

COUNCIL WORKSHOP/SPECIAL MEETING
TUESDAY, AUGUST 25, 2020
5:30 p.m.
HYBRID MEETING
(City Council Chambers/ZOOM)

CALL TO ORDER

- A. 5:30 p.m., Interview Thayer Plewe, Applicant for Youth Position on Golf Advisory Board
(item 7j. in Regular Council Meeting)
- B. 5:40 p.m., Interviews for Board of Adjustment Applicants Nick Manning and Rebecca Levy
(item 7k. in Regular Council Meeting)
- C. 6:00 p.m., Presentation by Mark Drudge from Cortez Retail Enhancement Association (CREA)
- D. 6:15 p.m., Update on Truck Traffic Issues
(Director of Public Works Phil Johnson)
- E. 6:30 p.m., Continued Discussion on Disposal of Airport Fire Truck
(City Manager John Dougherty/Fire Chief Jay Balfour and Airport Manager Russ Machen)
(item 7h. in Regular Council Meeting)
- F. 6:45 p.m., Discussion on Montezuma County Land Use Code
(City Manager John Dougherty/City Planner Tracie Hughes)
- G. 7:10 p.m., Discussion on Process for Replacing the Vacancy on City Council (City Clerk Linda Smith)
- H. 7:15 p.m., General Council Discussion
- I. For Your Information
 - 1. Montezuma County Minutes of August 4 and 11, 2020

ADJOURN

Aug. 21

Agenda Items for Discussion with BOCC

1. County LUC (Land Use Code) – apparently has been tabled but can still be discussed if Council so chooses.
2. City-wide clean up and use of the landfill –
3. Roads and continuity of naming when it comes into the City from the County and vice versa.
4. Kennel and Library agreements (or lack thereof)
5. Mutual struggles with Empire Electric.

The first four items on this list are from staff, number 5 was a suggestion from Jim Candalaria and staff concurs on this topic also. Does Council have any other items they would like to discuss before I forward this to Shak at the County? We will take a few minutes to discuss in Worksession on Tuesday night.



City of Cortez
City Council
Agenda Memorandum

Item No: Workshop

Meeting Date: 08/25/20

TITLE: Vacancy on City Council

SUBMITTING DEPARTMENT: City Clerk and City Manager

ATTACHMENTS: None

BACKGROUND

As per City Charter Section 21, Vacancies, any vacancy in an elective office shall be filled within sixty days by appointment of the Council until the next regular election. The same requirements as were in effect for the Municipal Election, residents interested in being appointed to the open seat shall be a citizen of the United States, at least twenty-one years of age, and shall have been a resident of the City for one year.

DISCUSSION

With the loss of Councilmember Sue Betts, whose term would not have expire until April 2022, staff would like direction to proceed with advertising the open seat and receive letters of interest from the citizens of Cortez. Interviews may be held by City Council during the worksession on September 22, 2020, with appointment made that evening or on October 13, 2020, which would meet the time frame for appointment as per the City Charter.

Prepared By: Linda Smith, City Clerk

City Manager

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 4, 2020**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 4, 2020 at the courthouse in Cortez, Colorado, there were present:

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

CHAIRMAN, SUCKLA opened the meeting of August 4, 2020 with the Pledge of Allegiance.

MINUTES: Commissioner Candelaria moved to accept the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 28, 2020 as presented. Motion was seconded by Commissioner Ertel and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed 2 Lot Moderate Subdivision Application submitted by **Charlie Sirman**, on property located at 11751 Hwy 145, Cortez, CO, consisting of 7.16 acres, more or less, located south of Road M, west of Hwy 145, situated in S. 13, 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. Sirman**, 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. The P&Z recommended conditions for approval from the Planning & Zoning Commissioner included; the addition of an out of town City water tap for the current mobile home and then if the east property is developed, another out of town City water tap would be required. Commissioner Suckla opened the hearing to public comment. Public comments were made by **Jim** and **Marian Rodd**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Candelaria moved to accept the

