

COUNCIL WORKSHOP/SPECIAL MEETING
TUESDAY, MARCH 12, 2019
Dinner will be served at 5:15 p.m.

CALL TO ORDER

- A. 5:15 p.m., Dinner will be Served
- B. 5:30 p.m., Discussion on Newly Proposed Land Use Code
(City Planner Tracie Hughes)
- C. 6:30 p.m., Discussion on Welcome Center Proposed Changes
(Management Intern Peyton Heitzman/
City Manager John Dougherty)
- D. 7:15 p.m., General Council Discussion
- E. For Your Information
 - 1. Dolores Water Conservancy District Minutes
 - 2. Planning and Zoning Minutes of February 5, 2019
 - 3. Montezuma County Minutes of February 19, 26, and 28, 2019

ADJOURN

These written minutes represent the general discussion of the DWCD Board of Directors, DWCD staff, and participants at the DWCD board meeting, and they include a record of any and all board actions taken at the meeting. The written minutes are not intended to provide a word-for-word account of the board meetings. Nor are they a direct quote of any statements offered at board meetings. All DWCD board meetings are recorded on audio tape.

DOLORS WATER CONSERVANCY DISTRICT

MINUTES Regular Meeting December 13, 2018

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:37 PM

Bruce Smart, President
Don Schwindt, Secretary-Treasurer
Godwin Oliver, Director
Glen Fish, Director
Wes Wilson, Director
Mike Preston, General Manager
Lloyd Johnson, Maintenance Supervisor
Gina Espeland, Accounting Clerk
Robert Stump, Bureau of Reclamation
Barry Spear, Attorney
Dan McCarl, Attorney

INTRODUCTION OF GUESTS

Brandon Johnson, General Manager MVIC, Greg Black, MVIC Board Director, Abdel Berrada, and Rich Landreth, City of Cortez

APPROVAL OF THE MINUTES

MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE NOVEMBER 8, 2018 REGULAR MEETING.

**MOTION: GODWIN OLIVER
SECOND: WES WILSON
MOTION CARRIED UNANIMOUSLY.**

FINANCIAL STATEMENTS

MOTION: TO APPROVE THE OCTOBER '18 FINANCIAL STATEMENTS AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

ADMIN: AP/CHECK #11227-11241

\$7,490.30

**MOTION: WES WILSON
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY.**

AGENCY REPORTS

BOR Report

Robert reported that 1) All American is working on the last 3 variable speed pumps. Brimhall is working on Ruin Canyon fixed speed pumps and evaluating the repairs and most of which are extensive. The repairs have March 29th completion date. Funding for the next set of pump rebuilds

is obligated. This is the first time that the fixed speed pumps have been serviced, so it has been approximately 20-25 years. Robert stated that the repairs are laid out from minimum to maximum and it requires a contract modification set levels of repair. They are on hold until he gets the go ahead on the modification. Don asked if he was surprised by the repair level. Robert stated that it has varied from mid to max levels of repairs. Robert stated that it is typical wear. They will be restored as near to possible as new. They provided the three different levels of repairs and the costs for each level were predetermined before awarding the contract. Bruce asked if the repair is more cost effective versus the purchase of a new pump. Robert stated that repair is definitely more cost effective.

Division of Water Resources Report

Not present at the meeting.

T/H Committee Report

Godwin reported that the THC Committee had a meeting November 28, 2018. Brandon provided a handbook on the contracts of T/H committee. The Committee paid DWCD, MVIC and UF&RE. The estimates for the Cathodic Protection are being finished. The strength of the concrete lined pipe is dependent on the strength of wrap wires. The BOR Denver Office will be hiring PURE Technologies to come in to inspect the pipe.

Next T/H Meeting – The Committee will meet at the DWCD, Cortez Office December 19, 2018 at 2:00 p.m. at the Cortez Office.

MVIC Report

Brandon reported that MVIC finished up Riprap on T/H and is working on maintenance that can be performed in bad weather such as, meter service.

Adoption of Resolutions for 2019 Budget

Mike stated that the Board has been provided a copy of the revised budget. Ken provided a memo outlining adjustments directed by the Board and there is a set of Resolutions.

Ken's memo states that the budget has been adjusted per Board Direction. The first change keeps the Full Service Area irrigator rates flat for 2019 and the second set the employee matrix increase at 0.5% for 2019. The Assessed Valuations for both Counties were updated. Dolores County valuations went down \$11,754 while Montezuma County valuations went down \$215,050 from the last version of the budget, which combined lowered the two Current Tax lines by \$109. The 2018 projected costs were updated based on current expenditures through October. The budget is set up on full water year and the two changes are in the budget as directed. We will need to evaluate the Budget in late spring based on the water supply and if items need to be adjusted for that reason.

Mike stated that the resolutions adopt the budget and then appropriate money and set the mill levy to generate tax revenue. Then there are Resolutions to approve the Enterprise budget and appropriate money for the Enterprise, DCL&G, T/H and Powerplants.

Don asked about why the T/H, Powerplants and Dove Creek Lawn and Garden were not spelled out in Resolution 18-01-E like in 18-02-E. Barry stated that 18-01-E covers everything in the Budget under the enterprise including the T/H, Powerplants and DCL&G.

MOTION: ADOPT RESOLUTION NO. 18-02 2019 ADMINISTRATIVE FUND BUDGET

MOTION: WES WILSON

SECOND: GODWIN OLIVER

MOTION CARRIED UNANIMOUSLY

MOTION: ADOPT RESOLUTION NO. 18-03 RESOLUTION TO APPROPRIATE ADMINISTRATION FUND MONEY

MOTION: GODWIN OLIVER

SECOND: GLEN FISH

MOTION CARRIED UNANIMOUSLY

MOTION: ADOPT RESOLUTION NO. 18-04 SETTING THE MILL LEVIES

MOTION: DON SCHWINDT

SECOND: WES WILSON

MOTION CARRIED UNANIMOUSLY

MOTION: ADOPT RESOLUTION NO. 18-01- E 2019 ENTERPRISE FUND BUDGET

MOTION: GLEN FISH

SECOND: GODWIN OLIVER

MOTION CARRIED UNANIMOUSLY

MOTION: ADOPT RESOLUTION NO. 18-02-E APPROPRIATION OF ENTERPRISE FUND MONEY

MOTION: WES WILSON

SECOND: GODWIN OLIVER

MOTION CARRIED UNANIMOUSLY

SET LOCATION FOR POSTING MEETING NOTICES IN 2019

Bruce stated that we need to designate our location of the area outside the Board Room Doors for posting Meeting Notices for 2019. Mike explained that the open meetings law requires that the local governing body designate where a notice of the meetings will be posted. This must be done annually.

