

COUNCIL WORKSHOP/SPECIAL MEETING
TUESDAY, FEBRUARY 26, 2019
Dinner will be served at 5:15 p.m.

CALL TO ORDER

- A. 5:15 p.m., Dinner will be served
Introduction of new City Engineer Chad Hill
- B. 5:30 p.m., Thank You to Sam Mamet, CML Director
- C. 5:45 p.m., Discussion on Letter of Support for Dave and Lana Water's Grant Application (item 7g.)
- D. 6:00 p.m., Continued Discussion on Council Members attending meetings
- E. 6:15 p.m., Executive Session for discussion with the City Attorney for the purpose of receiving legal advice on specific legal questions regarding settlement of litigation, as per C.R.S. Section 24-6-402(4)(b)
- F. 7:20 p.m., General Council Discussion
- G. For Your Information
 - 1. Montezuma County Minutes of February 5 and 12, 2019

ADJOURN

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 5, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 5, 2019 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman
Larry Don Suckla, Vice Chairman
Jim Candelaria, Commissioner of Deeds
Shak Powers, County Administrator
John C. Baxter, County Attorney
Kim Percell, County Clerk

CHAIRMAN ERTEL opened the meeting of February 5, 2019 with the Pledge of Allegiance.

MINUTES: Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 29, 2019 as corrected. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Rob Pope** discussed the content and Commissioner's response within the public comment portion of the meetings. **Boyd Lancaster**, Road 12 property owner discussed county road maintenance for the road to his property. **M.B. McAfee** discussed the public comment portion of the meetings.

MONTEZUMA COUNTY FAIRBOARD: Fairboard President, **Allen Higgins**, Vice President, **T.W. Gilliland** along with Fairgrounds Manager, **Larry Copeland** met with the Commissioners to discuss a proposed concert plan for the County Fair and a request for a special event liquor license. Commissioner Candelaria moved to grant the Fairboard a special event liquor license for the concert that is being presented for the County Fair and to revise the Montezuma County Fairgrounds alcohol policy. Second by Commissioner Suckla and carried (See attached)

PRESENTATION: The Montezuma County Board of County Commissioners presented a plaque to **James Lambert** in appreciation for his years of service as a County Commissioner.

DISCUSSION: By request from the BOCC, **Environmental Health Specialist, Melissa Mathews** met with the Commissioners to review the previously approved **Montezuma County Public Health Department On-Site Wastewater Treatment System Regulation #43**. **Colorado Department of Public Health and Environment, Chuck Cousino** with the **State Water Quality Division** joined the discussion by conference phone. **Public Health Director, Bobbi Lock** gave an overview of the program. The Transfer of Title Program presentation given by Specialist, Mathews included; how the on-site waste water treatment system act 25-10-101 began, the basic rules for local administrations, the process to adopt the regulations, the State Regulation 43, the history of the BOCC and BOH meetings held to discuss the proposed Montezuma County regulations, the County "OPT IN's" list, the revision process for the 2017 state Regulation 43, the Transfer of Title introduction to Montezuma County, a revised County "Opt In" list, the submittal process, additional correspondence and meetings held, the previously approved transfer of title program, the minimum criteria, the failure definition, and the transfer of title procedures, current county regulations, County Regulation 1.9 Transfer of Title, NAWT inspections and exemptions addressed within Regulation 43. Public comments were made by **Carol Click, Rob Pope, Jennifer Tewell, Jody Bissonnette, Dr. Kent Akin, Laurel Schaeffer, and Marti Spitzer**. Chairmen Ertel announced the convening of the Board of Health. Commissioner Candelaria moved to place a six month moratorium on the Transfer Title Program to gather more public input and to consider possible exemptions and determine the best course forward. The motion was second by Commissioner Suckla and carried. Chairman Ertel then announced that the Board of Health would adjourn and the reconvening of the Board of County Commissioners. (See attached)

ROAD DEPARTMENT: **Road Superintendent, Rob Englehart** presented the road and bridge schedule for the dates of January 30, 2019 through February 15, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Other topics discussed included; grinding quotes, an Alkali Bridge project CDOT meeting, a pickup replacement, paver quotes, Maintenance for Road 12 and a calibrated decimal noise reader. (See attached)

GIS MAPPING: **GIS Manager, Doug Roth** along with **Superintendent Englehart** met with the Commissioners to present the **Colorado Department of Transportation's, Highway Users Tax Fund** road work and changes for reporting year 2018 for approval. Topics of the discussion included; the Montezuma County mileage certification, changed gravel to chip seal, changed graded to gravel, chip seal roads that were paved, no adjustments to the road inventory and the 2017-2018 mileage changes paved / unpaved report. Commissioner Suckla moved to approve the HUTF mileage certification review from our GIS Department for the year 2019. Second by Commissioner Candelaria and carried. (See attached)

FAIRGROUNDS: **Fairgrounds Manager, Larry Copeland** gave his monthly report which included the updated year to date numbers for income of \$12,550.00 and attendance at 2420. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the commodities giveaway, a visit from the Montrose Fairgrounds leaders,

power upgrades, the proposed card lock system setup, the proposed convention center and grant applications. (See attached)

IT MONTHLY REPORT: **IT Director, Jim McClain** met with the Commissioners to present his monthly updates. Topics of the discussion included; the Social Services migration, help desk tickets, testing for the new Time Keeping system, the new Accounts Payable program for Administration, the Senior Annex door installation, Annex 1 audio and visual projects, the Wireless project to the Landfill and the Fairgrounds, the door readers at the Fairgrounds, and a new backup system in place and functioning. (See attached)

ASSESSOR: **Montezuma County Assessor, Leslie Bugg** cancelled due to illness.

