

COUNCIL WORKSHOP/SPECIAL MEETING
TUESDAY, JUNE 9, 2020
6:00 p.m.
VIRTUAL CONTACT THROUGH ZOOM

CALL TO ORDER

- A. 6:00 p.m., Cortez Chamber of Commerce Update
by Executive Director Raquel Moss
- B. 6:20 p.m., Update on CARE Act and Possible Funding
(City Manager John Dougherty)
- C. 6:25 p.m., Discussion on Airport Consultant Advisory Committee
(City Manager John Dougherty)
- D. 6:35 p.m., Discussion on 4th of July Fireworks
(City Manager John Dougherty)
- E. 6:50 p.m., Information on Holding Quasi-Judicial Hearings
(City Attorney Mike Green)
- F. 7:15 p.m., General Council Discussion
- G. For Your Information
 - 1. Planning and Zoning Minutes of March 3, 2020
 - 2. Montezuma County Commissioner Minutes of May 19, 2020

ADJOURN

**The Farewell/Thank You Party for Councilmembers
Karen Sheek, Ty Keel, Gary Noyes and Jill Carlson
has been postponed to Tuesday, June 23, 2020**

PLANNING AND ZONING COMMISSION
 REGULAR MEETING
 TUESDAY, MARCH 3, 2020

1. The regular meeting was called to order in the City Council Chambers at 6:30 p.m. Commission members present were Chairperson Robert Rime, Tom Butler, Rebecca Levy, Lance McDaniel, and Vice-Chairperson Rachel Medina. City staff present included Mayor Karen Sheek, Councilmember Mike Lavey, Director of Public Works Phil Johnson, Associate Planner Neva Connolly, City Planner Tracie Hughes, City Engineer Chad Hill, City Clerk Linda Smith, City Attorney Mike Green, and City Manager John Dougherty. There were eleven people present in the audience.
2. Commissioner Medina moved to approve the Planning and Zoning Minutes of the Regular Meeting of January 7, 2020. Commissioner McDaniel 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. Appointment of Chairperson and Vice-Chairperson. Commissioner Levy moved that Robert Rime be elected as Chairperson. Commissioner Butler seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

Commissioner McDaniel moved that Rachel Medina be elected as Vice-Chairperson. Commissioner Levy seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

- b. Public Hearing on an Application to Vacate a Portion of the Coronado Avenue ROW Located South of Tract B, Block 6 of the Hiltzville Addition and to the West of Lot 13, Block 3 of the Smith Addition, as Submitted by Doug and Leah Roth, and Review of P&Z Resolution No. 1, Series 2020, and Review of Draft Ordinance No. 1275, Series 2020. City Planner Hughes reviewed the application from Doug and Leah Roth, located at 501 North Ash Street, requesting the vacation of rights-of-way (ROW) of an area located in the Coronado Avenue ROW approximately 40 feet long by 24 feet wide (975 square feet) lying to the south of Tract B, Block 6, as was platted on the Hiltzville Addition and located to the west of Lot 13, Block 3 of the Smith Addition. She stated that the vacation is being pursued because when Mr. Roth purchased his lot, a ground pool (constructed 50 years ago) was located in ROW. It was noted that there is a portion of the fence

also located in the ROW area. She noted that the ROW was platted on the Hiltzville plat, but when the Smith Addition Plat was recorded, Coronado was not extended to Ash Street. She stated that lots were created where the ROW would have extended; therefore, the area of ROW is bounded on the north and south by Tracts B, Block 6 and Tract C, Block 7 of the Hiltzville Subdivision, and to the east by Lots 13-16, Block 3 of the Smith Addition. In order for Coronado Avenue to be completed to Ash, the lots would need to be acquired by the City. City Planner Hughes noted that the Coronado ROW has not been used for a public purpose for quite some time and it appears that the neighboring landowner also has an encroachment into the ROW; however, the neighbor is not part of this request. She commented that the applicant has satisfied all the submittal requirements of Land Use Code Section 6.25 and the proposed vacation meets the four criteria for approval. She stated that the vacation does not conflict with any policies or plans of the City, and will not create a land-locked parcel of property as the lot fronts a public right-of-way. She commented that a memo was submitted from City Attorney Green regarding his concerns for the vacation noting that Council could make a policy decision on how to proceed which may include selling the land, giving the land away, or permit the encroachment. She noted that no other utility supplier or affected special district had any comments. She commented that the proposal will not result in any adverse impacts on the health, safety, and/or general welfare of the general community, nor will it reduce the quality of public facilities or services provided to any parcel of land. She stated that the Planning Commission could recommend the vacation of 975 square feet (the north 24.30 feet of Coronado Avenue ROW south of Tract B, Block 6 of the Hiltzville Subdivision), or they could recommend that Council not approve the vacation and state their reasons, or table the request for additional information.

