

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 9, 2021**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 9, 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 9, 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 March 3, 2021 as written. Motion was seconded by Commissioner Stevenson and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination regarding a proposed 2 Lot Minor and AR10-34 Rezoning Application submitted by **Peter Hold**, on property located at 23784 Road X, Lewis, CO, consisting of 43.38 acres, more or less, located south of Road X, east of Road 23, situated in Section 33, T.38N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Hold was not 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 Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Lindsay moved that this application move forward. Second by Commissioner Stevenson and carried. Commissioner Candelaria 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 regarding a proposed Single Lot Development and AR3-9 Rezoning Application submitted by **Valden Johnson**; Agent: **Aimee Johnson**, on property located at 11499 Road 34, Mancos, CO, consisting of 108.91 acres, more or less, located south of Road M, west of Road 34, situated in Section 18, T.36N, R.14W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Amiee Johnson** representing Mr. Johnson, attended 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. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Stevenson moved to approve an AR3-9 rezoning application submitted by Valden Johnson; Agent: Aimee Johnson, on property located at 11499 Road 34, Mancos, CO. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING: Director, Haley, Assistant, Duncan presented for review and determination a proposed Boundary lot adjustment for **George** and **Janice Lyons** located at 5728 Road 25, Cortez Co. 81321. Commissioner Lindsay moved to approve the boundary adjustment. Second by Commissioner Stevenson and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination regarding a proposed 8 Lot Major Subdivision and Rezoning Application submitted by **Jarrold & Colette Wyatt**, on property located at 26833 Road L, Cortez, CO, consisting of 40.60 acres, more or less, located north of Road L/Alamosa St, west of Hwy 145, situated in Section 13, T.36N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Wyatt, 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 Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Lindsay moved to approve the proposed 8 lot major subdivision and rezoning application submitted by Jarrold & Colette Wyatt, on property located at 26833 County Road L, Cortez, CO. Second by Commissioner Stevenson and carried. Commissioner Candelaria 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 regarding a proposed 3 Lot Minor Subdivision and AR10-34 Rezoning Application submitted by **Ted Clark**; Agent: **Maness & Associates**, on property located at 26059 Road 38.5, Dolores, CO, consisting of 32.6 acres, more or less, located north of Hwy 145, east of Road 38, situated in Section 36, T.39N, R.14W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent, **Ernie Maness** representing Mr. Clark 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 Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Stevenson moved to continue the application for the proposed 3 lot minor subdivision and AR10-34 rezoning application submitted by Ted Clark; Agent: Maness &

Associates, on property located at 26059 Road 38.5, Dolores, CO, hearing to be held, March 23, 2021 at 9:00 a.m.. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PUBLIC COMMENT: **Tiffany Ghere** discussed community support to help Commissioners open the County from COVID restrictions. **Sherry Simmons** discussed the scheduled March 20, 2021, **Cattle Drive – Freedom Ride** in response to Governor Polis’s **Meat Free Day**, consequences of the COVID restrictions, opening the county and local schools. **Jeff Coulon**, discussed opening up the County and sanctuary from mandatory vaccinations. **Butch Smith** discussed becoming a sanctuary county for the bill of rights. **Odis Sikes** discussed depriving the people of their livelihood and opening the county to regular business. **Monty Guiles** thanked the Board for their efforts to keep work local through local companies. **Betty Jo Greenlee, Rusty Bryan, Kelton Veach, Piadro Benally, Jeremy Gallegos, Kody Neighbors, Lucas Isaman** and **Jerimiah Leon** all from **Circle Z Construction** discussed Commissioners support for local business, local jobs and local financial stimulation. **Justin Vasterling** discussed local business involvement with the Cortez Chamber of Commerce. (See attached)

LIQUOR LICENSE TRANSFER: **Deputy Clerk, Jerri Frizzell** presented a liquor license transfer to **Ancient Echos DBA, Kelly Place Inc.** located at 14537 Road G. Cortez. The new land steward to Kelly Place, **Cindy Leavitt** gave an overview of the application. Commissioner Lindsay moved to approve the transfer of liquor license to Ancient Echos, DBA Kelly Place located at 14537 Road G. Second by Commissioner Stevenson and carried. (See attached)

LIQUOR LICENSE: **Deputy Clerk, Jerri Frizzell** presented liquor license renewals for **Echo Basin Ranch** located at 43747 Road M, Mancos, Co 81328 and **Mancos Brewing Company LLC.**, located at 1484 East Frontage Road, Mancos, CO 81328. Commissioner Stevenson moved to renew the liquor licenses for the Mancos Brewing Company, located at 1484 East Frontage Road, Mancos, CO. Second by Commissioner Lindsay and carried. Commissioner Lindsay moved to approve the renewal for a liquor license for Echo Basin, at 43747 Road M, Mancos. Second by Commissioner Stevenson and carried. (See attached)

CITIZENS REVIEW PANEL APPOINTMENTS: After completing interviews last week, Commissioner Stevenson moved to appoint **Melanie Filener** to a three year term on our Citizens Review Panel and **Amy Long** to a two year term on our Citizens Review Panel. Second by Commissioner Lindsay and carried.