MOTION: DESIGNATING THE AREA OUTSIDE THE BOARD ROOM DOORS AS THE LOCATION FOR THE OFFICIAL POSTING OF MEETING NOTICES.

MOTION: DON SCHWINDT

SECOND: WES WILSON

MOTION CARRIED UNANIMOUSLY

GENERAL MANAGERS REPORT/DECISION ITEMS

Closed Loop Pump-Back Storage Hydro Battery Above McPhee Reservoir – On November 14-15, Absaroka Energy Project Manager, Kelcie Nice made her first visit to the Dolores Project area. Kelcie asked the GM to set up meetings with any entity that would potentially be in opposition to the pump back project and any entity whose support or approval would be needed to get the project permitted. The GM set up and joined Kelcie in 10 meetings in two days. Attached is a memo from Kelsie to the owner of Absaroka Energy Carl Borquist and her boss Engineer Rhett Hurless summarizing all of these meetings and who attended.

It is very encouraging to report that there was no overt opposition or push-back in any of the 10 meetings. While Kelcie and the GM were in these meetings, Steve Harris worked on options for siting the closed loop system. The meeting with the San Juan Forest, included Forest Supervisor Kara Chadwick, District Ranger Derek Padilla, Natural Resources Manager Anthony Madrid and Hydrologist Kelly Palmer. This was a very critical meeting given the fact that the entire project will be sited on National Forest Land. It was agreed that Kelcie, working with Steve Harris, will define the general area under consideration and the Forest will respond by evaluating archeological, fishery and environmental issues that may require mitigation.

Kelcie sent an email and followed up with a written note mailed to everyone we met with over the two days. The meeting with the Tribe included their full legal team and two Tribal Council members. Once we finished the pump-back discussion the Tribe opened discussion of the EDS. The GM heard from Scott Clow, after the meeting that the legal team is meeting to respond to the Letter of Intent that we sent them last summer.

The footprint of the hydro-battery compared to a lithium battery field is much smaller with far less polluting wasted set up good discussion with everyone including the environmental advocated. Kelcie's letter goes into detail with all the groups that were met with. Kelcie mentions another project in her summary which is the EDS. The tribe has the letter of intent (LOI) drafted by DWCD and they are working through it. If the LOI does get negotiated then it will come back to this Board. We have laid out all the steps. Steve has been working with Kelcie to adjust the original lay out and alternatives to steer away from impacting drainages and archeological resources that can be avoided. Mike stated that if this project is feasible Absaroka is the company that would be best to implement it. We asked about the site if it is the old Plateau Project. Mike stated that there are several sites that Steve and Kelcie are looking at to see which one would work best. DWCD's long term goal is a stable revenue source. We will need to negotiate benefits for DWCD. Mike stated that this has gone further than we anticipated. Don asked what is in it for us. If it is only the sale of the water then maybe the Board needs to discuss DWCD participation. Mike stated that there is nothing to speculate on until it can be determined if the project is feasible. Don was questioning DWCD involvement until we have a realistic projection. Mike stated that most of the time and money invested is by Absaroka, and the limited commitments being made by DWCD are well worth potential benefits.

Colorado River Basin Issues – Drought Contingency Planning, Demand Management, West Slope Risk Assessment – As discussed at the November Board meeting a policy statement was presented on November 14 at the CWCB Board meeting entitled: "Support and Policy Statements Regarding Colorado Drought Contingency Plans, Demand Management and Compact Administration". This Policy Statement included most of the sideboard concepts proposed by the West Slope Conservation Districts.

The CO River District's memo has attached to it is the CWCB policy and it does a lot of what the conservation districts asked for. This needs to be added to the notebook to prepare for a Brainstorm around this topic. This probably needs to be discussed in executive session to get legal advice on proceeding as an entity.

Since the CWCB hearing the Colorado River District prepared a memorandum for the CRD Board concerning the CWCB Policy Statement. The CRD memo is attached and includes the CWCB Policy Statement adopted November 14, and the CRD Prior Appropriation Policy.

A key question raised by the River District is, how do you make demand management equitable fair. Demand management is voluntary temporary and compensated but, if it fails how do you advocate equity in responding to a Lower Basin call administered by the State Engineer.

The Montezuma County Commission, who previously signed a letter of support for the Southwestern/CRD position, revisited this support on Monday December 3. Don Schwindt, Bruce Whitehead and Ed Millard were invited to address the Commission. After lengthy discussion, the Montezuma County Commission voted to rescind the County letter of support for the Southwest/CRD policy position and oppose the drought contingency plans and demand management concept.

The Southwestern Board met on December 4 and heard presentations from Ed Millard who was accompanied by County Commission Chair, Keenan Ertel. As the General Managers Report is being prepared, it is unclear if any action was taken by Southwestern with regard to Drought Contingency Planning and the CWCB memo. Don may be able to shed light on any decision made in open session.

Don stated that SWCD made two motions. In light of everything we heard SWCD supports Colorado participation and moved staff and legal counsel to stay engaged in this and send letter to the counties encouraging them to stay engaged in the process and educational efforts. The two SWCD motions are attached.

The River District is doing this as well. How do you make it equitable and make it fair. The demand management is voluntary, temporary and compensated and if it fails mandatory curtailment could result. They are keeping voluntary demand management and State Administration of a mandatory curtailment discrete. The Risk Assessment funded by the West Slope Conservation Districts and DWCD will provide scenarios about how the curtailment could play out.

The Drought Contingency Plan/Demand Management (DCP/DM) Subcommittee of the Southwest Basin Roundtable will meet on Monday, December 10 in Durango at the SWCD office to continue reviewing the information that has been provided and discuss developments since the Subcommittee last met on November 6. The purposes of Subcommittee discussions are to share what has been learned with the Roundtable and to provide information to individual water entities that will potentially be affected by DCP/DM and the risks associated with loss of power elevation and mandatory curtailment. It is anticipated that the DWCD Board will include compact risks and efforts to lower such risks in the 2019 Brainstorm. January 9th there will be a subcommittee meeting at 12:30 prior to the Roundtable and it will be held in the DWCD – Cortez Office. Anybody that could be affected by the compact issues is the focus of the Roundtable. To hear the discussion at the roundtable will provide a really good feel for this issue. Mike suggested that we take the discussion into Executive Session. Glen stated that he is going off of what Ed Millard is saying that this is a new way of being targeted. Mike stated that this is not new. We are junior to the compact with a 1940 storage right and a federally built and owned project, with potentially significant risks. Any Federal reservoir with a post 1922 water right is at risk. Mike stated that this is a long term

discussion and we are starting discussions with Reclamation, because the Dolores is a Reclamation Project.