Doug Roth, 501 North Ash Street, presented copies of the plat for his property and stated that he would like to replace the current 60-year old metal fence with a wooden fence. He stated that before he continues with the new fence he would like to complete the vacation of the property that is located in the ROW and fix the legal description for his property. He stated that the fence would help make the property attractive and commented that he does not know why someone would build a pool 50 years ago in a City right-of-way, but it does exist. He stated that he has lived in the home since 2003 and noted that the right-of-way is not being used for access for any City street. He spoke about the plat and how the lots are platted in the area noting the traffic pattern was changed with the platted lots. He stated that staff supports the vacation as there is recent and historic precedent that has been done by the City on similar types of vacations.

Vice-Chairperson Medina disclosed for the record that she and Doug Roth work together; however, she feels that she can be impartial in making a decision on the proposal. In answer to a question from Chairperson Rime; Mr. Roth shared a copy of the a survey that he had when he first purchased the property and has been using for many years. Discussion was held about the various subdivisions that have been completed in the area and Vice-Chairperson Medina noted that the City accepted a plat that blocks a ROW, though it was undetermined the date of the subdivision acceptance as there was not a date noted on the plat. She stated that the plat has been accepted for over 70 years and a permanent solution should be completed for the lots in the area as to the ROW

issue. Mr. Roth stated that most of the time nothing is done with the ROW issues; however, he wants to clean up the issue so that there will be no problems in the future. Vice-Chairperson Medina commented that the City accepted a subdivision that blocks the ROW and the property owners should not have to pay for survey costs and application costs (approximately \$1,600) to fix the issue. She commented that the City would receive property taxes for the property if the plats for the lots were fixed. City Planner Hughes explained the difference of an encroachment permit which can be revoked if the City chose to and a vacation permit which then allows the property owner to add the property to their lot and it becomes their property. Commissioner Levy stated that some communities don't grow as they were expected and a vacation process is the way to remedy an issue such as is being presented by Mr. Roth. It was noted that Council would have the final decision on the request.

City Manager Dougherty stated that he agrees with the City Attorney comments as the alley still has others that are in the ROW. He stated that the City once paid for the ROW property and the City could not just give the property away but rather the property should be paid for if the City decides to grant the vacation. Commissioner Butler commented that if you start giving City property away you encroach on all the taxpayers that have an investment in the City. He stated that the City pays the City Attorney to give his legal opinion and if his recommendation is to delay action on the vacation request, the City should listen to his recommendation. Discussion was held about vacating the entire alley instead of just Mr. Roth's portion. Director of Public Works Johnson commented that the ROW will not provide traffic flow for anyone in the City. Vice-Chairperson Medina stated that the entire alley should be cleaned up. Commissioner Levy stated that she does not see the property has a large value and that a precedent is already set for this process as citizens can encroach six feet into the City ROW to build a fence now. She stated that there has been a swimming pool and a shed is located in the ROW for more than 50 years. Mr. Roth stated that he would not mind paying for the ROW, but did not know that the City had done that before. Discussion was held on the cash-in-lieu fee that is charged for vacant land, but was unsure if that is the fee that would be used to calculate what to charge for the property that would be vacated. Mr. Roth spoke about other revocable easements that have happened in the past as well as vacations that have been granted by the City, asking what the difference was in his request from the Montview vacation that was approved in November 2019.