LIQUOR LICENSE: **Deputy Clerk, Malinda Fuller** presented for approval liquor license renewal applications for **G Whil Liquors LLC, DBA G Whil Liquors** located at 24001 Road G.2, Cortez, **Paragon Business Investments, LLC, DBA Hilltop Liquors**, located at 27963 Hwy. 184 Dolores, **Westview RV Resort**, located at 12092 Hwy 145, Dolores, **Double R Liquors, LLC, DBA Double R Liquors**, located at 18794 Hwy 491, Lewis Co. 81327 and **Mancos Brewery** located at 484 East Frontage Road, Mancos. Commissioner Candelaria moved to approve the 5 liquor license applications for renewals. Second by Commissioner Suckla and carried. (See attached)

Chairman Ertel announced the adjournment of the meeting for the LUNCH break.
Chairman Ertel announced the meeting would reconvene

PLANNING:

The New **Planning Director, Don Haley** was introduced.

PUBLIC HEARING CONTINUANCE: It being the time set aside a public hearing is held for the purpose of a continued Public Hearing. On 12/10/18, the Montezuma County Board of County Commissioners asked for a February 5th, 2019 continuance for review and determination of an AR3-9 rezoning request and Single Lot Development Subdivision Application submitted by **Arvita Higgins** on property located at 21510 Road W, Lewis, CO, located south of Road W, east of Road 21.4, situated in S.6, T.37N., R.16W., N.M.P.M. County Attorney, John Baxter, was asked to review Resolution #P-40-96E. The roll was called, the public notice was read, and the proceedings were recorded for the record. Arvita Higgins was present for the hearing. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Public Comment was made by **Michelle Porter**. Hearing no further public comment that portion of the hearing was closed. Commissioner Candelaria moved to return the application to the Planning and Zoning Commission for further review of the new information that had been presented. Second by Commissioner Suckla and carried. Commissioner Ertel closed the hearing at this time.

Assistant Duncan presented for signatures a final Plat for a Lot Line Boundary Adjustment to **Cruzan Ranch Minor Subdivision**, owned by **Jay Cruzan**, located at 25680 Road P, south and west of Road P, east of Road 25, situated in S. 35, T. 37N, R. 16W, N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney John Baxter discussed, Montezuma County support to La Plata County regarding their Landfill closure and the CDPHE enforcements. Also discussed was the Kinder Morgan hearing scheduled in Denver next week, and the County Road 41 hearing.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; Bureau of Land access points within the Summit area and behind the Landfill. Director, Dietrich discussed the attended Montezuma County Recreation Advisory Committee (MCRAC) meeting. He reported that he had a resignation from Committee Member Paul Cook. It was agreed by all of the Commissioners to appoint Amber Clark as the replacement member, with Abby Lock and Allen Kline as alternates to the Committee. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented for approval a letter addressed to Shelly Woodson Banker, Colorado Opportunity Scholarship Initiative, and Colorado Department of Education in support of the application submitted by the Fort Lewis College Foundation and Fort Lewis College. Commissioner Suckla moved to approve the letter addressed to Ms. Baker in support of the Colorado Opportunity Scholarship Initiative application program for Fort Lewis College. Second by Commissioner Candelaria and carried. Administrator Powers presented the 2019 Montezuma County Food Resources list and discussed the countywide public distribution of the list. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel reported he had attended the DOW Hunt season strategy meeting.

Commissioner Suckla, no report.

Commissioner Candelaria reported that he had attended the Montezuma County Recreation Advisory Committee meeting and the Road 41 hearing.

PUBLIC COMMENT: M.B. McAfee discussed the current County legal issues and related expenses associated with these issues.

CORRESPONDENCE: The following correspondence was read and noted:

MOTION TO ADJOURN: was made by Commissioner Candelaria, seconded by Commissioner Suckla and carried.

MEETING ADJOURNED: 3:00 p.m.

Clerk February 5, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 12, 2019**

STATE OF COLORADO)
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COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 12, 2019 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman
Larry Don Suckla, Vice Chairman
Jim Candelaria, Commissioner of Deeds
Shak Powers, County Administrator
John C. Baxter, County Attorney, Absent
Kim Percell, County Clerk

CHAIRMAN ERTEL opened the meeting of February 12, 2019 with the Pledge of Allegiance.

MINUTES: Commissioner Candelaria moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 5, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: **Allen Maez** discussed the development of a County Land Use Conservation Easements map. **Greg Kemp** discussed the new Planning Director's introduction. **Tom Seymour** discussed **Senator, Don Coram's** support of **House Bill #1032**.