All relevant Colorado Compact/Drought Contingency Plan/Demand management documents and overview material can be found at the Southwest Basin Roundtable Webpage: <https://waterinfo.org/resources/southwest-basin-roundtable/>. Click DCP/Demand Management Button.

Board to Board, December 18, 7:00PM, DWCD – Topics under consideration include Totten Reservoir and Colorado River Compact/Drought Contingency/Demand Management. Both Boards should bring their notebooks as a resource since this is intended to be a discussion by Board members without staff presentations and will primarily be open discussion.

Don submitted a memo for the Board packet. Mike stated that we will take the memo up in Executive session as well.

Disappointment Creek Instream Flow – The 2019 CWCBC Instream Flow list includes Disappointment Creek. The segment in Dolores County is a source of County road water that has never been formally decreed. At their November 19 meeting, Dolores County invited Rob Viehl, CWCBC Instream Flow Program and Roy Smith representing BLM as the applicant for information and discussion of the proposed ISF. DWCD was invited to help lend perspective and advice during this discussion, and the GM attended.

One point of discussion was whether Dolores County could rely on a provision in the ISF decree to recognize the non-decreed road water use, or whether it would be better to go through water court and get this use decreed. Water Commissioners and the Division Engineer have indicated that they may not be authorized to administer a non-decreed use.

There were also questions about the process for defining the Instream Flow. This appears to be a "standard method" ISF using R2-Cross and Water Availability analysis, but it is a fairly complex proposal. After conferring with Dolores County Commissioner Steve Garcher, the GM asked Steve Harris to review the methods and calculations contained in the proposal to evaluate these mechanics. Given the uncertainty about decree administration, Steve was also asked to look into the issue of relying on the ISF decree to protect road water use vs. filing on a discrete water right.

Once Steve Harris completes his analysis, the information he generates will be shared with the Dolores County Commission and with the DWCD Board.

Don stated that standard R2cross don't always work where you drop into Disappointment, and usually used higher up where there are trout. Don stated that anything lower as in Disappointment won't work. This approach has been seen in other lower reaches. Don stated that it is the precedent and water users will be impacted. It is a new area and needs new methodology in Don's opinion.

Activities and Meetings since Last Board Meeting:

- November 13: MVIC Board Meeting
- November 14-15 – Kelcie Nice, Absaroka Energy, Project Manager Plateau Pump Back Project – 10 Meetings with Stakeholders (See Report) – GM
- November 16: Meeting with new DWRF Coordinator Danny Margoles to Discuss Support for Wood Products Industry Expansion to Address Forest Health - GM
- November 19: Instream Flow Discussion, Dolores County Commission - GM
- November 26: Lower Dolores Native Fish Monitoring and Recommendation Team – Bruce, Ken, Eric, GM
- November 27: Meeting to Discuss Staffing and Administration of DWRF – GM
- November 28: Towaoc-Highline Committee, 2:00PM, DWCD
- November 29: Meeting to Discuss Implementation of WaterSmart Forest Health Grant – GM, Ken, Eric
- November 30: Flume Dedication – GM Speaker at Ribbon Cutting
- November 30: Phone Call with Linda Bassi CWCBC/AG, Himes Creek ISF Side Boards – Adam Reeves, GM
- December 3: Montezuma County Commission Motion to Withdraw Support for Drought Contingency Plan – Don, GM, Ken
- December 4: Phone Call with Reclamation WaterSmart Grant Manager on Execution of WaterSmart Contract – Ken, GM, Eric
- December 5: DWRF Collaborative, 1:30, DWCD
- December 6: Discuss Totten Sale in Relation to Protection of Project Storage – Bruce, Ken, GM

- December 7: Drought Resilience Workshop, Mancos Conservation District – GM as Moderator
- December 10: Roundtable Subcommittee on Drought Contingency Plan/ Demand Management – GM Chair, Don, Ken, Glen
- December 11: MVIC Board Meeting, 2:00PM
- December 13: DWRF Steering Committee, 10:00AM, DWCD

Upcoming Meetings and Activities:

- December 26: Towaoc-Highline, 2:00PM, DWCD
- January 8: Workgroup to Discuss Alternative Protections for High Altitude Native Trout Streams Tributary to the Upper Dolores River, SJPLC, Durango, 10:00AM- GM, Ken
- January 9: Southwest Basin Roundtable, DWCD, 3:00PM (2:30 Social Time)
- January 10: DWRF Coordinating Committee, DWCD, 10:00AM – GM, Ken

Legal Report – Barry stated that included in the Board packet is a memorandum regarding Tax Liens on District Assessments and needs to be discussed in Executive Session

Barry also stated that the discussion on DCP/DM and Himes Creek would need to be held in Executive Session.

MOTION: MOVE INTO EXECUTIVE SESSION PER CRS 24.6.402(b) TO OBTAIN ADVICE FROM COUNSEL AND CRS 24.6.402(e) MATTERS OF NEGOTIATION IN DISCUSSION ON DROUGHT CONTINGENCY PLAN/DEMAND MANAGEMENT, HIMES CREEK AND THE TAX LIEN ASSESSMENT.

MOTION: GLEN FISH

SECOND: GODWIN OLIVER

MOTION CARRIED UNANIMOUSLY


RECESSED FOR EXECUTIVE SESSION AT 9:10 P.M.

RECONVENED REGULAR MEETING AT 10:40 P.M.

Barry reported that in Executive Session the Board discussed tax liens and district interim in DCPD and Himes Creek.

NEXT DWCD BOARD MEETING – Thursday, January 10, 2019 - 7:00 P.M.

ADJOURNMENT Meeting adjourned at 10:45 P.M.



Donald W. Schwandt, Secretary-Treasurer



Bruce Smart, President

These written minutes represent the general discussion of the DWCD Board of Directors, DWCD staff, and participants at the DWCD board meeting, and they include a record of any and all board actions taken at the meeting. The written minutes are not intended to provide a word-for-word account of the board meetings. Nor are they a direct quote of any statements offered at board meetings. All DWCD board meetings are recorded on audio tape.