Discussion was held on allowing the City Attorney to comment on the process as he was not present at the meeting; however, after discussion it was noted that the City Attorney would need to be present for the entire hearing to make comment. It was suggested that staff could determine an amount that the land would be worth prior to the next meeting should the item be tabled. City Planner Hughes spoke about the time period that is required for the application process to be completed.

Gretchen Conan, 415 North Ash, stated that she is a neighbor to Mr. Roth and supports a nice fence being built as it would not impede on them at all. Devin Conan, 415 North Ash, spoke about where

his property is located and commented that the whole area may need to be vacated to clean-up the issue. No one else spoke and the public hearing was closed.

Commissioner Butler moved that an encroachment permit be issued until the City Council can decide how to proceed with the request. Commissioner Levy seconded the motion.

Further discussion was held on the process with Vice-Chairperson Medina asking if the City could contact other property owners in regard to this ROW as well as the Downey ROW to figure out how to proceed with vacating the area. Commissioner Levy stated that the Commission needs to decide on the agenda item (Resolution No. 1, Series 2020) regarding the vacation, rather than approval of an encroachment permit. Vice-Chairperson Medina commented that the City needs to clean up the alley with the vacation approval as the issue has been created by the City approving the subdivision and blocking the ROW. Discussion was held on the parking area at Beech Street School and Commissioner McDaniel stated that it would be heavy handed if the Roth request is not approved as the pool has been in place for over 50 years. It was noted that an encroachment permit is granted by Council and the applicant would have to ask for that permit in a new application since he is requesting a vacation permit.

The vote on the motion made by Commissioner Butler and seconded by Commissioner Levy was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	No	No	No	Yes

Commissioner Levy moved that Planning and Zoning recommend to Council the approval of Resolution No. 1, Series 2020, and Ordinance No. 1275, Series 2020, vacating the north 24.30 feet of Coronado Avenue Right-of-Way south of Tract B, Block 6 of the Hiltzville Addition consisting of 975 square feet and located directly and west of Lot 13, Block 3 of the Smith Addition, as submitted by Doug and Leah Roth. Vice-Chairperson Medina seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
No	Yes	Yes	Yes	Yes

c. Public Hearing on an Application for a Site Plan Review to Establish Target Rental at 1420 and 1480 Industrial Road, as Submitted by Authorized Agent James Duke for Property Owner DwendeDuke, LLC, and Review of P&Z Resolution No. 2, Series 2020. Associate Planner Connolly stated that the City has received a site plan application to establish a heavy equipment rental and sale yard on Lots 1 and 2 of the Cortez Light Industrial Park, addressed as 1420 and 1480 Industrial Road. She stated that the lots are zoned Industrial (I) and total 4.63 acres in size. She stated that the proposal for the lot is to locate a Target Rental, an independent, family-owned company that sells, rents, and services construction related equipment on the site. She stated that

the applicant proposes to use an existing 4,545 square foot building at 1480 Industrial Road (Lot 2) to conduct business and to service the rental equipment. She stated that the building has existing services and infrastructure, and no exterior changes to the building are proposed. She stated that a covered 25' x 25' wash bay will be constructed on Lot 2 on the north side of the building. She reviewed the egress and ingress which will come from Industrial Road, with ingress onto Lot 1 and egress from Lot 2. She reviewed the applicant's narrative and noted that each lot will continue to function separately in the case of a future sale of one of the properties. She stated that the lots will have individually functioning drainage systems and will not share any easements or legal agreements. She stated that until recently, Lot 1 served as a materials storage yard for a concrete contractor and the applicant proposes to grade and gravel the lot to use as equipment storage and display. She reviewed Land Use Code Section 6.14(d) regarding site plan requirements and the noted that the application exceeds the minimum landscaping requirements for both lots and the applicant will be adding nine additional parking spaces which will meet the requirement of eleven spaces. She stated that a comment was received from the GIS Coordinator recommending that the City consider installing "Caution Trucks Entering" sign at the curve on Industrial Road, just to the east of the driveway entrance to the two lots. She reviewed the alternatives for the site plan which includes approval, denial, or tabling the request for more information. Chairperson Rime opened the public hearing; however, no one spoke and the hearing was closed.

