

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 20, 2022**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday December 20, 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
Travis Anderson, County Administrator
Ian MacLaren, County Attorney
Kim Percell, County Clerk

CHAIRMAN, CANDELARIA opened the meeting of December 20, 2022 with the Pledge of Allegiance

MINUTES: Commissioner Koppenhafer moved to approve the minutes for the Board of County Commissioners, Montezuma County, for Tuesday, December 6, 2022, the minutes from the Special Meeting on Thursday, December 15, 2022, and also those held on Monday, December 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 on the proposed **2023 Budget** for Montezuma County. Any interested elector may submit objections either verbally or in writing. Written objections will be read into the record for the Board of County Commissioner's Public Hearing on Tuesday, December 20, 2022, followed by the adoption of the budget on Tuesday, December 27, 2022. The roll was called, the public notice read, and the proceedings were recorded for the record. **Administrator Anderson** gave an overview of the County Budget adoption process. Commissioner Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Lindsay moved to put on the agenda, and move forward the 2023 Budget for

Montezuma County. 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 General Planned Unit Development, Special Use Permit and AR35+ Rezoning Application submitted by **Elevated Smoke, LLC, agent: Cole Clark**, on property located at 7231 Road 25, Cortez, CO, consisting of 35 acres, more or less, located north of Road G, west of Road 25, situated in Section 3, T.36N, R.16W, N.M.P.M. (this is a petition to come before the Board of County Commissioners). The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Clark 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. Public comment was made by **Jim Dickinson, Cheryl Dean, Trent Carver, Kristy Ross, Greg & Emiko South, Wendell Fry, Mike Lynch, Dave Dove, Sharon Goodall, Jody Lamb, Allen Maez, Stephanie Fry, Rick Meredith** and **Chris Callister**. Hearing no further public comment that portion of the hearing was closed. Emails received included; **Lewis McInnes, Wendell Fry, Jimmy Williams** and **Lynn Stuckman**. After hearing all the evidence presented Commissioner Lindsay moved to deny the application, siting sections 1201 and 1201.2 of the Land Use Code. 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. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING: **Planning Director, Don Haley** along with **Assistant, S. Jane Duncan** presented for signatures an Exemption Resolution & Mylar, submitted by **Rodney & Crystal Daves**, on property located at TBD Hwy 491, Pleasant View, CO, consisting of 9.51 acres, more or less, located west of Hwy 491, north of Road DD, situated in Section 25, Township 39N, Range 18W, N.M.P.M.

PUBLIC COMMENT: Public comment was made by **Allen Maez**.

COUNTY SHERIFF: **Sheriff, Steven Nowlin** met with the Commissioners to give his monthly report which included the **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 **November Operational Expense Report** and the **Monies Paid to the General Fund Report**. Other topics discussed included, VIN inspections, stolen vehicles, vehicle registrations, air tags and the detention center refrigerator and freezer. (See attached)

Sheriff Nowlin presented for approval, **Resolution R513 Series 2022**, the proposed contract for law enforcement services between the **Montezuma County Board of County Commissioners**, the **Montezuma County Sheriff's Office** and the **Town of Dolores**. Commissioner Koppenhafer moved to approve Resolution R513 Series 2022, the 2023 contract for law enforcement services between the Montezuma County Board of County Commissioners, the Montezuma County Sheriff's Office and the Town of Dolores, in the amount of \$220,000.00. Second by Commissioner Lindsay and carried (See attached)

COUNTY CORONER: Coroner, George Deavers met with the Commissioners to give the **November 2022** monthly case numbers and the **Year Totals to Date** report. Topics discussed included; coroner cases, hospice deaths, motor vehicle accident deaths, suicides, overdose deaths, fentanyl deaths, homicides, autopsies and the total income from autopsies. (See attached)

DISTRICT ATTORNEY: District Attorney, Office Manager, Clarisa Feuilly met with the Commissioners to give a monthly report. Topics discussed included; the implementation of a new discovery system, defense reporting, State Patrol body cams, report management systems, an increase in work load, the newly hired attorney and the **Opioid Infrastructure Funding Grant** application.

EMERGENCY MANAGEMENT: Emergency Manager, Jim Spratlen met with the Commissioner and gave a monthly update. Manager Spratlen presented for discussion and review; the **Monthly Situational Report**. Topics within the report that were discussed included; the drought disaster, economic development, water, sheltering, **Red Cross** help with local house fires, State revised statistics for COVID, the avian influenza, the **Emergency Manager Performance Grant**, the **Emergency Operations Plan**, the **Hazard Mitigation Plan**, the **Generator Gant 90/10**, a review of all MOU's, MMA's and IGA's, saw mills and wood products, training and drills, Emergency Manager Certification renewals, the attended **Crisis Management Training**, the scheduled **Colorado Emergency Manager's Association Conference**, the 2023 -2025 **Training and Exercise Plan** and the end of the year reports. Manager Spratlen reported that he had official approval of his **Emergency Operations Center Manager Certification**. (See attached)

COMMUNITY INTERVENTION PROGRAM (CIP): Emergency Manager, Jim Spratlen, met with the Commissioners to give an update on the Community Intervention Program. Topics discussed included; quarterly reporting, the 2023 budget, a rollover of 2022 funding to the 2023 budget, the 2023 contracts, the **Behavioral Health Grant** and the **Secure Transportation Program License**.

