

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 3, 2021**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 3, 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 March 3, 2021 with the Pledge of Allegiance.

MINUTES: Commissioner Stevenson moved to accept the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 23, 2021 as written. Motion was seconded by Commissioner Lindsay and carried.

PLANNING: Planning Director, Don Haley, and Planning Assistant, S. Jane Duncan along with **Melvin Hicks** met with the Commissioner to discuss the Dedication of Sites and Land Areas or Payments in Lieu Thereof for School Districts for required signatures on Plats. County Attorney Baxter discussed the state statute requirements. This discussion will be tabled for further review by the Commissioners.

Director, Haley, and Assistant, Duncan presented for signatures a Mylar for a Boundary Line Adjustment for the **Lebanon Town Sites HOA**, submitted by **Bill Wedelich, HOA President**, on property located at 24908 Road S.8, Dolores, CO, consisting of 0.20 acres, more or less, situated west of Road 25, south of Road S.8, in Section 22, T.37N, R.16W, N.M.P.M.

Director, Haley, and Assistant, Duncan presented for signatures a Mylar for a 2 Lot Minor Subdivision and AR10-34 Rezoning Application, submitted by **Michael Goodman**; agent: **Brian McLaughlin**, on property located at 13045 Road 38.7, Mancos, CO, consisting of 46.15 acres, more or less, located north of Hwy 184, west of Road 40, situated in Section 1, T.36N, R.14W, N.M.P.M.

Planning Discussion: Director Haley reported for the record, that a letter to Thomas Hughes regarding the 1739 East 7th Street (The Rock Yard) property had been mailed.

PUBLIC COMMENT: Eric Broyles, Joe Broyles and Curtis Nelson discussed the proposed **City of Cortez, Master Streets Plan**. **Tiffany Ghere, Marion Rodd and Sherry Simmons** discussed community concerns with the property issue at 1739 East 7th Street (The Rock Yard). **Jeff Coulon** discussed the 1739 East 7th Street (The Rock Yard) property issue, provided photos of other properties of concern within the county and the County becoming a 2nd Amendment Sanctuary County. **Tiffany Ghere** added comments on the current public access to Cortez City Council meetings and the City of Cortez, Master Streets Plan. Emailed public comments regarding the 1739 East 7th Street (The Rock Yard) property were received from; **M.B. McAfee, Annette McGivney, Deb Lux Harriman, Shauna Jensen, Sandra Harris, John Gilliat & Barbara Stagg, Elizabeth Jo (Jodi) Foran and Karen Sheek**. **Alex Graf with Wildfire Adapted Partnership** gave a brief introduction to the Commissioners. (See attached)

IT: IT Director, Jim McClain and from the **City of Cortez, Rick Smith** met with the Commissioners to present the Fiber Project bids. Bids received included: **Integrity Underground:** total \$240,375.00 with alternate route \$299,375.00. **Advanced:** total \$267,634.75 with alternate route \$296,285.00. **Circle Z Construction:** total \$268,862.50 with alternate route \$321,712.50. **Dak Well:** total \$350,441.95 with alternate route \$387,914.94. The bid award was postponed until 6:30 p.m. (See attached)

COUNTY SHERIFF: Sheriff, Steven Nowlin met with the Commissioners to present for approval the **Emergency Fire Fund Agreement, 2021 Montezuma County Operating Plan**. Commissioner Stevenson moved to sign the Montezuma County Operation Plan for the Colorado Division of Fire Prevention & Control for 2021. Second by Commissioner Lindsay and carried. Sheriff Nowlin presented for review **RESOLUTION #2-2021: A Resolution Amending the Budget for the Sheriff's Office Grants, Detention Grants, Pretrial Services, the Dolores and Casino Contracts**. Commissioner Lindsay moved to adopt Resolution #2-2021, for amending the budget for the Sheriff's Office grants, detention grants, pretrial services, the Dolores and Casino contracts. Second by Commissioner Stevenson and carried. Other topics discussed included the 1739 East 7th Street (The Rock Yard) property issue. (See attached)

LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell presented for approval a liquor license renewal for the, **Westview RV Resort**, located at 12092 Hwy 145, Dolores, Co., mailing address P.O. Box 483 Cortez Co. 81321. Commissioner Lindsay moved to renew the liquor license for Westview RV Resort, P.O. Box 483 Cortez, Co. Second by Commissioner Stevenson and carried. (See attached)

SPECIAL EVENT LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell presented for approval a Special Event liquor license application for the **Ute Mountain Roundup Rodeo**, event scheduled June 10th, 11th, and 12th, 2021. The event is to be held at the Montezuma County Fairgrounds. Commissioner Stevenson moved to approve the application for the Ute Mountain Rodeo special events liquor license, to be held at Montezuma County Fairgrounds. Second by Commissioner Lindsay and carried. (See attached)

12 HOURS OF MESA VERDE MOUNTAIN BIKE RACE: Board members **Cap Allen** and **Nick McDonald** met with the Commissioners to request permission to serve donated beer during the 12 Hours of Mesa Verde event. Commissioner Lindsay moved to approve the donated beer distribution for the 12 hours of Mesa Verde event scheduled May 8, 2021 at the County Fairgrounds. Second by Commissioner Stevenson and carried. (See attached)

ROAD & BRIDGE DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give a monthly report. Superintendent Englehart presented the road and bridge schedule for the dates of February 17, 2021 through March 5, 2021 and gave an overview of the type of work scheduled for each crew. Other topics discussed included; the **McElmo Slip** Project, the **Alkali Bridge** Project, Road 41, and the 1739 East 7th Street (The Rock Yard) property. (See attached)

NOXIOUS WEED DEPARTMENT: Weed Department Manager, Bonnie Loving met with the Commissioners to give a monthly report. Manager Loving presented a slide show discussing the repercussions of noxious weeds. Topics included; Wildlife enthusiast, impact on wildlife, croplands, jointed goatgrass, yards and gardens, right-of-way, rangelands and pastures, land value, wetlands and waterways, recreational areas, forests and weed law. (See attached)

LANDFILL: Landfill Manager Mel Jarmon gave his monthly report which included the 2021 Landfill budget spread sheet. Topics discussed with the report included; a repair expense, methane testing, the Cell 4 fluff layer, a borrowed water truck, recycling prices, compost screening, the shredder grant, a draft quit claim deed for acreage to be deeded to the county from Cortez Sanitation District and collected mattress fees. Manager Jarmon presented for the record, a letter addressed the **Thomas Hughes** 17319 Road G, Cortez Co regarding the 1739 East 7th Street (The Rock Yard) property. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Justin McGuire gave his monthly report which included the year to date numbers for income of \$19,960.00 and attendance at 3,420. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the **Fairgrounds Alcohol Policy**, the **Rate Schedule**, the **After Hours Program**, the Kitchen Remodel Project and the placement of used kitchen equipment placed on Public Surface for a seven day auction. (See attached)

RESOLUTION 1-2021: Commissioner Stevenson presented for review, **A Resolution Recognizing the Many Past and Current Contributions of Montezuma County Cattlemen and Other Livestock Producers and Supporting the Local Ranching industry.** Commissioner Stevenson moved to accept Resolution #1-2021, a resolution recognizing the many past and current contributions of Montezuma County cattlemen and other livestock

producers and supporting the local ranching industry. The motion was seconded by Commissioner Lindsay and carried. (See attached)

Chairman Candelaria announced that the BOCC would convene as the **BOARD OF COUNTY HEALTH**. A letter addressed to **Thomas Hughes** regarding the 1739 East 7th Street (The Rock Yard) property was presented for review and discussion. Commissioner Lindsay moved to accept the letter as written. Second by Commissioner Stevenson and carried. Chairman Candelaria announced the BOCC would reconvene. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, John Baxter, discussed the **Ankiewicz Family Revocable Trust** BAA hearing, the Cortez Sanitation District draft quit claim deed, the **Pax LLC** lawsuit and the County Road Y gate issue.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich discussed the attended Rangeland Stewardship meeting, bids for the Court House sign and H.B.#803 – Diane DeGette’s Wilderness bill.