**DOLORES WATER CONSERVANCY DISTRICT
WATER ACTIVITY ENTERPRISE**

MINUTES
Regular Meeting
December 13, 2018

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:04 PM

ROLL CALL Bruce Smart, President
Don Schwindt, Secretary-Treasurer
Godwin Oliver, Director
Glen Fish, Director
Wes Wilson, Director
Mike Preston, General Manager
Lloyd Johnson, Maintenance Supervisor
Gina Espeland, Accounting Clerk
Robert Stump, Bureau of Reclamation
Barry Spear, Attorney
Dan McCarl, Attorney

INTRODUCTION OF GUESTS

Brandon Johnson, General Manager MVIC; Greg Black, MVIC Board Director, Abdel Berrada, and Rich Landreth, City of Cortez

MINUTES

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE NOVEMBER 8, 2018, ENTERPRISE MEETING AND NOVEMBER 8, 2018, BUDGET HEARING.

MOTION: WES WILSON
SECOND: GLEN FISH
MOTION CARRIED UNANIMOUSLY.

FINANCIAL STATEMENTS

MOTION: TO APPROVE THE OCTOBER '18 FINANCIAL STATEMENT AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

O&M: AP/CHECK #36623-36684 & PR/CHECK #122962-123013
\$267,247.90

MOTION: GODWIN OLIVER
SECOND: WES WILSON
MOTION CARRIED UNANIMOUSLY.

O&M REPORT – Lloyd reported the following:

CANALS

Canal maintenance and repair is on hold due to frost levels. Work will continue in the spring.

Laterals

Numerous upstream and downstream delivery box valves are being replaced. Water meters in Sandstone, Pleasant View and Ruin Canyon fields have been removed and are being rebuilt.

Pump Plants

The five fixed speed pumps from Ruin Canyon are in the repair stages at Brimhall Industrial out of Monte Vista. The three variable speed pumps at All American in Farmington are also in repair stages.

Great Cut Dike

Concrete repair on the Lone Pine discharge chute was completed to a level which will facilitate water flows. Water started flowing on Monday at 80 cfs and will continue through the weekend. Lloyd provided pictures of the progress.

WATER MANAGEMENT REPORT

Water Accounting. – Mike stated on the November Inflow/Outflow in Column B the elevation went down slightly. The Dolores River column AW showed that we did not receive much precipitation. We received about 1 inch at Great Cut since November 1st, 70% of which was deposited by the last two snow storms. Today we are sitting at only about 64% of the average snowpack for this time of the year. The stock run is highlighted. Water is going into Narraguinnep during the month. Don asked how much MVIC was putting in Narraguinnep, Brandon stated 1,000AF. Don asked about the estimation of inflows. Mike stated that the gage in the Dolores froze up on November 6th, so staff has been estimating inflows based on McPhee's elevation since then. It is a very standard practice. Inflows have been going towards Narraguinnep's fill in McPhee since November 1st, and MVIC has stored an estimated 3,200 AF in McPhee as of today. Following completion of the repairs in the Lone Pine Outlet, we are currently releasing 80 cfs down the Lone Pine from MVIC's Narraguinnep pool in McPhee in order to increase the elevation in Narraguinnep enough to protect their newly installed bubbler from ice. The plan is to continue this release through Monday (it will total about 1,000AF by then), then coordinate with Brandon on shutting it down. McPhee elevation has remained fairly stable, and has dropped less than 5 inches since November 1st.

OTHER

CWC - Mike stated that Colorado Water Congress (CWC) is coming up January 30 – February 1st. He is bringing it up tonight if Board members know that they want to attend they can let the staff know for reservations.

Mike went over several of the handouts in the packet in regard to the Farm Bill. He stated that the Farm Bill passed both houses and is headed to the President. Some information is a petition from some of our farmers in support of the NAP program and the need to relax restrictive sign up dates. This was mailed to congressional offices and then Jim Farrier brought it into Mike. Mike then communicated with Ashley Greco of Scott Tiptons' office who indicated NAP is in the bill. Also emailed to Bennett and Gardner staff. Cory Gardner has strengthening drought protections on his priority list. The Farm Bill also removes Hemp from the controlled substances list. On Michael Bennett's provision list are the watershed, fireweed and forest health provisions that could be potentially helpful to local efforts. There is a drought resilience tool on the top of page 2 that allows watershed funding to be applied to off farm investments. Mike stated that he needs to look closely at the items of interest that he has check marked and further analyze them. Hemp agricultural provisions are in another handout. Local broadband to rural areas and renewable energy and energy efficiency are also included. We are interested in this as potentially helpful in the Biomass and the pump back storage project and could fit well with the power market transition that is going on. The House took the Farm Bill up the next day and Tipton and emphasized the same provisions. We have been pushing in the powerline corridors crossing Federal land and Forest as key assets to be protected. Power generation and forest Health tie together in many ways. Mike stated that he was talking to Katy Russell, CSU Research Station Manager and there could be other specialty crops to be investigated and could help the local agricultural viability. There is a piece from the Family Farm Alliance that emphasizes the cap program for the irrigation efficiency cost share so that irrigation districts can receive funding directly to give farmers access to efficiency programs. This would be with the sponsorship of the conservancy district. Don stated this provision could be helpful to MVIC users as well. Patrick O'toole included Senator Bennet's testimony about his visit to Ladder Ranch and it is a good article. Senator Bennet is talking about the agricultural heritage and linking it to the Farm Bill. The last handout is on Hemp and it is the US Hemp Roundtable. The Farm Bill

takes Hemp off the controlled substance list and it is being treated as a legal crop in Federal Legislation.

Barry's Retirement - Bruce stated that this is Barry's last meeting at DWCD . Barry stated that it is new chapter in his life and he is moving forward and he feels that we are in good hands with Adam and Dan. This is Barry's last Board Meeting, however he has agreed to do LEMing work and the Brainstorm on Colorado River DCP issues. Mike and staff presented Barry with gifts of appreciation for his service to the District.