CORTEZ FIRE PROTECTION: CORTEZ FIRE PROTECTION: Chief, Charlie Borden.
No report given.

DISCUSSION: Administrator Anderson presented for approval the **ClearGov Service Order**. Commissioner Koppenhafer moved to approve the ClearGov set up services and ClearGov Subscription Services from January 1, 2023 to December 31, 2025. Second by Commissioner Lindsay and carried. (See attached)

DISCUSSION: A discussion was held regarding the proposed **MOCO 2023 Faster Grant Agreement #23-HTR-ZL-00056/491003092**, in the amount of \$24,000.00. Commissioner Lindsay moved to approve the Faster Grant Agreement for MOCO, the Agreement #23-HTR-ZL-00056/491003092. Second by Commissioner Koppenhafer and carried. (See attached)

DISCUSSION: The discussion regarding the proposed **CDPHE – Montezuma County Landfill Contract Agreement** was postponed to the next meeting.

UNFINISHED BUSINESS:

LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell presented for approval a liquor license renewal for the, **Westview RV Resort**, located at 12092 Hwy 145, Dolores, Co., mailing address P.O. Box 483 Cortez Co. 81321. Commissioner Lindsay moved to approve the liquor license renewal for Westview RV Park. Second by Commissioner Koppenhafer and carried. (See attached)

DISCUSSION: Administrator Anderson presented the results from the 2023 Holiday Schedule employee survey and the proposed Montezuma County **2023 Holiday Schedule** for approval. Commissioner Lindsay moved to approve the Montezuma County Official County Holidays for 2023. Second by Commissioner Koppenhafer and carried. (See attached)

DISCUSSION: Dustin Sattler met with the Commissioner to discuss the **Janitorial Service** contracts for the Administration Building. The discussion will be continued to the December 27, 2022 meeting.

CERTIFICATION LEVIES AND REVENUES: Administrator, Anderson presented for approval the **Budget Year 2023 Certification of Levies and Revenues** by the Montezuma County Commissioners, to be sent to the State of Colorado. Commissioner Lindsay moved to approve the Certification of Levies and Revenues for Montezuma County, for the year 2023. Second by Commissioner Koppenhafer and carried. (See attached)

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) for legal advice on potential litigation and to include Commissioners Candelaria, Lindsay and Koppenhafer, Administrator Anderson, Attorney MacLaren, Clerk Percell, seconded by Commissioner Koppenhafer and carried. Topics for the executive session were legal tactics of negotiation, legalities and procedure regarding potential litigation. Commissioner Koppenhafer moved to come out of executive session, seconded by Commissioner Lindsay and carried. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, Ian MacLaren discussed the attended NCA Workgroup meetings.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioner for a weekly report. Topics discussed included the **Road 14** extension survey work and plat, the **Outdoor Recreation Industry Office (OREC)** RFP respondent evaluations, the initial findings for the **Affordable Housing Consultants**, the (GOCO) **Great Outdoors Colorado** meeting, the new **GOCO Centennial Program**, the **Raised Grant** benefit cost analysis, the Mancos side **MMOF** funds notice to proceed, and delays regarding the **OREC Grant**. Director Dietrich presented for approval the (CWPP) **County Wildfire Protection Plan**. Commissioner Lindsay moved to sign the Montezuma County Wildfire Protection Plan. Second by Commissioner Koppenhafer and carried. (See attached)

COUNTY ADMINISTRATOR REPORT: County Administrator, Travis Anderson discussed the attended CCI conference, Senate Bill #22-238, the Plastic Pollution Reduction Act, Cyber Security and Threats.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Koppenhafer** discussed the attended **Southwest Water Conservation District** meeting, the **CSU Extension** agent interviews, the attended CCI Conference and the attended **Colorado River Water Users Association** meeting. **Commissioner Lindsay** discussed the Planning & Zoning Board interviews and the CCI conference. **Commissioner Candelaria** discussed the attended **Southwest Regional Transportation Committee (TPR)** meeting and the Planning & Zoning Board interviews.

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

CORRESPONDENCE: The following correspondence was read and noted: A letter of interest from **Mike Upchurch** to serve on the **Lebanon Cemetery Board**.

MEETING ADJOURNED: 12:05 p.m.

Clerk

December 20, 2022

Chairman