proposed 2 Lot Moderate Subdivision Application submitted by Charlie Sirman, on property located at 11751 Hwy 145, with the conditions of the Planning Commission. Commissioner Ertel made an addendum to the motion that Mr. Sirman and Mr. & Mrs. Rodd come to an amiable agreement on property boundaries, on the shared access, and to work neighborly with each other. Second by Commissioner Ertel and carried. Commissioner Suckla 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 3 Lot Minor Subdivision and Rezoning Application submitted by **Gary Ellson & Tova Spector** on property located at TBD Road P, Mancos, CO, consisting of 35.03 acres, more or less, located north of Road P, west of Road 33, situated in S. 1, T.36N, R.15W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Gary Ellson & Tova Spector 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 Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Ertel moved that the 3 Lot Minor Subdivision and Rezoning Application submitted by Gary Ellson & Tova Spector on property located at TBD Road P, Mancos, CO, be approved. Second by Commissioner Candelaria and carried. Commissioner Suckla 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 Subdivision Amendment Application and Variance Application, submitted by **Ben & Xela Lanier** for **Poco Dinero Land Co, Inc.**, on property located at 26501 Road 10, Pleasant View, CO, consisting of 3 acres, more or less, located north of Road CC and west of Road 10, situated in S.25, T.39N., R.19W., N.M.P.M The roll was called, the public notice read, and the proceedings were recorded for the record. **Mr. Lanier**, 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 Suckla opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Candelaria moved to accept the proposed Subdivision Amendment Application and Variance Application, submitted by Ben & Xela Lanier for Poco Dinero Land Co, Inc., on property located at 26501 Road 10, Pleasant View, CO. Second by Commissioner Ertel and carried. Commissioner Suckla closed the hearing at this time. (See attached)

PLANNING: **Planning Director, Don Haley**, and **Planning Assistant, S. Jane Duncan** presented for signatures of a Mylar for a Single Lot Development and Rezoning submitted by **Robbins Family Ranches, LLC**, on property located at 9885 Road 43, Mancos, CO, consisting of 127.42 acres, more or less, north of Hwy 160, west of Road 43, situated in S.27, T.36N, R.13W, N.M.P.M.

DISCUSSION: **Montezuma County Hospital District Board Member, Dean Mathews** met with the Commissioners to discuss purchasing 5 shares of the County's MVI water shares. Road Superintendent Englehart reported that the original water shares purchase was for agricultural use at the Fairgrounds. Topics of the discussion included; current lease commitments for the

County owned water shares, future county needs of the water shares, purchasing water shares on the open market and the yearly Road Department, Landfill and Fairground usage. The Commissioners did not want to sell the water shares at this time.

PUBLIC COMMENT: Councilwoman, Tina Wenger from Elkhart County, Indiana was on a National Association of Counties tour of Colorado Counties and discussed the differences between Elkhart County and Montezuma County.

ROAD DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give his monthly report. Superintendent Englehart presented the road and bridge schedule for the dates of July 29, 2020 through August 14, 2020 and gave an overview of the type of work scheduled for each crew. Other topics discussed included; the chip seal projects, backfill on an irrigation ditch on Road P, repairs to a soft spot on Road G, repairs for drainage issues on Roads 29 and 37, pulling ditches and shaping for Road 15, installing culverts and grading driveways, road base on Road T.5, moving the crusher from Hay Camp to Mancos, the delay of the striping projects, future plans for the old crusher, the logging route on Road 23 and X, the purchase of truck route signs and rain cleanup along with repairs to a washed out arroyo down Weber Canyon on Road 41. A discussion was held regarding the development of Sky Mesa Estates, Special Improvement District. The Commissioners were in agreement that it was a private subdivision road and not a County project. (See attached)

WEED DEPARTMENT: Weed Department, Manager, Bonnie Loving met with the Commissioners to give a monthly report. Topics discussed included; the Phreatophyte Project, the Cost Share Project, the scheduled Applicator Training on September 11, 2020, herbicides and the Russian Olive Tree Project.

