

Cortez, CO, consisting of 1.50 acres, more or less, located north of Road M, west of Hwy 145, situated in Section 12, T.36N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Kasey and Taryn Bell** 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. Public comment was made by **Rich McDonald, Troy Gattis,** and **Melanie McDonald**. Hearing no further public comment that portion of the hearing was closed. After hearing the evidence presented Commissioner Lindsay moved to accept the proposed high impact permit application and rezoning application, submitted by CBERT Cortez, LLC; agent: Kasey Bell, on property located at 26757 Road M, Cortez, consisting of 1.50 acres, more or less, also in the motion, if the property is vacated from this permit, it will revert back to residential, also in the motion, a setback variance allowing for the commercial structure that currently sits within 47 feet of the north boundary, and a setback variance allowing for the residential structure within 22 feet of the west property boundary. Second by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING: Director, Haley along with **Assistant, Duncan** presented for approval and signatures for a Variance Application, submitted by **Lewis-Arriola Fire Protection District; agent: George Deavers**, on property located at 20644 Road W, Lewis, CO, consisting of 0.64 acres, more or less, located south of Road W, east of Hwy 491, situated in Section 1, T. 37, R. 17, N.M.P.M. Mr. Deavers was present. Commissioner Koppenhafer moved to approve the variance application, submitted by Lewis-Arriola Fire Protection District; on property located at 20644 Road W, Lewis, CO, consisting of 0.64 acres, located south of Road W, and east of Hwy 491. Second by Commissioner Lindsay and carried. (See attached)

COUNTY CORONER: Coroner, George Deavers met with the Commissioners to give a monthly report. Coroner Deavers reported that there had been a total of 64 calls, that there had been another suicide and there had been a total of 82 completed autopsies. Other topics discussed included; ages of suicides, reasons of suicides, physician attended deaths and autopsy statute requirements.

Director, Haley along with **Assistant, Duncan** presented for approval and signatures for a Variance Application submitted by **Burt & Debra Ramsey**, on property located at TBD Road K.8, Cortez, CO, consisting of 0.63 acres, more or less, located north of Road K.8, west of Hwy 491, situated in Section 22, T. 36N, R. 16W, N.M.P.M.. Mr. and Mrs. Ramsey were present. Commissioner Lindsay moved to accept the variance application submitted by Burt & Debra Ramsey, on property located on K.8, Cortez, consisting of 0.63 acres, more or less, located north of Road K.8, west of Hwy 491. Second by Commissioner Koppenhafer and carried. (See attached)

Director, Haley along with **Assistant, Duncan** presented for discussion of a Variance for the Land Use Code Requirement of the 3 acre parcel size and the 30-foot setback requirement, submitted by **Carlene Porter**; agent: **Danny Wilkin**, on property located at 15965 Road 21, Cortez, CO, consisting of 5 acres, more or less, located south of Road S, west of Road 21, situated in Section 25, T.37N, R.17W, N.M.P.M. **Agent, Danny Wilkin** and property owner **Tonya Capps** were present. Commissioner Lindsay moved to grant the variance, due to the

hardship caused by the death of a family member. Second by Commissioner Koppenhafer and with two votes in favor from Commissioners Lindsay and Koppenhafer and one vote against from Commissioner Candelaria the motion carried. (See attached)

PUBLIC COMMENT: Troy Gattis discussed the Porter / Wilkin variance application.

UNFINISHED BUSINESS: No unfinished business presented.

