 1360. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; proposed capital improvement projects and the completed Kitchen / Bathroom remodel project, the rate schedule, the alcohol policy, opportunities for grant funding and marketing videos. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, John Baxter, discussed the, award of the **Calkins Building Project** DOLA grant, the 2009 BAA **Kinder Morgan** case and a Noxious Weed Department issue with the **PAX LLC**. A discussion was held regarding a letter received from **Reynolds Law Group Durango** regarding the Historical Roads Resolution #24-2020 and the inclusion of Road 19 Trail Canyon Road on the historical map. (See attached)

Chairman Candelaria announced the meeting would continue during the lunch hour at Benny's Restaurant to visit with **Cortez Fire Chief, Jay Balfour**. Chairman Candelaria announced the meeting would reconvene in the Commissioner Meeting room.

COUNTY ADMINISTRATOR REPORT: Administrator Shak Powers presented public notices for upcoming meetings. Public notices presented included:

Board to Board Meeting scheduled February 9th, 1:30 p.m. executive session with **Montezuma Valley Irrigation Co.**

Board to Board Meeting scheduled February 10th, 5:30 p.m. with the **Mancos Town Council**.

Board to Board Meeting scheduled February 16th, 6:00 p.m. with the **Cortez City Council**.

Board to Board Meeting scheduled February 18th, 6:30 p.m. with the **Dolores Town Council**.

(See attached)

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Stevenson** reported on the attended CCI workshops, the Mancos Town Council meeting and a meeting with Road Supervisor Englehart.

Commissioner Lindsay reported on the attended Regional Housing Solution meeting.

Commissioner Candelaria reported on the attended Montezuma Business Taskforce meeting, the attended School District Public Safety meeting, the CCI Legislative meeting, the attended County Commissioners of Southwest Colorado meeting and the Governors weekly call.

WATER ISSUES UPDATES: Dolores Water Conservation District Manager, Ken Curtis, Southwest Water Conservation District Representative, Don Schwindt, Southwest Basin

Round Table, Montezuma County Representative, Ed Millard, Mancos Conservation District, Gretchen Rank, Nature Conservancy, Celene Hawkins and Mancos Conservancy District, Mike Nolan met with the Commissioners to give an introduction and overview of County water issues. (See attached)

EXECUTIVE SESSION: Pursuant to Attorney Baxter’s suggestion, Commissioner Lindsay moved to go into executive session for a conference with the attorney for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiations under C.R.S. Section 24-6-402(4)(e), to include Commissioners, Candelaria, Lindsay and Stevenson, Administrator Powers, Attorney Baxter, Clerk Percell and Rachel Marchbanks, seconded by Commissioner Stevenson and carried. Topics for the executive session were legal tactics of negotiation, legalities and procedure regarding the County’s Grant Writer position. Commissioner Stevenson moved to go out of executive session, seconded by Commissioner Lindsay and carried. (See attached)

PUBLIC COMMENT: None

CORRESPONDENCE: The following correspondence was read and noted:

MOTION TO ADJOURN: was made by Commissioner Stevenson seconded by Commissioner Lindsay and carried.

MEETING ADJOURNED: 3:45 p.m.

Clerk

February 2, 2021

Chairman