LANDFILL: Landfill Manager, Mel Jarmon gave his monthly report which included the 2020 Landfill budget spread sheet. Topics discussed with the report included; an update on the new Cell #4 construction project, a memorandum from Weaver Consultants Group, an increase in costs for the Cell#4 construction project, the website posting of the (RFP) request for product for the screener, an RFP for the leachate pumping system, the Composting Pad Project and the additional required methane monitoring test deadline. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Justin McGuire gave his monthly report which included the year to date numbers for income of \$28,473.00 and attendance at 13,895. These figures did not include the recently held County Fair. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the recently held County Fair, the Kitchen / Bathroom remodel project the scheduled Gun Show, the 12 Hours of Mesa Verde event and the scheduled Home and Garden show. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, John Baxter, discussed the Upper Road 42 Water Association extension project, and two scheduled Social Service's jury trials scheduled in late September.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich met with the Commissioner to give his weekly report. Director Dietrich discussed the attended **BLM Coordinated Workshop**, the **Historical Road Map Project**, the **M&M Property Cleanup Project** and the **Paths to Mesa Verde Project**.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers no report given,

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioner report included; the **BLM Coordinated Workshop**, a discussion with the **Cortez Fire Protection Chief** regarding the development of a **Fire Mitigation Plan**, turning lanes on Hwy 491 for County Road N and Road P, a school zone on Hwy 491 for the **Lewis Arriola School**, the 2019 Commissioner notification to the **Heaton** property owner regarding the property's pond odor, expected costs for **Senate Bill #217**, the updated **Shaw Solar** contract numbers along with Commissioner approval to move forward with the **Annex III Solar Project** and constituent emails received regarding the scheduled public hearing to discuss the **Land Use Code**. (See attached)

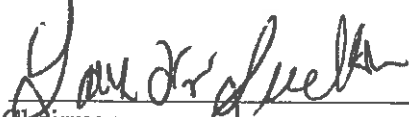
PUBLIC COMMENT: **Planning & Zoning Commission Chairman, Rob Pope** discussed the **Planning & Zoning** change recommendations to the **Land Use Code** for the **Dolores River Valley**.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 11:05 a.m.


Clerk August 4, 2020


Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 11, 2020**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 11, 2020 at the Administration building in Cortez, Colorado, there were present:

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

CHAIRMAN, SUCKLA opened the meeting of August 11, 2020 with the Pledge of Allegiance.

MINUTES: Commissioner Ertel moved to accept the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 4, 2020 as amended. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a Special Use Permit Application for the proposal of a solar photovoltaic ("PV") project, submitted by **Empire Electric Association, Agent: Cortez Solar 1**, on property located at 10574 Road 29, Cortez, CO, located north of State Hwy 160, east of Road 29, situated in S.20, T.36N., R.15W., N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. **Director, Project Development, Gavin Berg** and **Josh Dellinger** from **Empire Electric**, 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. Mr. Berg gave a slide presentation of the project. Commissioner Suckla opened the hearing to public comment. Public comment was made by **Mike Conne**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Candelaria moved to accept the Special Use Permit Application for the proposal of a solar photovoltaic project, submitted by Empire Electric

Association, Agent: Cortez Solar 1, on property located at 10574 Road 29, Cortez, CO. Second by Commissioner Ertel and carried. Commissioner Suckla closed the hearing at this time. (See attached)

PLANNING: Planning Director, Don Haley, and Planning Assistant, S. Jane Duncan presented for signatures a High Impact Permit for **Pleasant View Fire Station** submitted by the **William A. and Sharon A. Palmer Family Trust, Agent Maness & Associates and Jeff Yoder** on property located at TBD Road CC, Pleasant View, CO, consisting of 5.02 acres, more or less, located north of Road CC, west of Hwy 491, situated in S.31 T.39N., R.17W., N.M.P.M.. Commissioner Ertel moved that the High Impact Permit #696, to correct Notice to Proceed, reception number 618055, be approved for the Pleasant View Fire Department. Second by Commissioner Candelaria and carried. (See attached)