COUNTY SHERIFF: Sheriff, Steven Nowlin met with the Commissioners to give his monthly report which included the monthly **Calls for Service Report**, the **Jail Report**, the **Year to Date Transport Report**, the **Perdium and Cost for Travel Report**, the **Total Monthly Inmate Report**, the **Monthly Arrests Report**, the **Dolores County Billing Report**, the **City of Cortez Billing Report**, the **DOC Holds Report**, the **Operational Expense Report** and the **Monies Paid to the General Fund Report**. Other topics discussed included; accident response requests from the State Patrol, livestock calls, a court order for animal removal on property located at 31104 Road P, House Bill #22-1329 the increased reimbursement cost for DOC prisoners to be billable at \$60.61, effective July 1, 2022, an attended dispatch agency meeting, Senate Bill #22-1326 the Fentanyl Bill, the Forest Service / BLM Stage 1 Fire restrictions effective May 25, 2022 along with the same effective date for a County Fire Ban, the Sheriff's Office Position / Annual Pay Grade and the Caviness Mountain Equipment transfer. A discussion was held regarding a proposed rate increase for the jail fee, with an effective date of June 1, 2022. Commissioner Koppenhafer moved to set it at \$100.00. Second by Commissioner Lindsay and carried. Sheriff Nowlin presented for approval the 2022-2023 **USDA Forest Service Modification of Grant or Agreement #20-LE-11021300-031** in the amount of \$10,500.00. Commissioner Koppenhafer moved to approve this modification of grant or agreement, between the US Forest Service #20-LE-11021300-031, between the San Juan National Forest and the Montezuma County Sheriff's Department. Second by Commissioner Lindsay and carried. Sheriff Nowlin presented for approval the **DOLA Limited Impact Gaming Grant** effective July 1, 2022 through June 30, 2023 in the amount of \$118,000.00. Commissioner Lindsay moved to approve the submission of the Gaming Impact Grant application for 2022. Second by Commissioner Koppenhafer and carried. (See attached)

DISTRICT ATTORNEY: District Attorney, Matt Margeson and Office Manager, Clarisa Feully were not available.

EMERGENCY MANAGEMENT: Emergency Manager, Jim Spratlen met with the Commissioner and gave a monthly update. Jeff Colton from the **National Weather Service**, joined the meeting virtually and gave an overview of the drought conditions within Montezuma county. Commissioner Lindsay moved to extend the Drought Disaster Emergency Declaration, to October 1, 2022. Second by Commissioner Koppenhafer and carried. Manager Spratlen presented for discussion and review; the **Monthly Situational Report**. Other topics discussed included local reservoir storage. (See attached)

COMMUNITY INTERVENTION PROGRAM: Emergency Manager, Jim Spratlen, Jessica Borden, Charlee Sharp, Al Brokofski and Molly Rodriguez (virtually) met with the Commissioners to introduce the team and gave a review of incident responses. (See attached)

CORTEZ FIRE PROTECTION: Chief, Jay Balfour met with the Commissioners to give a monthly update. Topics discussed included a Calls for Service Report, a Fire Districts Levies and Revenues Report and the Board of Directors report. (See attached)

EXECUTIVE SESSION: Pursuant to Attorney MacLaren’s suggestion, Commissioner Lindsay moved for the Board of County Commissioners 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 Candelaria, Lindsay and Koppenhafer, Administrator Powers, Attorney MacLaren, Clerk Percell, Natural Resource Director James Dietrich and GIS Specialist Doug Roth, seconded by Commissioner Koppenhafer and carried. Topics for the executive session included; the civil case regarding Road Y. Commissioner Lindsay moved to go out of executive session, seconded by Commissioner Koppenhafer and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator Shak Powers discussed the attended CDPHE meeting and an internal review of the Ironwood property, attendance to the meeting for the Stake Holder Multi Agency Coordination group, a walkthrough with Maintenance on the proposed Wash Station Project for the Fairground, the attended CIP meet and greet, the meeting with Maintenance regarding the Fairground’s Fire Suppression System Project, an attended farewell for Southwest Health Systems CFO Rick Shrader, and public notices for two Board to Board meetings with the Town Councils of Dolores and Mancos. Administrator Powers announced that he had taken a new project management position with Region 9.

COUNTY ATTORNEY REPORT: County Attorney, Ian MacLaren discussed the CDPHE meeting and an internal review of the Ironwood property.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, nothing to report.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: Commissioner Koppenhafer reported on the attended Mancos Town Board meeting. Commissioner Lindsay discussed the attended Cortez City Council meeting. Commissioner Candelaria discussed the attended Statewide Transportation Advisory Committee (STAC) meeting.

CORRESPONDENCE: The following correspondence was read and noted: Email from Ingrid Ward.

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

MEETING ADJOURNED: 12:45 p.m.

Clerk

May 17, 2022

Chairman