IT: **IT Director, Jim McClain** met with the Commissioners to present his monthly report. Director McClain gave an update on the Fiber Project. Topics discussed included a weekly Monday meeting, a daily work schedule and the NEPA study. Director McClain reported that the following participating entities; **City of Cortez, Ute Mountain Ute Tribe, the Southwest Colorado Council of Government** and **CDOT** will all receive 144 fiber count. The County will receive 288 fiber count. **Executive Director** of the **Southwest Colorado Council of Government, Miriam Gillow Wiles** met with the Commissioner to discuss the **Memorandum of Agreement** between the Southwest Colorado Council of Governments and Montezuma County regarding the draft grant contract for capital expenditure.

VEHICLE MAINTENANCE: Road & Bridge Equipment Manager, Shane Higman met with the Commissioners to give a monthly report. Manager Higman discussed the **2020 Vehicle Replacement Plan**. Topics discussed included; Road Department pickups, Sheriff Department units, a replacement unit for the Emergency Manager, units at the Fairgrounds and a unit for the Landfill. (See attached)

GROUNDS AND BUILDINGS: Maintenance Supervisor, Mike Chenard met with the Commissioners to give a monthly report on current or proposed projects. Supervisor Chenard presented bids to purchase commercial dryers for the County Jail from **Commercial Laundry Systems** in the amount of \$9,560.57. Commissioner Stevenson moved to purchase 2 new dryers from Commercial Laundry Systems for the price of \$9560.57. Second by Commissioner Lindsay. Commissioner Stevenson removed his motion from the floor. Topics discussed within the report included; a sewage grinder, an electric motor and the replacement of two AC units at the Detention Center, progress on the Health Department carpet project, a new split heater unit for the County MOCO building, the floor replacement projects bid, the Fairgrounds fire suppression system project, the sally port remodel project and needed sewer repairs for the Administrative building. The Commissioners were in agreement to allow Administrator Powers to act on the commercial dryers for the County Jail.

GIS MAPPING: GIS Manager, Doug Roth and Mapping Specialist, Rachel Medina met with the Commissioners to give a monthly report. Topics discussed included; a background on the proposed **City of Cortez Master Streets Plan**, State street plan mandates, national defense, a functioning public transportation system, economic activities and growth, the plan intent, the merits of connectivity, the eastern extension of Road G, road extension development, Commissioner comments on the proposed plan, collector roads, artillery roads, the County's criteria used in the consideration for acceptance of red road into green road designation, conservation easements, perception of transparency and public education. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, John Baxter, gave an update on the **Kinder Morgan BAA** hearing and the 2477 historical designation of Trail Canyon Road. Attorney Baxter presented for review and determination, a draft **Memorandum of Agreement** between the **Southwest Colorado Council of Governments** and Montezuma County regarding grant contract for capital expenditure. Commissioner Lindsay moved to sign the memorandum of agreement between the Southwest Colorado Council of Governments and Montezuma County, for the grant for the fiber project NEPA study. Second by Commissioner Stevenson and carried. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich presented a letter of support address to **Raymond O'Neil Monument Manager** regarding the **4100(LLCOSO1200) Marble Wash Allotment Trailing**. Commissioner Stevenson moved to sign the letter of support, to allow the people, to do their cattle drive across the public lands from Mable Wash Allotment to their private ground. Second by Commissioner Lindsay and carried. Other topics discussed included; an update on **House Resolution #803 – Diane DeGette's** Wilderness bill, the Administration building sign project, coordination on legislative concerns from the **Dolores County** Commissioners, the proposed **Paws Act**

legislation, the scheduled **Town of Mancos** meeting and the **Paths to Mesa Verde** project. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** discussed the **Region 9** / County coordination regarding the **Cortez Area Chamber of Commerce** dues and an update on the **Johnson & Johnson** opioid settlement.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Stevenson** discussed constituent phone and email discussions. **Commissioner Lindsay** discussed road traffic down McElmo Canyon last weekend and the scheduled City of Cortez Council meeting. **Commissioner Candelaria** discussed; a meeting with Road and Bridge Superintendent Englehart, a meeting to discuss the Mancos Airport property, the attended RCC meeting, the CCI legislative meeting, the attended County Commissioners of Southwest Colorado meeting, SRS funding and the attended Town of Dolores meeting.

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

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**, and Southwest Water Conservation District, Interim Manager, **Chris Treese**, met with the Commissioners to discuss water issues. Managers Curtis and Treese discussed; **HR #803 Wilderness Bill** and the **(CORE Act) Colorado Outdoor Recreation Economy Act**, forest health actions, the Water Congress state of affairs, a Mutual Ditch Bill, a proposed fee based Water program, Waters of the US, and an added \$1.00 fee to support low income heating / water bills. Representative Schwindt discussed; issues of Demand Management, forest health, the federal Dolores Project, opportunities to build stronger alliances, water right ownership and the process of how we got to where we are and where we go tomorrow. Representative Millard gave a slide presentation on **Big River Issues Server**. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 2:56 p.m.

Clerk

March 9, 2021

Chairman