

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 10, 2021**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 10, 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 August 10, 2021 with the Pledge of Allegiance.

MINUTES: Commissioner Lindsay moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 3, 2021 as presented. Motion was seconded by Commissioner Stevenson and carried.

BOARD OF EQUALIZATION: It being the time set aside the following Board of Equalization appeal was heard. The proceedings were recorded for the record. The appeal is from **Wal-Mart Stores Inc. 0966** on account #P000147. The petitioner was not present. The **Assessor, Leslie Bugg** discussed the petition for appeal and the process of valuation of said land. After hearing the evidence presented, Commissioner Candelaria moved to accept the value recommended to the CBOE of \$1,774,092.00 for account number #P000147, located at 1835 E. Main St., 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 Empire Electric North Broadway Subdivision, submitted by **Bedroc, LLC**; agent: **Maness & Associates**, on property

located at 761 N. Broadway, Cortez, CO, consisting of 1.89 acres, more or less, located west of Hwy 491/N. Broadway situated in Sections 22 & 27, T.36N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent, Ernie Maness 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 subdivision amendment for the Empire Electric North Broadway Subdivision, submitted by Bedroc, LLC; agent: Maness & Associates, located at 761 N. Broadway, Cortez,. 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 for review and determination of a proposed Subdivision and AR10-34 Rezoning Application submitted by **Gary & Georgia Stanley**; agent: **Jeffrey Sederlin**, on property located at 19250 Road P, Cortez, CO, consisting of 35 acres, more or less, located west of Road 20, south of Road P, situated in Sections 35, 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. Sederlin 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 approve the proposed subdivision and AR10-34 rezoning application submitted by Gary & Georgia Stanley; agent: Jeffrey Sederlin, on property located at 19250 Road P, 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 Amendment & Rezoning Application to the **Lichliter 2** Lot Moderate Subdivision, submitted by **Julian Martinez**, on property located at 25695 Road M, Cortez, CO, consisting of 11.35 acres, more or less, located north of Road M, west of Road 26, situated in Sections 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. Martinez 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 subdivision amendment & rezoning application to the Lichliter 2 lot moderate subdivision, submitted by Julian Martinez, on property located at 25695 Road M, Cortez,. 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 2 Lot Minor Subdivision and AR10-34 Rezoning Application, submitted by **Michael Chenard & Jerrod Chenard**, on property located at 10455 Road 20, Cortez, CO, consisting of 43.34 acres, more or less, located south of Road M and west of Road 20, situated in Section 23, T.36N., R.17W., N.M.P.M.. The roll was called, the public notice

read, and the proceedings were recorded for the record. Michael and Jerrod Chenard were 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 approve the proposed 2 lot minor subdivision and AR10-34 rezoning application, submitted by Michael Chenard & Jerrod Chenard, on property located at 10455 Road 20, 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 2 Lot Minor and AR10-34 Rezoning Application submitted by **Hancock Family Trust**, on property located at 19444 Road 16.5, Yellow Jacket, CO, consisting of 23.40 acres, more or less, located south of Road W, east of Road 16, situated in Section 5, 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. Joe Hancock** 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. Director Haley reported that the rezoning needed to be amended from AR10-34 to AR3-9. 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 2 lot minor and rezoning AR3-9 application submitted by Hancock Family Trust, on property located at 19444 Road 16.5, Yellow Jacket. Second by Commissioner Stevenson and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING: **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** presented for signatures of a Variance, submitted by **Joseph F & Sandra E Jaburg**, on property located at 19183 Road 25.3, Dolores, CO, consisting of 3.13 acres, more or less, located south of Hwy 184, west of Road 25.3, situated in Section 2, T.37N, R.16W, N.M.P.M. Commissioner Lindsay moved to approve the variance for Joseph & Sandra Jaburg, on property located at 19183 Road 25.3, Dolores. Second by Commissioner Stevenson and carried. (See attached)

Director, Haley with **Assistant Duncan** reported that the Mylar for an Exemption Resolution, submitted by **Kenneth R & Jeanne M Todd**, on property located at 27538 Road 16, Pleasant View, CO, was postponed to a later date. Other topics discussed included; an update on the Periman property on Road 25, the Road 21 property and an update on the **Love's Travel Stops & Country Stores, LLC** project.

