

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

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

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

**CHAIRMAN, CANDELARIA** opened the meeting of July 6, 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 June 28, and June 29, 2021 as written. Motion was seconded by Commissioner Stevenson and carried.

**PUBLIC HEARING:** It being the time set aside a continued 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. Mr. Clark was present. **Planning Director, Don Haley** reported that the applicants made a request to continue the public hearing. Commissioner Stevenson moved to continue the application for the AR10-34 rezoning application by Ted Clark, to July 27, 2021 at 9:30 a.m. Second by Commissioner Lindsay 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 a proposed Subdivision Application, submitted by **Jimmy & Marian Rodd**, on property located at 11773 Hwy 145, C, Cortez, CO, consisting of 7.21 acres, more or less, located south of Road M and 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. Representing the Rodd's, **Cynthia Miller** was present. **Planning Director, Don Haley** 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 the subdivision application, submitted by Jimmy & Marian Rodd, on property located at 11773 Hwy 145, Cortez, CO,. Second by Commissioner Lindsay 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 a proposed Subdivision and AR 10-34 Rezoning Application, submitted by **John & Robyn Foster**, on property located at 15123 Road 18 #A&B, Cortez, CO, consisting of 48 acres, more or less, located south of Road S and west of Road 18, situated in Section 27, T.37N., R.17W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. and Mrs. Foster were present. **Planning Director, Don Haley** 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 subdivision and rezoning application, submitted by John & Robyn Foster, on property located at 15123 Road 18 #A&B, 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 a proposed Subdivision Amendment Application to the **Fox Run Development**, 2nd Amendment, submitted by **Ute View Farms**, on property located at 7255 Hwy 160/491, Cortez, CO, consisting of 9.78 acres, more or less, located west of Hwy 160/491, situated in Section 4, T.35N., R.16W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. **Charles and Wanda Martin** were present. **Planning Director, Don Haley** 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 Fox Run Development, 2nd Amendment, submitted by Ute View Farms, on property located at 7255 Hwy 160/491, Cortez, with an amendment to the motion to include the rezoning to a commercial state. 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 of a proposed Subdivision Amendment Application to the **Herrington Minor Subdivision**, submitted by **Edward Tevault**, on property located at 21555 Road F, Cortez, CO, consisting of 3 acres, more or less, located south of Road F and east of Road 21 situated in Section 18, T.35N., R.16W., N.M.P.M. The roll was called, the public notice read, and the

proceedings were recorded for the record. Mr. Tevault was present. **Planning Director, Don Haley** 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 the subdivision amendment application to the Herrington Minor Subdivision, submitted by Edward Tevault, on property located at 21555 Road F, Cortez, CO,. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

**PLANNING: Planning Director, Don Haley** presented for discussion and approval a proposed After-the-Fact Variance Application for the setback distance of a raised deck to the Dolores River, submitted by **William Grace and Elka Youngren**, on property located at 19826 Hwy 145, Dolores, CO, consisting of 1.39 acres, more or less, located south and east of Hwy 145, in the Stapleton Subdivision, Tract 8. Mr. Grace was present. Commissioner Lindsay moved to approve the variance being since there was no water or septic flowing through there. Second by Commissioner Stevenson and carried. (See attached)

**PUBLIC COMMENT:** No public comments were made.

**DISCUSSION: Kelly Kirkpatrick** along with Board member **Justin Vasterling** from **Mesa Verde Country** met with the Commissioners with an introduction and to give an update on the tourism office. Ms. Kirkpatrick reported that they manage the tourism opportunities available within Montezuma County. Topics discussed included; strengthening the competitive position, collaboration with other tourism partners, new visitor readiness program development and stimulation of the tourism industry businesses, encouragement for economic development, occupancy rates and the County's support. Mr. Vasterling discussed hotel rack rates, an increase to the Lodgers Tax, marketing, outdoor destination area designations and workforce availability.

