

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 6, 2021**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 6, 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, Absent
- M. Lynn Dorenkamp, Chief Deputy Clerk

CHAIRMAN, CANDELARIA opened the meeting of April 6, 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 April 6, 2021 as presented. Motion was seconded by Commissioner Lindsay and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for regarding a proposed 2 Lot Moderate Subdivision and Rezoning Application submitted by **Linda Melton; agent: Sean Flaherty**, on property located at TBD Road M, Cortez, CO, consisting of 63.67 acres, more or less, located north of Road M, west of Road 26, situated in Section 11, 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. Flaherty, 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 that the proposed 2 Lot Moderate

Subdivision and Rezoning Application submitted by **Linda Melton, Agent: Sean Flaherty**, on property located at TBD Road M Cortez, CO consisting of 63.67 acres more or less be approved. 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 County Commissioners will hold a Public Hearing for review and determination for regarding a proposed Boundary Line Adjustment Application for the **Freeman-Likes Single Lot Development**, submitted by **Deric Freeman; Agent: Cody Likes**, on property located at 20839 Road 20, Lewis, CO, consisting of 3.36 acres, more or less, located north of Hwy 491, west of Road 20, situated in Section 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. Mr. 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 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 that the proposed Boundary Line Adjustment to the **Freeman-Likes Single Lot Development** submitted by **Deric Freeman, Agent Cody Likes**, on property located at 7255 Hwy 160-491 Lewis, CO, consisting of 3.36 acres, more or less be approved. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING DISCUSSION: Planning Director, Haley, Assistant, Duncan along with **Corey Veach** met with the Commissioners to discuss appeals of permitting process to BOCC, 3 years after attending P&Z commission meeting. Commissioners supported **Planning Director Haley's** recommendation of **Mr. Veach** restarting the permitting process. **Director Haley** also discussed the question on Road Impact Fees being charged for preapproved or established subdivision prior to the Land Use Code being adopted. Whether those should be charged or not. **Attorney Baxter** suggested the Board of County Commissioners address wording used in collecting the road impact fees for clarification.

PUBLIC COMMENT: Tiffany Ghere requested the County Commissioners to ask questions of the Board of Health regarding Mental Health, Substance Abuse and accountability. **Charles Jeter** supported **Tiffany Ghere's** questions and concerns. **Allen Maez**, discussed his opinion regarding the State of Colorado's Election System and his concern with how family members being treated when someone is in the hospital. **Melanie Filner** voiced her concern with regarding the need of accountability of the Public Health Department. (See attached)

LOCAL IMPROVEMENT DISTRICT: Mesa Sky Estates property. **Dewayne Findley** was present. Agent **Keenen Lovett** met with the Commissioners to present a petition signed by property owners of Mesa Sky Mesa Estates, for the development of a Local Improvement District. The purpose of the Local Improvement District, would be to chip seal and make improvements to Road 26.1 Loop road. Commissioner Lindsay moved to accept the petition from Mesa Sky Estates Subdivision for a Local Improvement District for improving roads in Montezuma County on Road 26.1 loop serving the Mesa Sky Estates Subdivision with a seven year term and interest rate to be determined within a weeks' time. Second by Commissioner Stevenson and carried. (See attached)

SOUTHWEST HEALTH SYSTEMS: CEO, Anthony Sudduth and **CFO, Rick Shrader** met with the Commissioners to give an update on the local hospital. Topics of the discussion included; a financial year to date performance report, the 2019 Audit, the May month end report, an update on COVID, supply costs, test kit allocations, current hospital patient numbers and stimulus funding. (See attached)

MONTEZUMA COUNTY FAIRBOARD: County Fair Board President, Allen Higgins along with **Fairgrounds Manager, Justin McGuire** met with the Commissioners to discuss alcohol at the Fair and Security. Commissioner Stevenson moved to allow a beer garden to take place in the outdoor arena during the night time events. Second by Commissioner Lindsay and carried.