LETTER OF SUPPORT: **Co-owner of D&L Construction, Lana Waters,** met with the Board with a request for a letter of support for a grant application on a proposed purchase of a crusher for recycling concrete and asphalt. Commissioner Suckla moved to approve the letter of support for D&L Construction for a grant application for the purchase of a crusher for asphalt and concrete. Second by Commissioner Candelaria and carried. (See attached)

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of January, 2019. (See attached)

HOMESFUND: Dixie Gray from the Housing Authority and Lisa Bloomquist, Executive Director of HomesFund met with the Board and made a request to waive the rental fees of the County Annex #1, to provide 3 homebuyer education classes in the Cortez area. Commissioner Suckla moved to waive the fees for the HomesFund Buyers classes, with the exception of the payment of the refundable deposit. Second by Commissioner Candelaria and carried.

VETERANS SERVICE: Veteran Service Officer, Rick Torres presented the Certification of Pay for January, 2019 along with the Monthly Report of services. Officer Torres gave an update on the monthly statistical data and the indirect income to Montezuma County. Commissioner Candelaria moved to accept the certification of pay for the County Veterans Service in the amount of \$6929.31 for the month of January, 2019 for Montezuma County. Second by Commissioner Suckla and carried. (See attached).

SHERIFF'S MONTHLY REPORT: Sheriff Steven Nowlin met with the Commissioners to give his monthly report which included the Detective Division report, the Inmate Report, the Parole Holds Report, DOC Holds Report, the January 2019 Jail Report, the 2019 January Total Inmate, Monthly Arrests, Courtesy Hold Reports, the Fees collected report and the January 2019 Transport report. Other topics discussed included: Calls for service, the development of a new Memo of Understanding with Dolores County, mental health inmates, December 2018 expenditures, the Casino Contract, the Black / Grey Marijuana Grant, the Pre Trial Unit, the Town of Dolores Contract, the Towaoc Juvenile Detention Center and future proposals for the vehicle maintenance program. (See attached)

PLANNING & ZONING COMMISSION APPOINTMENT: Administrator Powers presented letters of interest from Tamara Hamilton, Andrew P. Spruell, Neal Hollingsworth, Daniel Nuvy, Joel Stevenson, Bob Waggoner and Janine Denney as an alternate to the Planning & Zoning Commission. Commissioner Suckla moved to appoint Joel Stevenson as the alternate to the Montezuma County Planning and Zoning Board. Second by Commissioner Candelaria and carried. (See attached)

PLANNING: Planning Assistant, S. Jane Duncan presented for signatures a final plat Commercial Rezoning (COMZ) and recommended Single Lot Development for a proposed RV Planned Unit Development request submitted by William & Judy Eggers, on property located at 30175 Road L, Mancos, CO, consisting of 3 acres, more or less, located on the north side of Road L, south of Road 31, situated in S.15 T.36N., R.15W., N.M.P.M.

Assistant, Duncan presented for signatures on a final plat for a Single Lot Development consisting of 24.16 acre, more or less tracts, on property owned by Robert & Lynda Gosnell, located at 23361 Road L, Cortez, CO, situated north of Road L, east of Road 23, Sec. 16, T.36N., R.16W., N.M.P.M.

COUNTY ATTORNEY REPORT: Attorney John Baxter was absent.

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

COUNTY ADMINISTRATOR REPORT: on behalf of **County Assessor, Leslie Kennedy Bugg, Administrator, Shak Powers** presented for approval the **Colorado Parks and Wildlife Impact Assistance Grant Application**. Commissioner Candelaria moved to sign the Colorado Parks and Wildlife Impact Assistance Grant Application authorized by C.R.S. 30-25-301 & 302 as amended. Second by Commissioner Suckla and carried. (See attached)

ACCOUNTS PAYABLE: Administrator Powers presented the December 2018 Accounts Payable for approval. Commissioner Suckla moved to approve the Montezuma County expenditures for December 1, through December 31, 2018 as presented. Second by Commissioner Candelaria and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel reported he had attended the TPR and Cattlemen's Association meetings. **Commissioner Suckla**, read a message response from former Teller County Commissioner and Past President of CCI, Dave Paul regarding the septic system Regulation 43. Commissioner Suckla also reported he had attended the Cattlemen's Association and Housing Authority meetings.

Commissioner Candelaria reported that he had attended the TPR meeting.

PUBLIC COMMENT: **Greg Kemp**, discussed the county website updates for new County personnel. **Montezuma Land Conservancy Executive Director, Travis Custer, GIS Director Doug Roth, Allen Maez and Betty Ann Kolner** discussed the development of a County Land Use Conservation Easements map.

CORRESPONDENCE: The following correspondence was read and noted:

Note from **Mariette Eaton**.

Letter from the **Dolores Water Conservancy District** regarding their meeting.

MOTION TO ADJOURN: was made by Commissioner Suckla, seconded by Commissioner Candelaria and carried.

MEETING ADJOURNED: 11:30 a.m.

Clerk February 12, 2019

Chairman