Vice-Chairperson Medina asked about the connection of Lot 1 and 2 and Associate Planner Connolly stated that the connection will be graveled. In answer to a question from Commissioner McDaniel, Director of Public Works Johnson stated that the wash bay 1,000-gallon oil/water separator is a Sanitation District stipulation as the wash bay will discharge into the sewer system. It was noted that the Sanitation District has agreed to the sand filter separator. Discussion was held on the location of the above ground fuel tanks.

James Duke, authorized representative for property owner DwendeDuke LLC, 3024 East Fourth Avenue, Durango, stated that they just built a facility in LaPlata County and explained that the separator is sucked out every two years by an environmental company. He stated that the ground fuel tanks are placed in horse water troughs which are pervious and plastic and can contain any issue should there be one. He noted that the gas tanks will be on a metal stand with compacted class 6 sand/gravel under the stand. Discussion was held on the truck traffic daily and Mr. Duke stated that they are estimated approximately 15 to 20 trips a day. Vice-Chairperson Medina complimented the applicant on the weed-free hay that will be located on the property noting that the Geer Natural Area is near this property and it is important to keep the weeds down.

Commissioner Butler moved that Planning and Zoning approve Resolution No. 2, Series 2020, approving a site development plan to establish a heavy equipment rental and sales yard at 1420 and 1480 Industrial Road, as submitted by James Duke, authorized representation for property owner DwendeDuke LLC., with two conditions. Commissioner McDaniel seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

d. Public Hearing on an Application for a Vacation of Lots Lines, Alleys, and Street Right-of-Way for Calkins Common, and Review of P&Z Resolution No. 3, Series 2020, and Review of Draft Ordinance No. 1274, Series 2020. Associate Planner Hughes stated that the City has received an application from Dean Brookie, authorized representative for property owner Schoolhouse Properties, LLC, to vacate an alley in Block 47 and a portion of Block 50 between Lots 13 and 19, the north 10-feet and the south 10-feet of Second Street right-of-way from the eastern edge of the alley in Blocks 46 and 51 to the western edge of Ash Street and the lots and blocks of Lots 1 through 12, Block 46; Lots 1 through 24, Block 47; Lots 1-6 Block 50; Lots 13-28, Block 50; and Lots 1-6, Block 51, of the Town of Cortez and Chamberlin's Addition Plat. She stated that a 20-foot easement will remain in place as well as any other existing utility easements. She stated that the Calkins School sits on the alley that is proposed to be vacated. She stated that the applicant is proposing to reduce the dedicated right-of-way (ROW) for 2nd Street from 80 feet to 60 feet. She stated that the Public Works Department does not have an issue with reducing the ROW of 2nd Street or vacating the alley. She stated that the applicant has said that they would remove the part of the warehouse that currently extends into the 2nd Street ROW. She stated that the applicant is concurrently pursuing a site development plan for multi-family residential housing. She stated that a conditional use permit for the multi-family development was approved by Council on May 28, 2019. She noted that a vacation is necessary prior to the construction and final plat recording. She reviewed Land Use Code Section 6.25 regarding vacation of rights-of-way and easements and noted that Council and Planning and Zoning had already reviewed and approved a similar vacation request for this same parcel in 2016; however, the vacation plat and ordinance were not recorded as required by the City of Cortez Land Use Code. She stated staff recommends that the application be recommended to Council for approval, citing that the proposed lot line, alley, and portions of 2nd Street ROW vacation will not create a landlocked parcel of land; the proposal will not restrict the access of any parcel so that access is unreasonable or economically prohibitive; and the proposal will not result in any adverse impacts on the health, safety, and/or general welfare of the general community, nor will it reduce the quality of public facilities or services provided to any parcel of land.

Dean Brookie, Brookie Architecture located at 970 East 4th Avenue in Durango, stated that the property would be used for a multi-family housing process, including the historic Calkins building. He stated that the project has been reviewed before by the Planning and Zoning Commission and includes the vacation of lot lines, alley and streets ROW. He stated that the school building was built in 1907 and sits on many of the lot lines that were not vacated many years ago. He stated that the property will include redevelopment of the property and it is hoped to break ground on the project in late May or early June. He spoke about the first bay of the warehouse being demolished to allow for the 2nd Street ROW to remain. He stated that the vacation needs to be completed so that the project can move forward. Chairman Rime opened the public hearing.