FAIRGROUNDS: Fairgrounds Manager, Justin McGuire gave his monthly report which included the year to date numbers for income of \$27,208.50 and attendance at 8,105. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included, kitchen rental possibilities, fence upkeep and contract security clarification for the race track. Commissioner Stevenson moved to keep 1 Sheriff's Deputy and 1 Sheriff's Posse per a minimum of 2 guards in the outdoors activities. Second by Commissioner Lindsay and carried. (See attached)

Planning Director, Haley brought back the PROCEDURE FOR COLLECTION ROAD IMPACT FEES portion, on page 5 for clarification of wording, of the MONTEZUMA COUNTY DEPARTMENT OF PLANNING AND ZONING –FEE SCHEDULE. Commissioner Lindsay moved to strike out “accessory use (second residential home not to exceed 1500 sq. ft.)” will be stricken and the word “structure” will be added after residential. 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 gave updates on the month of April 2021. Introduced a new calendar format. Other topics discussed included; McElmo Slip Project power point presentation given to the Ute Mountain Ute Tribe last week. **Administrator Powers** presented Resolution 5-2021, a resolution amending the budget for the Road and Bridge Fund due to a clerical oversight. Commissioner Lindsay moved to adopt the Resolution 5-2021 a resolution amending the budget for the Road and Bridge Fund, a change from \$562,179 to \$576,489 for a total increase of \$59,030. Second by Commissioner Stevenson and carried. (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 methane testing, the cover compost pad, and the Quit Claim Deed with the Cortez Sanitation District. (See attached)

NOXIOUS WEED DEPARTMENT: Weed Department Manager, Bonnie Loving met with the Commissioners to give a monthly report. Topics discussed included updates on grants, upcoming plans, and weed 1 and weed 2 of the month and management of those. Hired an Office

Manager and the CSU Extension hired Vanessa for Administration and she will be helping with both departments. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich reported on his meeting with Congress Woman Lauren Boebert last week. Topics of discussion were the 30 x 30 project, access to Natural Resources, concerns of water rights, recreation and access issues, his opportunity to explain grazing rights, affordable housing and economic growth, and transportation in Southwest Colorado. Other topics discussed were, Paths to Mesa Verde on the Cortez side and public cleanup effort.

COUNTY ATTORNEY REPORT: County Attorney, John Baxter, had no report at this time.

COUNTY ADMINISTRATOR REPORT: Administrator Shak Powers responded to an email received late Monday night. (See Attached)

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Lindsay** the request from Renew and visiting with people. **Commissioner Stevenson** had a lot of phone work and research. **Commissioner Candelaria** spent a lot of time on the phone with several people regarding road issues and did some site visits. Attended CCI meetings on Thursday and Friday going over bills. Reached out to the Colorado Parks and Wildlife and receive an email back from Adrian Archuleta, regarding Road P.2. Attended the Governor's Staff call along with Administered Shak and our Emergency Manager.

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

Chairman Candelaria announced the meeting would reconvene at 1:30p.m., as the Board of Health. Once the meeting is over at 3:00 p.m. we will then reconvene and the Board of County Commissioners.

BOARD OF COUNTY HEALTH: It being the time set aside, the Board of County Health was conducted. **Public Health Director Bobbie Lock,** and **Assistant Director Laurel Schafer** were present. (See attached)

UNFINISHED BUSINESS: Extra round of business grants with Corona Virus Relief Fund. Commissioner Lindsay moved to split the remaining Corona Virus Relief Fund balance in half, sending one half back to Region 9 and retaining the other half for reevaluation in 6 months. Second by Commissioner Stevenson and carried. Sign for the Administration Building. Commissioner agreed to take this off the table at this time.

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 receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), and to include Commissioners Stevenson, Lindsay and Candelaria, Administrator Powers, Attorney Baxter, Chief Deputy Clerk Dorenkamp, seconded by Commissioner Stevenson and carried.

Commissioner Stevenson moved to go out of executive session, seconded by Commissioner Lindsay and carried. (See attached)

UNFINISHED BUSINESS: State of Colorado Intergovernmental Agreement with Colorado Department of Transportation regarding Right-of-Way for Montezuma County. Commissioner Lindsay moved to sign the Intergovernmental Agreement with Colorado Department of Transportation and the Montezuma County Board of County Commissioners for access right and Colorado Department of Transportation right of way. Second by Commissioner Stevenson 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: 4:10 p.m.

Clerk

April 06, 2021

Chairman