ADJOURNMENT Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 7:37 PM



Donald W. Schwindt, Secretary-Treasurer



Bruce Smart, President

PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 5, 2019

1. The regular meeting was called to order in the City Council Chambers at 6:30 p.m. Commission members present were Chairperson Rebecca Levy, Vice-Chairperson Robert Rime, Tom Butler, Lance McDaniel, and Rachel Medina. City staff present included Mayor Karen Sheek, Associate Planner Neva Connolly, City Planner Tracie Hughes, Director of Planning and Building Sam Proffer, City Manager John Dougherty, and City Clerk Linda Smith. There were 14 people present in the audience.
2. Commissioner Medina moved to approve the Planning and Zoning Minutes of the Regular Meeting of January 15, 2019. Commissioner Butler seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

3. BUSINESS OF THE COMMISSION

a. Public Hearing on an Application for a Conditional Use Permit to Establish a K-8 School at 25 North Beech Street and 215 North Linden Street, as Submitted by Stacey Weyand, Agent for the Children's Kiva Montessori School, and Review of P&Z Resolution No. 3, Series 2019. Associate Planner Connolly stated that Children's Kiva Montessori School is proposing to establish a K-8 school at two locations: 25 North Beech Street and 215 North Linden. She stated that 25 North Beech Street is zoned Central Business District and 215 North Linden is zoned Commercial Highway. She stated that schools require a conditional use permit to operate in all districts. She explained that the Kiva Montessori School is currently operating at Crow Canyon while their building at 601 North Mildred Road is being renovated. She stated that the Kiva Montessori School must move from Crow Canyon by March and they are looking for a temporary home until their building on Mildred Road is completed. She stated that the school is hopeful the building on Mildred Road will be completed by the next school year (August 2019). She stated that 25 North Beech Street will house the K-5 children and was previously used as the Kiva Montessori school during 2015-2017. She stated that 215 North Linden would house the 6-8 grade students and was previously the home of GOAL Academy. She spoke about the plan for drop off/pick-up areas for each location and the parking requirements noting that a Special Exception (condition d. in Resolution No. 3, Series 2019) would need to be granted for the off-site parking for 25 North Beech Street. She stated that the City had already installed crosswalks on 25 North Beech Street in 2015 and that both locations would use Montezuma Park for recess time. She stated that school hours are 7:00 a.m. to 4:00 p.m., Monday through Friday with Wednesdays being half days. She stated that staff comments included coordinating with the Good Samaritan Center/Food Share program on pick-up times for their location now that they are located across the street from the proposed school location. Associate Planner Connolly stated that staff recommends approval of the conditional use

permit through Resolution No. 3, Series 2019, with four conditions including that if the project remains at 215 North Linden and 25 North Beech Street into the next school year, the proposal would need to be reviewed again in March 2020. In answer to a question from Vice-Chairman Rime, Associate Planner Connolly stated that Beech Street Kindergarten is located further north than the proposed location for the Kiva Montessori School. Associate Planner Connolly explained that the conditional use permit for 25 North Beech Street expired in 2018 and a new conditional use permit was granted for the school at 601 North Mildred Road. She stated that the Kiva Montessori School has not been able to operate at Mildred Road as renovations have not been completed on the building. In answer to a question from Commissioner McDaniel, Ms. Weyand stated that they are playing phone tag with the Good Samaritan Center on working together on the drop-off/pick-up times for the school but they would follow through with connecting with them.

Stacey Weyand, 14582 Road 21, on the Board of Directors for the Children’s Kiva Montessori School, stated that they would move from Crow Canyon to the Beech Street/Linden properties over spring break and the plan is to be in the North Mildred property for the new school year (August 2019). Discussion was held on the parking situation on North Beech Street. Chairman Levy opened the public hearing; however, no one spoke and the public hearing was closed.

Commissioner Butler stated that he objected to the proposal for the school to be located on Beech Street in 2015 and continues to be opposed to the proposal due to concerns regarding the safety of the children. Vice-Chairman Rime stated that he drove by the school when it was located on Beech Street and felt the area was well supervised during school hours. He stated there were no incidents during the three years the school was located on Beech Street.

Vice-Chairperson Rime moved that Planning and Zoning approve an application for a Conditional Use Permit to establish a K-8 school at 25 North Beech Street and 215 North Linden Street, as submitted by Stacey Weyand, Agent for the Children’s Kiva Montessori School, through Resolution No. 3, Series 2019, with five conditions. Commissioner Medina seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
No	Yes	Yes	Yes	Yes

b. Public Hearing – Review of Ordinance No. 1264, Series 2019, Regarding Theaters or Outdoor Stages. City Planner Hughes stated that on November 5, 2018, staff presented information regarding a request to place an outdoor stage in Montezuma Park. She stated that Cortez Retail Enhancement Association (CREA) has submitted a proposal to install a bandstand in Montezuma Park; however, the Land Use Code does not specifically list the use. She stated that the bandstand is being defined as a theater which is the closest use listed. She stated that the park is already established and it is being recommended that Montezuma Park, which is currently zoned Neighborhood Business be rezoned to Open zone and allow theaters in the Open zone as a permitted use. She spoke about the different options for allowing theaters on Municipal property

and discussion was held on theaters being allowed as a permitted use or a conditional use. Commissioner Medina stated that she feels that a theater should be designated as a conditional use rather than a permitted use so the Planning and Zoning Commission can review the proposal to see if it fits with the park and the surrounding area. City Planner Hughes stated that theaters are currently allowed as a permitted use in the Central Business District and Commercial Zoning District. Vice-Chairperson Rime noted that the present gazebos are hosts to people staying in them and he has concerns with that. He stated that he would like the City to consider purchasing a mobile stage rather than constructing a permanent structure. Discussion was held on the definition for theater.

Chairperson Levy opened the public hearing. Chris Lindell, 32905 Road P, Mancos, stated his concerned for the noise that would come with a theater and that he hopes that would be monitored. John Willard, 38 West Montezuma Avenue, stated that the Third Thursdays have been successful and he feels the activities in the park are part of living in the community and he is in favor of the bandshell idea. He stated that the Montessori kids used the park all the time and that is a nice thing. He stated that there are park rangers in the park on occasion; however, it doesn't seem to be much of an issue. He commented that it helps not having as many people hanging in Montezuma Park with the building that has been torn down that was located next to the park. Chris Wolfe, 18 West Montezuma Avenue, stated that he is in favor of the bandstand being constructed in Montezuma Park as it continues to progress as a neighborhood park. Chairperson Levy closed the public hearing. It was noted that CREA is purchasing the bandstand; however, the bandstand would become part of City property. City Planner Hughes stated that City staff would be reviewing the project prior to its construction whether it was a permitted or conditional use.

