

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
 MONTEZUMA COUNTY, COLORADO  
 July 12, 2022**

STATE OF COLORADO                    )  
   ) ss.  
 COUNTY OF MONTEZUMA            )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday July 12, 2022 at the Montezuma County Administration building in Cortez, Colorado, there were present:

- Jim Candelaria, Chairman
- Kent Lindsay, Vice Chairman
- Gerald Koppenhafer, Commissioner of Deeds
- Jim McClain, IT Director
- Ian MacLaren, County Attorney
- Kim Percell, County Clerk

**MINUTES:** Commissioner Koppenhafer moved to approve the Proceedings of the Board of County Commissioners, Montezuma County, as presented for Tuesday July 5, 2022. Motion was seconded by Commissioner Lindsay and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for review of a proposed After-The-Fact High Impact & Special Use Permit Application and Commercial Planned Unit Development Application, submitted by **Stanley Investments, LLC**; agent: **Blaine Bowers**, on property located at 6572 Road 24 #1-5, Cortez, CO, consisting of 2.27 acres, more or less, located south of Road G, east of Hwy 491, situated in Section 10, T.35N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent, Blaine Bowers 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 accept the proposed After-The-Fact High Impact & Special Use Permit Application and Commercial Planned Unit Development Application, submitted by Stanley Investments, LLC; located at 6572 Road 24 #1-5, Cortez. Second by Commissioner Koppenhafer 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 General Planned Unit Development and Rezoning Application submitted by **Edward & Bette Lewis**, on property located at 13301 Road 35.9, Mancos, CO, consisting of 13.54 acres, more or less, located south of Hwy 184, west of Road 35.9, situated in Section 4, T.36N, R.14W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Attorney MacLaren recused himself from the hearing. **Attorney, John Baxter** joined the meeting at this time. Mr. and Mrs. Lewis along with their son, **Wade Lewis** 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 **Don Harwood, Mike Just, Roy Gelbhaus, Glen Haney, George Nelson, Lisa Gower, William Gower, Mike Lynch** and **Cheryl McMillan**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Koppenhafer moved to deny the proposed planned unit development for Ed and Bette Lewis, at this present time. 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 of a proposed Amendment to Lot #3 of the **Aldean Acres 7 Lot Major Subdivision** and Rezoning Application submitted by **Richard & Melanie McDonald**, on property located at TBD Road M, Cortez, CO, consisting of 3.85 acres, more or less, located west of Hwy 145, north of Road M, 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. Mr. McDonald 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 accept the proposed amendment to lot #3 of the Aldean Acres 7 lot major subdivision and rezoning application submitted by Richard & Melanie McDonald, on property located at TBD Road M, Cortez, CO., contingent upon the receipt of the non-opposition letter and the amended covenants. Second by Commissioner Candelaria and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

**PUBLIC COMMENT:** Public comments were made by **Allen Maez** and **Mike Lynch**.

**PUBLIC LANDS: USFS: Forrest Service District Ranger, Derek Padilla** met with the Commissioners to give a monthly update. Topics discussed included; the release of the Beaver Rim Gravel Pit Environmental Assessment, a proposed Dolores Norwood Road FRTA Easement Agreement, road use permits, FLAP Grants and possible fire management due to a natural ignition.

**Mesa Verde National Park, Kayci Cook Collins** met with the Commissioners to give a monthly update. Topics discussed included; the June and year to date visitation numbers, the July 24th public opening date for the Cliff Palace Loop, the tour schedules for Cliff Palace and Balcony House, the Mesa Top Loop pavement project, the Spruce Tree House Alcove Arch Stabilization Project and the Fire Management Plan.

**VEHICLE MAINTENANCE: Road & Bridge Equipment Manager, Shane Higman** met with the Commissioners to give a monthly report. Topics discussed included; delivered Road department vehicles, pool funding for the Departmental Vehicle Share Program, future proposed vehicle purchasing, a Maintenance Department vehicle and fleet vehicles ready for sale.