Cammy Oliver, 19980 Road 15, Yellow Jacket, stated that she was representing her mother (Nancy Jones) that lives across the street from the property at 126 North Ash Street. She asked about access from the Calkins property noting that one ingress/egress would cause traffic issues. She stated that the west entryway is showing a gate that would not allow access and she feels there should be two entryways to the property to split up the traffic. Ms. Oliver will address the issue further during the review of the site plan (item e.) No one else spoke and the public hearing was closed.

City Manager Dougherty stated that he has had discussion with the City Attorney regarding the vacation of the lot lines, alleys and street ROW and it is felt that there is a need for public housing and the City doesn't have an issue with giving the property for the public good of the project. It was noted that the City Council has the final say.

Vice-Chairperson Medina stated that this is another example of the City cleaning up a plat that has a long standing reality of what is happening on a property and moved that the Planning and Zoning Commission approve Resolution No. 3, Series 2020, approving a vacation of lot lines, alleys and street right-of-way for Calkins Common. Commissioner McDaniel seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

e. Public Hearing on an Application for a Site Plan Review to Establish a Multifamily Development at 121 East 1st Street, as Submitted by Authorized Agent Dean Brookie for Property owner Schoolhouse Properties, LLC, and Review of P&Z Resolution No. 4, Series 2020. Associate Planner Connolly stated that Dean Brookie, Brookie Architecture, has applied to the City for a site plan review to establish a multi-family development on the Calkins school site parcel located at 121 East 1st Street. She stated that the proposal is to construct 12 units in the historic Calkins building, with 2,500 square feet of office space for the Montezuma County Housing Authority, and 30 units in two new buildings to be located east of the Calkins building. She stated that the site plan will be located on the Calkins North Tract, currently being reviewed with the vacation plat. She noted that the site has received a conditional use permit to construct multi-family housing through approval by City Council on May 28, 2019. She stated that according to the Assessor's office, the entire parcel is currently 6.65 acres and once the vacation plat is finalized, 2nd Street will bisect the two tracts with the northern tract consisting of 3.71 acres and the southern tract consisting of 1.92 acres. She stated that the multi-family development will be located on the north tract only and the southern tract will remain undeveloped for the near future. She reviewed the historic registration of the Calkins Building which was added to the national register in 2016. She stated that footprint of the building will remain the same; however, it would house 12 residential units and the Montezuma County Housing Authority office space. She stated that the applicant has proposed two apartment buildings with 15-units each, with one and two bedroom apartments meeting the minimum requirements found in Section 3.06 of the Land Use Code. She reviewed the approval process for

review of site development plans from Land Use Code Section 6.14(d) and noted the parking requirement of 92 parking spaces will be met. Also, 42.4% of the site will be landscaped which exceeds the Land Use Code requirements. She noted the comments received from City departments and affected agencies and utility providers and commented there will be access from 2nd Street and Ash Street. City Attorney Hill stated that discussion was held on gating the 2nd Street access for Fire Department requirements; however, that has changed and the 2nd Street access will be open. She reviewed the alternatives regarding approving, denial, or tabling the request. Chairman Rime opened the public hearing.

Dean Brookie, Brookie Architecture, stated that the Housing Authority is excited about the project which will provide 41 units for affordable housing in the community. He stated that the tax credits from CHAFA (Colorado Housing Finance Authority) have been received and the project is moving forward in a location that will provide housing in the downtown area. He stated that the four conditions of Resolution No. 4, Series 2020, can be met. He noted that the sewer line has been adjusted several times and a utility easement will be dedicated on the plat as required by the Cortez Sanitation District. He spoke about the 2nd Street ROW which will remain if the City decides to complete the street someday. He stated that the historic access to the Calkins property was from Ash Street and that access will not be changed; however, there will be another access from the property to 2nd Street to help minimize the impact to the existing neighborhood along Ash Street. In answer to a question from Chairperson Rime, Mr. Brookie stated that they hope to have the construction beginning end of May or early June and will take about 12 months to complete. Discussion was held on the maintenance of the property and Terri Wheeler, Executive Director for Montezuma County Housing Authority, stated that the property has not been irrigated due to budget restraints. Mr. Brookie stated that the landscaping portion of the project will include a new irrigation system for the property.