Commissioner Medina moved that Ordinance No. 1264, Series 2019, be recommended to Council for approval with theaters included in the Open zone in the City of Cortez Land Use Code as a conditional use. Commissioner McDaniel seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

c. Public Hearing on an Application to Rezone 15 West Montezuma from Neighborhood Business to Open and Review of P&Z Resolution No. 2, Series 2019, and Review of Ordinance No. 1263, Series 2019. City Planner Hughes stated that Ordinance No. 1263, Series 2019, would rezone 15 West Montezuma Avenue from Neighborhood Business (NB) to Open (O) zoning. She stated that the surrounding uses include residential structures to the north, non-residential to the south, Cortez Primary Care to the west, and a Baptist Church to the east. She reviewed the criteria for rezoning property from Land Use Code Section 6.02, and noted that the property was zoned Neighborhood Business in 1996 presumably because of the small size of the park. She stated that the property has been used as a park for many years (on the original town plat) and noted that most parks in the community are zoned Open. She noted that the area is changing and the property is owned by the City. Chairperson Levy noted that if the property remained Neighborhood Business it could be sold

off if the City would like. Chairperson Levy opened the public hearing; however, no one spoke and the hearing was closed.

Commissioner Butler moved that Resolution No. 2, Series 2019, be approved and that Ordinance No. 1263, Series 2019, be recommended to Council for rezoning 15 West Montezuma from Neighborhood Business to Open. Vice-Chairperson Rime seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	No

d. County Development – Review of a Request for an Amendment to Resolution #P-6-09, as Submitted by John Nunn, on Property Located at 27536 Road P, Dolores, CO, Within the 3-Mile Area of Influence. Associate Planner Connolly stated that the property located at 27536 Road P, Dolores, is barely in the three-mile influence zone. She stated that the applicant (John Leslie Nunn) would like to adjust his property boundary and wishes to sell five acres to his neighbor, Spencer Smith, while retaining the remaining five-acres and the existing residence. She stated there are no impacts to City interests as the primary access is off of Road P which is not part of the Master Streets Plan. She stated that staff recommends that the Planning and Zoning Chairperson be authorized to sign the final version of the plat accepting the boundary adjustment for the Nunn property.

Commissioner Butler moved that the Planning and Zoning Chairperson to sign the final version of the Nunn Boundary Adjustment Plat accepting the boundary adjustment for property located at 27536 Road P, Dolores. Commissioner Medina seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

e. County Development – Review of Request for a County AR 3-9 Zoning and a Single Lot Development Application, as Submitted by Spencer Smith on Property Located at TBD, Road P, Dolores, CO, Within the 3-Mile Area of Influence. Associate Planner Connolly stated that Spencer Smith purchased the 5-acre parcel from John Nunn (item 3e) located on Road P and is requesting Agricultural Residential zoning of 3- to 9-acre parcels for the property. She stated that the 5-acre parcel will be combined with other property owned by Mr. Smith. She stated that the application is scheduled for review by the County Planning Commission at their meeting on February 14, 2019. She stated that staff does not foresee any negative impacts on the City from the requested zoning change and recommends the Planning Commission Chair sign the plat finding the request in Compliance with the Master Streets Plan (Signature Block #1).

Commissioner Butler moved that the Commission finds the County Development located on Road P, Dolores, owned by Spencer Smith, in Compliance with the Master Streets Plan and the

Chairperson be authorized to sign the plat. Vice-Chairperson Rime seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

4. CITIZEN PARTICIPATION – None.

5. P&Z DISCUSSION ITEMS

a. Land Use Code Update. City Planner Hughes stated a series of public meetings have been noticed for review of the Land Use Code. She stated that the meetings are scheduled for Monday, February 11, 2019, 5:30 – 7:00 p.m., at City Hall; Wednesday, February 13, 2019, noon, at the Cortez Welcome Center; and Wednesday, February 20, 2019, 5:30 – 7:00 p.m., at City Hall. She stated that everyone is welcome to attend. She asked if Planning and Zoning would like to have a dinner/workshop prior to their regular meeting on March 5, 2019, to further review Land Use Code changes. The Commission agreed to meet on Tuesday, March 5, 2019, at 5:30 p.m.

b. VCAP (Vulnerability, Consequences, and Adaptation Planning Scenarios) Memo. City Planner Hughes stated that the City has been involved in VCAPS with the Western Water Assessment team. She stated that the process is designed to facilitate the City’s desire to increase resistance to the impacts of weather and climate hazards. She stated that drought was identified as the key hazard of concern for the City and long term water supply management has been specifically identified as a critical issue that needs to be addressed. She stated that a report has been generated and the participants in the process have identified the next steps for reviewing the plan. She stated that Planning and Zoning Commission members Lance McDaniel and Rebecca Levy have been in attendance at the meetings. She noted that a public meeting is currently scheduled for Thursday, April 11, 2019, to review the plan with the public. City Manager Dougherty noted that a presentation will be made at the April 9, 2019, Council meeting as well.

6. FYI

a. Spot Zone Article.

7. OTHER ITEMS OF BUSINESS – None.

8. PREVIOUS BUSINESS – None.

The meeting was adjourned at 7:50 p.m.

Rebecca Levy, Chairman

ATTEST:

Linda L. Smith, City Clerk

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 19, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 19, 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 19, 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 February 12, 2019 as presented. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Historical Society Board President, Ann Brown** gave an update on the **Montezuma Heritage Museum** project. **Ellen Foster** discussed Regulation 43, Transfer of Title program. (See attached)

PUBLIC LANDS: **Forrest Service, Derek Padilla** discussed the draft Lone Pine Environmental Assessment, the Sage Hen Trail project and the Beetle kill contracts. **Canyon of the Ancients National Acting Monument Manager, Tyler Foss** reported to the Commissioners on the Sand Canyon Parking lot project along with the Yellow Jacket and Flodine allotments. **Bureau of Land Management, Connie Clementson** discussed the King Coal Lease buy, the SW Resource Advisory Council (RAC) meeting, the proposed Transportation & Access plan, the Monument Manager position and the ACEC amendment.