**GROUNDS AND BUILDINGS: Maintenance Supervisor, Dustin Sattler** reported on the grounds and buildings. Topics discussed included; elevator inspections, replacement of the AC compressor for the Clerk's office, the Administration's building generator transfer switch, a built fence panel, the Fairground's wash rack project and the Health Department's backup generator.

**IT: IT Director, Jim McClain** met with the Commissioners to present his monthly report. Director McClain reported that he was working on broadband projects.

**GIS MAPPING: GIS Manager, Doug Roth and Resource Director, James Dietrich** met with the Commissioners to give a monthly report. Topics discussed included; plat and PUD changes, the addition of the 2021 Imagery on the web maps, an attended Colorado Water Conservation Board and FEMA Flood Risk Study Prioritization for Montezuma County meeting and detailed flood plan studies. (See attached)

**ASSESSOR: Montezuma County Assessor, Leslie Bugg** met with the Commissioners to discuss a comparison of the 2021 and 2022 Assessed Values. Topics discussed included; the County's estimated assessed values due to House Bill #22-1223, mobile home assessed values, Assessment Rate changes from 2021-2022, Senate Bill #22-238 and the 2021 County General revenue. Assessor Bugg wanted to recognize her staff for the excellent job they had been doing, and reported that from January 1, 2022 through May 1, 2022, the office had brought in over 50 million dollars in residential value. A discussion was held regarding the current office staff structure. Assessor Bugg reported that currently the office was short one appraiser and one deputy. (See attached)

**LANDFILL: Landfill Manager, Mel Jarmon** gave his monthly report which included the 2022 Landfill budget spread sheet. Topics discussed with the report included; shipped cardboard, changes to the mattress and animal fees, the trommel screen grant reports, CDPHE grant applications, engineer drawings for the Cell 5 development, repairs for the old Bomag machine and the Landfill's capacity to take part of a chip pile. (See attached)

**UNFINISHED BUSINESS: Letter of Support:** A letter of support regarding broadband services to residents in Southwest Colorado, addressed to the **Colorado Broadband Office, Governor's Office of Information Technology**, was presented for approval. IT Director McClain gave an overview of the regional **Priority Middle Mile Broadband Project**. Commissioner Koppenhafer moved to sign the letter of support, to the Colorado Broadband Office, showing our support for Montezuma County for the regional collaboration. Second by Commissioner Lindsay and carried. (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, Attorney MacLaren and Clerk Percell, seconded by Commissioner Koppenhafer and carried. Topics for the executive session included Fiber network management. Commissioner Lindsay moved to go out of executive session, seconded by Commissioner Koppenhafer and carried. (See attached)

**Fiber Management Contract:** Attorney MacLaren presented for approval, the Fiber Management Contract between Montezuma County and 2210 Cortez, LLC. Commissioner Koppenhafer moved to approve the Fiber Management Contract between Montezuma County and 2210 Cortez LLC. Second by Commissioner Lindsay and carried. (See attached)

**COUNTY ATTORNEY REPORT: County Attorney, Ian MacLaren** gave an update on the NCA legislation and discussed the statute of limitations for a notice of a potential claim, on a death at the jail.

**NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich,** met with the Commissioner to give a weekly report. Director, Dietrich reported that the BLM sent invitations for Montezuma County to participate as the cooperating agency regarding the Big Game Corridors Plan and the Sage Grouse. Other topics discussed included; the proposed Forrest Service FRTA Easement, a scheduled DWARF working group field trip and quarterly grant reporting.

**COUNTY ADMINISTRATOR REPORT:**

**COUNTY COMMISSIONER REPORT:** Topics discussed within the Commissioners reports included: **Commissioner Lindsay** no report given. **Commissioner Koppenhafer** discussed his temporary appointment as the County representative to the Southwest Water Conservation District. Commissioner Lindsay moved to appoint Commissioner Koppenhafer temporarily, to the Southwest Water Conservation District. Second by Commissioner Candelaria and carried. **Commissioner Candelaria** no report given.

**CORRESPONDENCE:** The following correspondence was read and noted: Email from **Becky Siefer** regarding the Ed and Betty Lewis Public Hearing.

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

**MEETING ADJOURNED: 12:20 p.m.**

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Clerk

July 12, 2022

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Chairman