

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 16, 2021**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 16, 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, Absent  
Ian MacLaren, Assistant County Attorney  
Kim Percell, County Clerk

**CHAIRMAN, CANDELARIA** opened the meeting of March 16, 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 March 9, 2021 as written. Motion was seconded by Commissioner Lindsay and carried.

**PUBLIC HEARING:** It being the time set aside a continued public hearing is held regarding a Planned Unit Development submitted by **Jay & Virginia Collier; agent: Justin Collier**, on property located at 18667 Hwy 145, consisting of 3.70 acres, more or less, east of Dolores, north of Hwy 145, situated in Section 12 T.37N, R.15W, N.M.P.M. whereby creating a vested property right pursuant to Section 1102 of the Montezuma County Land Use Code and 24-68-101, C.R.S., et seq. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. **Ryan Collier** joined the meeting by zoom. **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 Candelaria opened the hearing to public comment. Public comment was made by **Randall Fernette, Lainey Byehan** and **Rob Pope**. Hearing no further public comment that portion of the hearing was closed. After hearing all the

evidence presented Commissioner Lindsay moved to extend the vested rights for 60 days. Second by Commissioner Stevenson and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

**PLANNING: Planning & Zoning Chairman, Rob Pope** met with the Commissioners to discuss the development of a County mechanism to address Land Use Code violations. Chairman Pope's recommendation included, violation letters be sent to the land owner from the County Planning Department, along with letters from any other involved department, a presentation of the violation to the Commissioners and the additional letter from the Commissioners. Topics within the discussion included; State Statute (CRS) 30-28-124, a 10 day written notice, summons and levying fines. Chairman Pope also discussed the Planning Department's Planned Unit Development process.

**PUBLIC COMMENT: Allen Maez**, discussed private property rights. **Sherry Simmons** discussed President Biden's Executive Order signed January 2021 regarding the 30X30. **Mindy Nelsen** discussed the County's Second Amendment Sanctuary County designation. **Jeff Coulon** discussed local plea bargaining by the District Attorney's office.

**COUNTY SHERIFF'S MONTHLY REPORT: Sheriff Steven Nowlin** met with the Commissioners to give his monthly report which included; the **Calls for Service Report**, child abuse calls, sex crime calls, domestic violence calls, traffic control calls, livestock calls, the Pretrial Bill, pretrial funds, the **Jail Report**, the **Year to date Transport Report**, the **Perdium and Cost for Travel Report**, the **Dolores County Billing Report**, the **Jail Reform Bill**, the **DOC Holds Report**, the **Total Monthly Inmate Reports**, the **February Arrest / Release Report**, the **February County Jail Operational Expense Report** and the **Monies Paid to the General Fund Report**. Sheriff Nowlin presented a slide presentation, a **Montezuma County Sheriff's Office Attrition Study from 2015-2020**. Other topics discussed included; the authority to increase deputy wages for probationary periods or promotional salary increases, recruiting, retention, defined benefits, pay, insurance and a proposed scheduled meeting with CRA and FPPA. (See attached)

**DISTRICT ATTORNEY: Office Manager, Clarissa Feully** met with the Commissioners to give a monthly report. Ms. Feully presented the To Date, case numbers filed through the court, which included; Traffic: 157, Misdemeanor: 132, Felony: 79, Juvenile: 15, Crimes against Children: 15, Domestic Violence: 46, Felony Drug: 6 and DUI: 51. Other topics discussed included; the postponement of jury trials to April, alternative space options for jury selections, jury trial preparations, opening the Combined Court building and the proposed **DA Accountability Bill**. (See attached)

**Emergency Manager, Jim Spratlen** met with the Commissioner and gave a monthly report. Manager Spratlen reviewed the **Monthly Situational Report** and gave an overview of the attended Sawmill owners meeting. The proposed **Procurement Guidance Document** was presented for approval. Commissioner Stevenson moved to adopt the Procurement Guidance Document as written, dated April 2021, for Montezuma County. Second by Commissioner Lindsay and carried. (See attached)

**RESOLUTION #3-2021: Resolution #3-2021**, a resolution adopting the **Hazard Mitigation Plan**, was presented for approval. Commissioner Lindsay moved to adopt Resolution #3-2021, a resolution to adopt the Hazard Mitigation Plan. The motion was seconded by Commissioner Stevenson and carried. (See attached)

**COUNTY ATTORNEY REPORT: Assistant County Attorney, Ian MacLaren**, gave an update on the **Kinder Morgan BAA** hearing and the **Weber Canyon / Road 41** lawsuit.

**NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich** gave an update on the attended Mancos Town Board meeting and the **Paths to Mesa Verde** project.

**HISTORICAL SOCIETY MUSEUM TOUR: Montezuma County Historical Society Board Members, Chairman, Ann Brown, Julie Paige, David Everett, Melissa Brunner, DeEtta Johnson, Tulli Kertsetter**, met with the Commissioners to give an update and tour of the remodeled museum.

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

**TRAINING: From the Colorado Department of Local Affairs (DOLA), Southwest Regional Manager, Patrick Rondinelli**, met with the Commissioners to give a local government training with DOLA. Topics discussed included; an overview of DOLA, roles and responsibilities, organizational structure, types of meetings for elected officials, how to keep out of trouble, and working together as a County Board. (See attached)

**DISTRICT ATTORNEY: District Attorney, Matt Margeson** met with the Commissioners to discuss the proposed **DA Accountability Bill**, plea agreements, the current closure of the Combined Court building and scheduled jury trials.

**COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers**, discussed the required annual **Cost Allocation Plan** and a future proposal that will be presented for review.

**COUNTY COMMISSIONER REPORT:** Topics discussed within the Commissioners reports included: **Commissioner Stevenson** discussed the attended Mancos Town Board meeting, the attended municipal breakfast meeting, the attended sawmill owners meeting, the Board to Board meeting with the **Ute Mountain Tribal Council** and email readings. **Commissioner Lindsay** discussed constituent discussions and a scheduled July Fourth celebration. **Commissioner Candelaria** discussed the attended CCI legislative meetings, the attended **(STAC) Statewide Transportation Advisory Committee** meeting, email reading and the attended **County Commissioners of Southwest Colorado** meeting.

**EXECUTIVE SESSION:** Pursuant to Attorney MacLaren's suggestion, Commissioner Stevenson moved to go into executive session for a conference with the attorney for the discussion of personnel matters under C.R.S. 24-6-402 (4) (f), and to include Commissioners Candelaria, Stevenson and Lindsay, Administrator Powers, Attorney MacLaren, Clerk Percell

and the Southwest Basin Round Table, Montezuma County Representative, Ed Millard, seconded by Commissioner Candelaria and carried. Topics for the executive session were legal tactics of negotiation, legalities and procedure regarding email communications from the Southwest Basin Round Table, Montezuma County Representative. Commissioner Stevenson moved to come out of executive session, seconded by Commissioner Lindsay and 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: 4:50 p.m.**

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Clerk

March 16, 2021

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Chairman