DISCUSSION: Ann Beach of the **Mancos Creative District** and **Ryan Brown** property owner of the Reddert Ranch met with the Commissioners for initial feedback on a proposed Special Use Permit application for the outdoor opera "**The Blacksmith**", scheduled for October 2020 on property located at 10583 Road 44, Mancos. The Commissioners were in support of the project to move forward.

DISCUSSION: Melvin Hicks met with the Commissioners to request an exemption for the required, adjoining property owner, certified notifications. The Commissioners were in agreement that due to the inconsistencies within the previous adjacent property notification process the Planning and Zoning Department would complete the required certified notification process for the Hicks application.

RESOLUTION #9-2020 Fire Ban: Sheriff, Steve Nowlin met with the Commissioner to discuss the suspension of the current **Fire Ban**. Resolution #9-2020 a suspension of ban on open fires and the use of fireworks was presented for approval. With the approval from the local fire chiefs, it was the recommendation of the Sheriff to lift the current Fire Ban. **Lewis Arriola Fire Chief, George Deavers** discussed the moisture content received throughout the County. Other topics discussed included; the current fire permit process, lightning fires, expenses to the county for wildfires not on public land, recommendations and evaluations from the Fire Chiefs, the current Relative Humidity (RH), the local storm season, the status of adjoining community fire bans and the Forrest Service / BLM Fire Ban suspensions. Commissioner Ertel moved to leave the Fire Ban in place. With a lack of a second the motion died. Commissioner Candelaria moved to accept, Resolution #9-2020 for the suspension of ban on open fires and the use of fireworks. Seconded by Commissioner Suckla and with two votes in favor by Commissioners Candelaria and Suckla and one vote against the motion carried. (See attached)

PUBLIC COMMENT: Greg Kemp discussed the local domestic water sources, from the Dolores and Mancos Rivers and the proposed changes to the Land Use Code in reference to the Dolores River Valley.

PROCLAMATION: Karen Sheek, President of the local League of Women's Voters met with the Commissioner to present a proclamation honoring the 100th anniversary of the 19th amendment to the United States Constitution, the **Women's Right to Vote**. Mrs. Sheek gave an

overview of the passage of Amendment 19 and discussed the organization of the League of Women's Voters. Commissioner Ertel moved that the proclamation honoring the 100th anniversary of the 19th amendment to the United States Constitution, the Women's Right to Vote be accepted and proclaimed by this Board of County Commissioners. Second by Commissioner Candelaria and carried. (See attached)

IT: IT Director, Jim McClain met with the Commissioners to present a monthly departmental update. Topics discussed included; the wireless internet at the Fairgrounds, the Clerk's office badge entry access, the charging stations and the Administration building sign. A discussion was held regarding a contingency plan for lightning damages to the County systems and a proposed purchase of a generator for the Administration building.

VEHICLE MAINTENANCE: Road & Bridge Equipment Manager, Shane Higman met with the Commissioners to give a monthly report. Topics discussed included; receipt of the 2 new Sheriff units, the retired units that will be auctioned off, delivery of one more Sheriff unit in September and an update on the ordered Dodge pickup and Escape.

GROUNDS AND BUILDINGS: Maintenance Supervisor, Mike Chenard met with the Commissioners to give a monthly report on the grounds and buildings. Topics discussed included, the proposed Administration building generator purchase, the **Senior Center Remodel Project**, the charging stations for **Annex I**, the **Detention Center** roofing project, an insurance reimbursement for hail damage on the **Detention Center** roof, an additional maintenance vehicle purchase, the **Fairground Remodel Project**, the Fairground's fire hydrant replacement, and the **Annex III Roofing Project**.