COUNTY ADMINISTRATOR REPORT: Administrator Shak Powers discussed the appointments of the Colorado Water Congress delegates, scheduling a Board to Board meeting with the Ute Mountain Tribal Council, the Opioid Settlement and a proposed Board to Board meeting with Empire Electric.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Stevenson** discussed the attended Rangeland Stewardship meeting, the attended Mancos Town Board meeting, constituent discussions regarding the City of Cortez Master Streets Plan and concerns with State Bill #21-135. **Commissioner Lindsay** discussed the attended the hybrid City of Cortez Council meeting and constituent discussions regarding the Master Streets Plan. **Commissioner Candelaria** discussed attended CCI legislative meetings, the attended Board to Board meeting with the Town of Dolores Trustees, the attended County Commissioners of Southwest Colorado meeting and a scheduled meeting with CDPHE.

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

WATER ISSUES: From the (DRA) **Dolores River Anglers (The Trout Unlimited** local chapter) Board members, **Duncan Rose, Raymond Rose** and **Chris Burkett**, met virtually with the Commissioners to discuss the **Colorado’s “Outstanding Waters” Designation Project**. Topics of the discussion included: the key points of Outstanding Waters designations, the next steps to the process, emergent areas of concern, nine candidate stream reaches being considered, existing authorized forest activities and uses, the Upper Dolores Water shed, existing outstanding water designations in the upper Dolores, the Upper Dolores trout waters, grazing allotments and pastures in the Upper Dolores, management areas in the Land and Resource Management Plan, natural landscapes with limited management, existing quality, sampling of the nine candidates reaches, data collected available at <https://www.doloresstudy.com/>, the outstanding water process calendar and an overview of the summary points. (See attached)

Chairman Candelaria announced the adjournment of the meeting to conduct interviews for the Citizens Review Panel. Chairman Candelaria announced the meeting would reconvene

DISCUSSION: Bridget Jabour and Colton Black from the **Cortez Area Chamber of Commerce** met with the Commissioners to give an overview of the current status of the Chamber and made a request for program funding. Topics discussed included; the new Board members, the 2020 budget shortfall of \$86,408.00, re-staffing the Chamber, commercial growth, Lodgers Tax Funds, County property taxes, Tri-Chamber collaborations, the development of the <https://www.lovelocalmontezuma.com>, web site, membership renewals for 2021, available CVRS funds, Chamber membership fees, the “Business after Hours” event, the Empower breakfast events, leadership luncheons, a young professionals group, a proposed Co-Working Space Program, a proposed County sponsored local businesses Chamber dues grant program, coordination with Region 9, a proposed loan to the chamber and a possible name change. The discussion was tabled until Tuesday March 9, 2021, for further research. (See attached)

IT: Director, McClain and Mr. Smith returned for the bid award of the Fiber Project. After further discussion with **Integrity Underground**, they sent an email withdrawing their proposal. It was the recommendation of Director McClain and Mr Smith to award the project to Circle Z Construction. **Monty Guiles and Jerry Ayers** from Circle Z Construction discussed the morning’s conversation and the County’s bid process. Previous **Commissioner, Keenan Ertel** and **Attorney Baxter** gave an overview of previous transactions with Mr. Guiles. Commissioner Stevenson moved to hire the low bid of Advanced. The motion died to the lack of a second. Commissioner Lindsay moved to go with Circle Zebra for lack of a better term, time served already and local preference, which was not in the contract but we have \$1,227.75. Second by Commissioner Candelaria. With two votes in favor from Commissioners Lindsay and Candelaria and one vote against from Commissioner Stevenson the motion carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 6:45 p.m.

Clerk

March 3, 2021

Chairman