WEED DEPARTMENT: Weed Department Office Manager, Bonnie Loving gave a Department update and slide show which included highlights and accomplishments of 2018, the Weber Canyon project, the Mancos River Project, the 2019 Mancos River project plan, 2019 Plans and the Russian Olive project. A discussion was held with Connie Clementson, Garth Nelson and Tyler Fouss with the Bureau of Land Management regarding noxious weed control efforts on the Weber Canyon BLM land. Topics discussed included; estimated costs of treatments, a reply letter from the Bureau of Land Management Tres Rios Field Office, work force abilities, Wilderness Study Area rules, an Environmental Assessment and cooperative efforts between the BLM and the County. (See attached)

ROAD DEPARTMENT: Road Superintendent, Rob Englehart presented the road and bridge schedule for the dates of February 13, 2019 through March 1, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew but currently, snow removal is the department's priority. Other topics discussed included; culvert crossings, tree trimming, chips hauled, the Horizon payments, the Pleasant View Fire Station building, the 2019 paving bids, the Alkali Bridge project, and equipment repairs. (See attached)

SENIOR NUTRITION QUARTERLY REPORT: Director, Jonathon G. Parker gave an update on the Senior Nutrition program. Topics discussed included the January meals served, Fiscal / Foods management, Senior Site, the department newsletter, staff, grant applications, a furniture request letter to Aarons ACORP, a proposed Senior Center cook book, the congregate meal intake form, a proposed kitchen remodel project and the Montezuma County Senior Center Annex Agreements. (See Attached)

CEMETERY APPOINTMENT: Administrator, Powers presented a letter of interest for reappointment to the Fairview Cemetery District from Kami Oliver. Commissioner Suckla moved that Kami Oliver be reappointed to the Fairview Cemetery District Board for a 6 year term. Second by Commissioner Candelaria and carried. (See attached)

COUNTY TREASURER / TRUSTEE: Treasurer, Ellen Black presented for approval the Montezuma County 6 month Schedule of Receipts and Disbursements. Commissioner Candelaria moved to approve the schedule of receipts and disbursements for July 1, 2018 through December 31, 2018. Second by Commissioner Suckla and carried. Other topics discussed included; the Goodman Point Water District, the development of an online payment program and staffing needs. (See attached)

ASSESSOR: Montezuma County Assessor, Leslie Bugg met with the Commissioners to give a Bi-annual report. Topics discussed included; the resignation of an appraiser, a request for a replacement vehicle, a proposed subcontract for a commercial appraiser and the Kinder Morgan audits. Assessor Bugg reported that the appraisers were caught up with new construction within the County. Assessor Bugg was directed to check out the Administrative Suburban for use.

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the attended Kinder Morgan hearing and the Combined Court House Lead Certification presentation.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; the King Coal Mine, the scheduled (MCRAC) Montezuma County Recreation Advisory Committee meeting, a resignation from an alternate member of the Montezuma County Recreation Advisory Committee, the Sage Hen Trail project, the BLM access parking lots for the Summit and Sand Canyon areas.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers along with IT Director, Jim McClain presented the Montezuma County Security Policy Document for approval. Commissioner Suckla moved to adopt the Security Policy Document prepared by IT Director Jim McClain. Second by Commissioner Candelaria and carried. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel had no report to give.

Commissioner Suckla, discussed a proposed Resolution for Montezuma County to become a Second Amendment Gun Sanctuary County, current services and staffing at the County Health Department and the scheduled proposed convention center meeting.

Commissioner Candelaria discussed the scheduled Lewis Arriola Community Center's Annual Chili Supper and Pie auction.

PUBLIC COMMENT: Greg Kemp discussed public input on the proposed gun sanctuary resolution.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 12:30 a.m.

Clerk February 19, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 26, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 26, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN ERTEL opened the meeting of February 26, 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 19, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: Public Comments regarding the proposed Gun Sanctuary Resolution were made by **Tom Seymour, M.B. McAfee, Greg Kemp, Mary Dodd, Eddie Kaiser, Dawn Brunson, Carolyn Landes, Amanda Winter, Allen Maez, Steve Blackwell, Dean Cunningham, Robert Smith, Rebecca Busic, Mike Marston, Danette Dillon, Richard Kipp, Craig Hart, Tamara Hamilton, Travis Measles, Duane Calhoun, Ernie Guilliams, Danny Wilkin, Bob Clayton, Wade Foster, Robert Ower, Donna Malcolm, Vincent Lopez Sr., James Garlinghouse, Maria Battell and Ken Vance.** Montezuma County Sheriff, Steve Nowlin and Montezuma County Coroner, George Deavers discussed the proposed Resolution. County Clerk, Kim Percell read the names of citizen who had presented letters to be included in the official record. Names read included: **John, Jayne and Liam Hopkins, Dexter Gill, Larry Percell, Adalyn Schuenemeyer, Cayce Hamerschlag, Bud Garner, Michelle Hegmon, Sue Gilbert, Greg South, Jodie Henley, Kathleen Stemmler, Dean and Beverly Cunningham, Valerie Maez, Mark Brunson, LaQueta Boren, Donna Malcolm, Montana Rogers, Ron and**

Kathy Serabia, Jim Malcolm, Kim and Doug Maxwell, Ellen Foster, Jeremy Noack, David Rainey, Chrystal Curtsinger and Leigh Sand. Commissioner Candelaria moved that Resolution #4-2019 a resolution in Opposition to Infringement upon the Constitutional Right to Keep and Bear Arms move forward with the Sheriff's signature. The motion failed due to a lack of a second. Commissioner Suckla moved to approve the Resolution, and add the word Sanctuary with the changes that the Sheriff provided. The motion failed due to a lack of a second. Commissioner Ertel made a motion to table the decision until Thursday, February 28, 2019 at 6:30 p.m. for further discussion. Second by Commissioner Suckla and carried. (See attached)

FAIRGROUNDS RACE TRACK: Fairgrounds Manager, Larry Copeland along with **Race Track Promoter, Eugene Felker** met with the Commissioner to discuss the restroom facilities for the Fairground's Race Track. Topics discussed included; restrooms in the pit area, updates to the grand stand restroom facilities, the proposed convention center, a new extended fence, a tire wall, advertisement banners, track lighting, water trucks, placement of storage water tanks, insurance requirements, internet, electrical updates, track fees, track testing, participating car track testing fees and youth racing. (See attached)

CORTEZ CEMETERY: Grounds Keeper, Carl Godfrey met with the County Commissioners with a request for a donation of a one dump truck load of gravel from the County for the cemetery road improvements. The Commissioners were in agreement to donate one dump truck load the gravel contingent on the Cemetery provide the truck and the labor. Mr. Godfrey will contact Road Superintendent Englehart to proceed.