**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 June 28, 2021 through July 30, 2021 and gave an overview of the type of work scheduled for each crew. Other topics discussed included; road painting, shouldering, the Road 10 chip seal project, BLM access on Road 35.6, a new culvert replacement project on Road 20, the Mc Elmo Slip Project, the CDOT turn lanes on Hwy 491 and the Highland Terrace Road. (See attached)

**NOXIOUS WEED DEPARTMENT: Weed Department Manager, Bonnie Loving** met with the Commissioners to give a monthly report. Topics discussed included; leafy spurge, statistical data updates, the Phreatophyte project, the cancellation of the Weber Canyon field tour, the July 15 and 16<sup>th</sup> scheduled applicator training, the Bare Ground Program, spraying the edges of County roads, Dalmatian Toadflax, and the Useful Public Service (UPS) program. Manager Loving presented, for approval **Noxious Weed Right of Entry Resolutions #5-2021, #6-2021, #7-2021, #8-2021, #9-2021 and #10-2021**. Commissioner Lindsay moved to approve the six, Right of Entries, as presented. The motion was seconded by Commissioner Candelaria and with two votes in favor by Commissioners Lindsay and Candelaria and one vote against by Commissioner Stevenson, the motion 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: repairs to the Bomag Machine, compost rows, yard waste, scheduled composting training, the PCS soil acceptance plan from CDPHE, the development of the compost pad, and an update on the cells. Manager Jarmon reported they had found a rate discrepancy within the screening rates. His recommendation was to adjust the screening rates from \$38.68, to be applicable with the MSW rate at \$53.91, effective January 1, 2022. Commissioner Lindsay moved to approve the screening rates. Second by Commissioner Stevenson and carried. (See attached)

**FAIRGROUNDS: Fairgrounds Manager, Justin McGuire** gave his monthly report which included the year to date numbers for income of \$51,899.99 and attendance at 43,535. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the Ute Mountain Rodeo in-kind trade program, the grand stand sidewalks, a 12 foot gate and the new secretary office. Manager McGuire discussed an attended Ute Mountain Rodeo Committee meeting and future in-kind trade ideas. Ideas included a parking lot expansion project, a concert stage area and a horse barn. A discussion was held regarding recent light issues during events at the Race Track and the proposed Race Track Lease. (See attached)

**UNFINISHED BUSINESS:** Topics discussed included; scheduling a meeting with the three local School Districts representatives regarding the Secure Rural Schools Funds and a scheduled meeting to discuss the Sheriff's draft marijuana policy.

**COUNTY ATTORNEY REPORT: County Attorney, John Baxter** discussed scheduling county public hearings, the Road Y complaint, the draft agreement with the Town of Mancos, an update on the Weber Canyon / Pax LLC case, and the Fairgrounds contract.

**NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich,** no report given.

**COUNTY ADMINISTRATOR REPORT: Administrator Powers** reported that there would not be a Commissioner meeting on July 13, 2021.

**EXPENDITURES REPORT:** Administrator Powers presented the May 2021 Accounts Payable Expenditure Reports for approval. Commissioner Stevenson moved to pay the payables, in the amount of \$3,684,470.59, for Montezuma County. Second by Commissioner Lindsay and carried. (See attached)

**COUNTY COMMISSIONER REPORT:** Topics discussed within the Commissioners reports included: **Commissioner Lindsay** discussed the noxious weeds program, the attended meeting with the Attorney General, constituent phone calls, reading emails and the scheduled City of Cortez Council meeting. **Commissioner Stevenson** discussed the attended Economic Development meeting, the attended meeting with the Attorney General and constituent phone calls. **Commissioner Candelaria** discussed the attended Economic Development meeting, the CDOT / TPR tour and the attended meeting with the Attorney General.

Chairman Candelaria announced the meeting would reconvene at 1:30 p.m., as the **Montezuma County Board of Health**.

**CORRESPONDENCE:** The following correspondence was read and noted:

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

**MEETING ADJOURNED: 11:10 a.m.**

**MONTEZUMA COUNTY BOARD OF HEALTH MEETING: 1:30 p.m.**

---

Clerk

July 6, 2021

---

Chairman