Ms. Oliver stated that she had a concern about a storm water (retainage) pond proposed to be located near Ash Street and Mr. Brookie stated that the detention area is for storm drainage water runoff and is required with any large development to allow for water from a large storm to have a place to flow to; however, it will not be retained in the area but more an even flow to the City's drainage system. He stated that the area will be lined and landscaped with moisture tolerant grass. He stated that the location of the detention area is located on the low side of the property but will not have any standing water located in it. No one else spoke and the public hearing was closed.

Commissioner Butler moved that the Commission approve Resolution No. 4, Series 2020, approving a site development plan to establish a multi-family development at 121 East 1st Street, as submitted by authorized representative Dean Brookie for applicant and property owner, Schoolhouse Properties, LLC., with four conditions. Vice-Chairperson Medina seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

f. Review of a County Application for a Single Lot Development and Rezoning and Variance Application Submitted by Donald Wilson on Property Located at 23200 Road M, Cortez, CO, consisting of 61.10 Acres, on Property in Montezuma County within the Three-Mile Urban Influence Area. City Planner Hughes stated that Donald Wilson has applied to Montezuma County for a single-lot minor development of property located at 25409 Road H, Cortez. She stated that the property is approximately 61.10 acres in size, and the applicants would like to split off one 3.3-acre lot from the parent parcel. She stated that the applicants are requesting AR 3-9 zoning and access to the proposed lots will be from Road M which is not depicted on the adopted City Streets Plan. She stated that a variance is also being requested for the 50' setback for structures, as according to the application, the structures are already in existence. She stated that staff has no issues with the request and recommends that the Commission authorize the chair to sign the plat with compliance with the Master Streets Plan. In answer to a question from Commissioner McDaniel, it was noted that Montezuma County has already approved the request.

Vice-Chairperson Medina moved that the Planning and Zoning Commission direct the Chair to sign the plat for the single lot development on property owned by Donald Wilson, located at 23200 Road M, Cortez, consisting of one approximately 3.3-acre lot, on property in Montezuma County within the three-mile urban influence area, with Signature Block #1 for compliance with the Master Streets Plan, and recommend approval of the proposed rezoning to AR 3-9. Commissioner McDaniel seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	absent	Yes	Yes	Yes

g. Review of a County Application for a Subdivision Amendment for a Proposed Industrial Planned Unit Development to Lot 30 of the Blue Door Subdivision Submitted by Brian and Kathy Lyons, on Property Located at 24227 Road G.2, Cortez, CO, on Property in Montezuma County within the Three-Mile Influence Area. Associate Planner Connolly stated that Brian and Kathy Lyons have applied to the County for a three-lot moderate subdivision and a proposed Industrial Planned Unit Development to Lot 30 of the Blue Door Subdivision, on property located at 24227 Road G.2, Cortez. She stated that the applicant is requesting to divide one 3-acre lot into three 1-acre lots. She noted that the proposal does not meet the County's minimum lot size requirement of three acres, through the creation of an Industrial Planned Unit Development can allow for smaller lots. She stated that the parcel currently has heavy industrial zoning. She stated that access to two lots is proposed from Road G.2 and Lot 2 will have an access through Lot 3 which will have access from Road 24.3 She noted that the section of Road G.2 east of Highway 160/491 is not shown on the Master Streets Plan as part of the Thoroughfare Plan within the Three-Mile Urban Influence Area. She stated that the application is scheduled for review by the Montezuma County Planning and Zoning Commission on March 12, 2020. She stated that the application may not be complete according to the Montezuma County planning requirements; however, the location is not within the City's Master Streets Plan. In answer to a question from Vice-Chairperson Medina, Associate

Planner Connolly stated that the property is not located in the Master Streets Plan so it falls into compliance by default.