PUBLIC COMMENT: No public comment was made.

DISCUSSION: **President of Muscanell Millworks, Bobbie Comisky**, along with **Planning Director Haley** met with the Commissioners to discuss the required County assessed road impact fees, for a warehouse expansion project. The Commissioners were in agreement to impose the current assessed road impact fees.

VEHICLE MAINTENANCE: Road & Bridge Equipment Manager, Shane Higman met with the Commissioners to give a monthly report. Manger Higman reported that at the current time it is difficult to purchase vehicles or parts and that he would be presenting new bids for replacement vehicles soon. Other topics discussed included the Enterprise Fleet presentation.

GROUNDS AND BUILDINGS: Maintenance Supervisor, Mike Chenard met with the Commissioners to give a monthly report. Supervisor Chenard reported on the grounds and building projects. Topics discussed included; updates on the floor replacement projects, the LED lights project, repair projects at the Jail, the City of Cortez grinder request, and a plumbing project at the administration building.

GIS MAPPING: GIS Manager, Doug Roth and Mapping Specialist, Rachel Medina met with the Commissioners to discuss the proposed Montezuma County redistricting project. Topics discussed included; the attended Statewide Redistricting Committee public comment meeting, the anticipated census data, the inclusion of municipal partners to the process, the proposed preliminary Colorado House District redistricting maps and a draft letter to the Colorado State Redistricting Committee. (See attached)

UNFINISHED BUSINESS: Topics discussed included: a request for an additional 2 full time employees for the **Social Services Department** and the **Secure Rural Schools (SRS)** funding. Commissioner Lindsay moved to allow the Social Services to hire 2 full time employees. Second by Commissioner Stevenson and carried. Commissioner Stevenson moved that after the meeting with the School Superintendents, to give Imagination Library the remainder of the money allocated, in the amount of \$78,475.21. Second by Commissioner Lindsay and carried.

COUNTY ATTORNEY REPORT: County Attorney, Ian MacLaren gave an update on the Road 41 case, the Road Y issue, the new Assistant County Attorney, the Road 21 property case and the penalties for Land Use Code violations.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich discussed a scheduled meeting with Connie Clementson and the BLM, to discuss the (CANM) Canyons of the Ancients National Monument roads, along with a scheduled work session to discuss a signage project,. Director Dietrich discussed the **Community Wildfire Protection Plan**, gave an update on the **Paths to Mesa Verde Trail** project and discussed attended water meetings. The Commissioners were in agreement to name Mr Dietrich as the **Southwest Basin Round Table, Montezuma County Interim Representative**.

COUNTY ADMINISTRATOR REPORT: Administrator Shak Powers had no report to give.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Lindsay** discussed constituent phone calls and the attended Heritage Museum event. **Commissioner Stevenson** discussed an attended meeting with the Commissioner of Agriculture, attendance at a **Changing Our Mental and Emotional Trajectory (COMET)** training, the attended redistricting meeting, the Monday workshop meeting, the Heritage Museum event, and constituent phone calls and reading. **Commissioner**

Candelaria discussed a Road 27.3 meeting with Road Supervisor Englehart, a meeting with an engineer, the redistricting meeting, the Monday workshop and the Dolores Town Meeting.

EXECUTIVE SESSION: Pursuant to Attorney MacLaren’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 MacLaren and Clerk Percell, seconded by Commissioner Stevenson and carried. Topics for the executive session were legal tactics of negotiation, legalities and procedure for the MOU related to the Fiber. Commissioner Stevenson moved to go out of executive session, seconded by Commissioner Lindsay and carried. (See attached)

EXECUTIVE SESSION: Pursuant to Attorney MacLaren’s suggestion, Commissioner Stevenson 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 MacLaren, Clerk Percell and the Fairgrounds Manager Justin McGuire seconded by Commissioner Lindsay and carried. Topics for the executive session were legal tactics of negotiation, legalities and procedure regarding the proposed Race Track Lease Agreement. Commissioner Stevenson moved to go 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 Lindsay seconded by Commissioner Stevenson and carried.

MEETING ADJOURNED: 12:30 p.m.

Clerk August 10, 2021

Chairman