GIS MAPPING: GIS Manager, Doug Roth and Mapping Specialist, Rachel Medina met with the Commissioners to give a monthly departmental update. Topics of the discussion included; the **2020 Census**, the **Aerial Imagery Flyover Project**, a proposed shared data Memo of Understanding with **Dolores County**, a County wide Special Districts mapping update project and mapping updates for marijuana buffers for the **Town of Dolores**.

BOARD OF COUNTY HEALTH: Commissioner Ertel moved to convene as the Montezuma County Board of Public Health. Second by Commissioner Candelaria and carried. It being the time set aside, the Board of County Health was conducted. **Public Health Director, Bobbie Lock** along with **Environmental Health Specialists, Melissa Mathews and Cody Sprague** met with the Commissioners to discuss a potential house condemnation case and a property with a failing septic system issue. If required the Board of Health will meet again next week for further action. Commissioner Ertel moved to adjourn the Montezuma County Board of County Health meeting. Second by Commissioner Candelaria and carried. Commissioner Suckla announced that the Board of County Commissioners would reconvene.

COUNTY ATTORNEY REPORT: County Attorney, John Baxter, discussed the Commissioner's acceptance of the presented County Audit. Commissioner Candelaria moved to accept the Audit presented by **Majors & Haley** on July 28th 2020. Second by Commissioner Ertel and carried. Other topics discussed included; the Town of Mancos Aspen Wall Wood

property de-annexation out of the Town of Mancos and into the County, the employee lawsuit, a child support case in Montrose, and the Road 41 / Weber Canyon lawsuit. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich met with the Commissioner to give his weekly report. Director Dietrich presented for approval a letter addressed to the BLM Tres Rios Field Office Attn: Tanner Nygren regarding the Kinder Morgan Hovenweep Compressor Station Expansion Project 3160 (S01000) DOI-BLM-S101-2020-0030-EA. Commissioner Candelaria moved to accept the letter being sent to the BLM Tres Rios Field Office in regards to the Kinder Morgan Hovenweep Compressor Station Expansion Project. Second by Commissioner Ertel and carried. Other topics discussed included; the M&M property cleanup project, the FEMA response regarding the proposed Land Use Code changes for the Dolores River Valley and the County's flood plan development permit process with a possible inclusion of a no rise certification to the permit process.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented for approval, Transfer Order #5-2020, a transfer of \$17,994.12 from the Road Impact Fund to the Road and Bridge Fund for the Mag Chloride Project on Roads X and 23. Commissioner Ertel moved the approval of order #5-2020 the transfer \$17,994.12 from the Road Impact Fund to the Road and Bridge Fund. Second by Commissioner Candelaria and carried. (See attached)

EXPENDITURES REPORT: Administrator Powers presented the June 2020 Accounts Expenditure Reports for approval. Commissioner Candelaria moved to accept the payables through June 30, 2020, in the amount of \$3,988,323.45. Second by Commissioner Ertel and carried. (See attached)

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioner report included; the placement of a guardrail in front of the Lewis Arriola School, the attended Town of Dolores Board meeting, the proposed changes to the Land Use Code, emails received on the proposed Land Use Code, a CCI legislative proposal list and the COVID fears. Commissioner Suckla presented for approval a letter addressed to the Hickenlooper for U.S. Senate regarding participation in the Club 20 candidate debates. Commissioner Ertel moved that the Board of Montezuma County Commissioners send a letter to Hickenlooper for US. Senate campaign headquarters requesting that he participate in the Club 20 candidate debates on September 19th in Grand Junction Co. Second by Commissioner Candelaria and carried. (See attached)

PUBLIC COMMENT: No public comments made.

CORRESPONDENCE: The following correspondence was read and noted: Email from Pat Kantor. Letter from Jack L & Patricia S. Robbins. (See attached)

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

MEETING ADJOURNED: 11:45 a.m.

Clerk August 11, 2020

Chairman