Vice-Chairperson Medina moved that the Planning and Zoning Commission recommend the Chair sign the plat for Lot 30 of the Blue Door Subdivision, creating a three-lot moderate subdivision as requested by Brain and Kathy Lyons, for property located at 24227 Road G.2, within the three-mile urban influence area, with Signature Block #1 for compliance with the Master Streets Plan. Commissioner Butler seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	absent	Yes	Yes	Yes

h. Review of a County Application for a Proposed Single-Lot Development and Rezoning Application Submitted by Mark and Patricia Peters, Located at 6852 Road 21, Cortez, on Property in Montezuma County within the Three-Mile Influence Area. Associate Planner Connolly stated that the City just received (yesterday) a County Development request from Mark and Patricia Peters which have applied to Montezuma County for a single-lot minor development of property located at 6852 Road 21, Cortez. She stated that the property is approximately 50.71 acres in size, and the applicants would like to split off one 4-acre lot from the parent parcel. She stated that the applicants are requesting AR 3-9 zoning and access to the proposed lot will be from Road 21. She stated that the Road 21 is not depicted on the adopted Streets Plan and therefore is in compliance with the Master Streets Plan. It was noted that the lot development has already been approved by the Montezuma County Commissioners (on March 3, 2020).

Commissioner Levy moved that the Planning and Zoning Commission direct the Chair to sign the plat for the single lot development on property owned by Mark and Patricia Peters, located at 6852 Road 21, Cortez, consisting of one approximately 4-acre lot, on property in Montezuma County within the three-mile urban influence area, with Signature Block #1 for compliance with the Master Streets Plan, and recommend approval of the proposed rezoning to AR 3-9. Commissioner McDaniel seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	absent	Yes	Yes	Yes

4. CITIZEN PARTICIPATION – None.
5. P&Z DISCUSSION ITEMS – None.
6. FYI
 - a. Building Permits for January and February 2020.

7. OTHER ITEMS OF BUSINESS – None.

8. PREVIOUS BUSINESS – None.

The meeting was adjourned at 8:25 p.m.

Robert Rime, Chairperson

ATTEST:

Linda L. Smith, City Clerk

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 19, 2020 (Hybrid Meeting)**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held virtually on Tuesday May 19, 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 (Virtually)
Kim Percell, County Clerk (Virtually)

CHAIRMAN, SUCKLA opened the hybrid meeting of May 19, 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 May 12, 2020 from the hybrid meeting, as presented. Motion was seconded by Commissioner Ertel and carried.

MINUTES: Commissioner Candelaria moved to accept the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 14, 2020, from the virtual meeting, as presented. Motion was seconded by Commissioner Ertel and carried.

EMERGENCY MANAGER REPORT: Emergency Manager, **Jim Spratlen** met virtually with the Commissioners and gave a **COVID 19 Situation Assessment Report**. Topics discussed included; securing needed supplies, monitoring the new social plan, identification of the special needs population within the county, the emergency operation support system, long term recovery plans, donations and distribution of products, data system organization, contact tracing, the development of a **COVID Recovery Center**, the weekly incident support plan, recovery assistance to local business, the weekly proposed business survey questions, normal operations for most county emergency support functions, the county transportation program, the County

case numbers, public informational communications, and equipment preparedness for fire mitigation. (See attached)

UTE MOUNTAIN UTE TRIBE: Tribal Chairman, Manuel Heart read a letter addressed to the Montezuma County Commissioners and staff. Topics discussed within the letter included the Current COVID-19 statistics, Montezuma county testing numbers, data case numbers reported of the Montezuma County, scheduled mass testing at the Ute Mountain Ute Tribe, testing for the homeless population, economic concerns, the County's variance request, contact tracing, a recommendation from the Tribal Council to wear masks in public, recognition of the Ute Mountain Ute Tribe as a Sovereign Tribal Nation and coordination with the County on the economic startup and health concerns within the county. Tribal Councilman, Lyndreth Wall discussed a positive and open working relationship between the Ute Mountain Ute Tribe and the County, continued business support and growth, along with respect for and good harmony between the County and the Ute Mountain Ute Tribe. Other topics discussed included; the County's variance denial from the State, the proposed revised variance request, a request for a letter of support from the Ute Mountain Ute Tribe for the revised variance application and coordination between the County and the Tribe to address the five points of concern. The five points of concern included; **Representative Sample Testing, Tracing Concerns from Out of State, Individuals Experiencing Homelessness, the Health Care System, and the Fall Back-to-School.** (See attached)