LANDFILL: Landfill Manager, Mel Jarmon gave his monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; Manager of Landfill Operations Training, a proposed strapper machine mechanics training, the temporary postponement of the purchase of a recycling loader, possible CDPHE grant applications, a proposal to purchase a fork lift instead of the loader, proceeding with the new Cell 3B subgrade, the rental of a chipper and the County Tire clean-up program. (See attached)

BOARD OF SOCIAL SERVICES MONTHLY REPORT: It being the time set aside, the Board of Social Services was conducted. Director Gina Montoya and Lori Higgins were present. (See attached)

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

PLANNING: Planning Director, Don Haley, Planning Assistant, S. Jane Duncan along with **Interim, Karen Welch** presented the following for review and determination:
On 2/14/19, the Montezuma County Planning & Zoning Commissioners reviewed and determined a proposed Second Amendment to Lot #4 of **Old Miner's Home Subdivision**, submitted by **Vern Ince** on property located at TBD Road V, Lewis, CO, consisting of 7.31 acres, more or less, located on the north side of Road V, west of Road 22, situated in S.6 T.37N., R.16W., N.M.P.M. The Planning & Zoning Commission recommended Mr. Ince obtain a

Setback Variance from the Board of County Commissioners in order to be complaint and in the event Mr. Ince decides to sell his property, the Variance will be on record. The Planning Department presented for approval and signatures a Setback Variance. Assistant Duncan reported that the Planning and Zoning department did not require a Board of County Commissioner's Public Hearing to be held. Commissioner Candelaria moved to accept the Variance submitted by Vern Ince, on property located at to be determined Road V Lewis Colorado. Second by Commissioner Suckla and carried. (See attached)

Planning Department presented for signature an After-The-Fact Exemption amendment on property owned by **Kelly and Stacy Weyand**, TBD Road C, Cortez, CO, located west of Hwy 160-491, south of Road C, situated in Sec. 31, T.35N., R.16W., N.M.P.M.. Assistant Duncan reported that the Planning and Zoning department did not require a Board of County Commissioner's Public Hearing to be held. Commissioner Suckla moved to approve the After the Fact exemption amendment on property owned by Kelly and Stacy Weyand located on Road C, Cortez Co. Second by Commissioner Candelaria and carried (See attached)

Planning Department presented for signature a Commercial rezoning request and amendment to existing High Impact Permit #298 for the purpose of the addition of a pre-school, on property owned by **Douglas & Beverly Capelin**, consisting of 65.88 acres total, more or less, located in Sec. 3, T.35N., R.13W., N.M.P.M. Commissioner Candelaria moved to accept the commercial rezoning request and amendment to the existing High Impact Permit #298 for the purpose of the addition of a pre-school on property owned by Douglas and Beverly Capelin consisting of 65.88 acres, more or less, located in Sec. 3, T.35N., R.13W., N.M.P.M. Second by Commissioner Suckla and carried. (See attached)

Planning Department presented for signatures a High Impact Permit and Special Use Permit submitted by **Kinder Morgan, Agent Chris Lopez** for the purpose of a new well known as the GP-29 Well, located at 18080 Road S, Cortez, CO; in Sec.27, T.38N, R.17W., N.M.P.M

COUNTY ATTORNEY REPORT: Attorney, **John Baxter** discussed the Kinder Morgan lawsuit and the Weber Canyon / Road 41 injunction.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, met with the Commissioners to give his weekly report. Topics of the discussion included; the Montezuma County Recreation Advisory Committee meeting, the County Weed Control strategy meeting and the proposed convention center project. Director Dietrich presented a letter of support to the BLM Tres Rios Field Office regarding the **King Coal II Lease Modification**, known as the **Dunn Ranch Area** lease-by application and **Mine Modification Plan**. Commissioner Suckla moved to approve the letter of support for the King Coal lease modification for Montezuma County. Second by Commissioner Candelaria and carried (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** discussed the updated Region 9 CDAP project report for review. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed the attended proposed Convention Center project meeting.

Commissioner Suckla discussed the scheduled Cortez City Council and BOCC meeting on March 3, 2019 and renewable resources within Montezuma County.

Commissioner Candelaria discussed an attended School Board meeting and the attended Ariolla Community Center Chili dinner.

PUBLIC COMMENT: **Greg Kemp** discussed the Combined Court Security agreement and the Colorado Electoral College votes. **M.B. McAfee** discussed Commissioner's attendance at the Empire Electric Board meetings.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 1:50 p.m.

Clerk February 26, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 28, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Friday February 28, 2019 at the courthouse in Cortez, Colorado, there were present:

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

CHARIMAN Ertel opened the meeting of February 28, 2019. This meeting is a Continuation of a Public Comment discussion held on February 26, 2019 in regard to the proposed Resolution 4-2019. Attorney, **John Baxter** presented the three proposed draft resolutions for review.

PUBLIC COMMENTS: Chairman Ertel opened the discussion to public comment. Public Comments were made by **Dave Sornborger, Charles Thompson, Rebecca Busic, Kim Mendenhall, Wade Foster, Greg Kemp, Dave Nigteagle, William Taylor, Amanda Winter, Steven Fogt, Leigh Sand, Robert Smith, Marianne Mate, Debbie Boyd, Dexter Gill, Ellen Foster, William Conner, Janet Hough, Kelly Ellis, Earl C. Moore, Lisa Henry, Stephen Candelaria, Gayle Alexander, Justin Brehms, Luann Meyer, Carolyn Landes, Lana Waters, Fred Bird, M.B. McAfee, Eddie M. Taylor, Sherri Lauridsen, Ken Vance Duane Calhoun and John Buck.** County Clerk, Kim Percell read the names of citizens who had presented letters to be included in the official record. Names read included; **Marianne Mate, Janet Hough, Thomas Burnison, Judy Schuenemeyer, Ryan Spittler, Lydia De Haven, Mark Drudge, Cayce Hamerschlag, Betsy Krill, Della Pope, Lorraine Gray, Leigh Sand, Carolyn Landes, Josh Boren and Mel Jarmon.** (See attached)

Montezuma County Sheriff, **Steve Nowlin** discussed the proposed Resolutions. Attorney Baxter presented and read a proposed cover letter from Montezuma County, addressed to the Colorado General Assembly recognizing the legitimate need to help those with issues pertaining

to mental health and requesting State resources be committed to these issues. After hearing all the evidence presented, Commissioner Suckla moved to approve Resolution #4-2019, a Declaration that Montezuma County is a Sanctuary County for the Constitutional Right to Keep and Bear Arms. Second by Commissioner Candelaria and carried. (See attached)

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

MEETING ADJOURNED: 8:20 p.m.

County Clerk February 28, 2019

Chairman