WEED DEPARTMENT: Megan Horn with the Weed Department met virtually with the Commissioner to present, **Noxious Weed Right of Entry Resolutions #9-2020.** Commissioner Candelaria moved to accept the resolution granting Montezuma County Weed program or its designee right of entry onto property to control noxious weeds based on affidavit of county weed supervisor, noxious weed resolutions #9-2020. Second by Commissioner Ertel and carried. (See attached)

FAIRGROUNDS RACE TRACK: Race Track Promoter, Eugene Felker met with the Commissioners to give an update on the recently held opening weekend. Topics discussed included; the track signage, the race statistics, a video of the races, hand sanitizer, masks, required social distancing efforts, no public attendees, the future racing schedule, the Fairground parking lot rental fees and a connection to the tourism Board to promote the racing facility. The Commissioners were in agreement to waive the Fairground parking lot rental fees.

MONTEZUMA COUNTY FAIR: Montezuma County Fairboard President, Allen Higgins, met with the Commissioners to discuss plans to move forward with the scheduled County Fair. Topics discussed included; the recent Fairboard meeting, legal liabilities for Fairboard members, the scheduled concert, purchased awards, contingency plans, the live show event, the livestock sale, rescheduling the Tag In event and budget concerns.

PUBLIC LANDS:

COLORADO PARKS & WILDLIFE: MATT THORPE representing the Colorado Division of Parks met with the Commissioners to give updates on the following topics; big game seasons, elk herd management, revising the West Slope Mountain Lion Management Plan, electronic

calls, impacts of COVID-19 to scheduled hunting seasons, no current restrictions due to COVID-19 and boat access for Montezuma County lakes.

FORREST SERVICE: District Ranger, Derek Padilla met virtually with the Commissioners to give updates on various projects. Topics discussed included; timber operations, scheduled timber sales, fire restrictions, camp ground operations, Aquatic Nuisance Species (ANS) Inspections, the House Creek boat ramp, social distancing at the McPhee marina, fire restrictions signage within the County and fire wood permit sales.

COUNTY CORONER: Coroner George Deavers was required to leave the meeting. No report given.

SHERIFF'S MONTHLY REPORT: Sheriff Steven Nowlin met with the Commissioners to give his monthly report. Sheriff Nowlin reported that the Jail has remained COVID free. Other topics discussed included; the current inmate population number, inmates held for Dolores County, the **DOC Holds Report**, the **Calls for Service Report**, business security checks, deputy schedules, water calls, food supply orders, the year to date **Transport Report**, the **Transport Perdiem and Hotel Costs Report**, the **Total Monthly Inmate County Report**, the **Monthly Arrests Report**, Dolores County's Inmate Billing, the homeless population, a request to hold inmates from the **Southern Ute Tribe**, an inmates invoice to the Southern Ute Tribe, the **Monthly Operational Expenses Report**, the **Monies Paid into the General Fund Report** and the DOLA gaming grant. (See attached)

DISTRICT ATTORNEY: Will Furse met virtually with the Commissioners to give his monthly report. Topics discussed included; an update on the Department's response to the COVID19 pandemic, remote court appearances, streamlined processing for defendants, a bond schedule from the Chief Justice, pre-trial processing, a jury trial push back order from the Supreme Court, case load back logs, staff working remotely, protection order violations, a proposed discretionary release option, catch and release cases, public availability and the victim advocates efforts to meet with anyone who is affected by local crime.

BID OPENING: Maintenance Supervisor, Mike Chenard (in person) along with **Justin McGuire** (virtually) from the Fairgrounds met with the Commissioner to discuss the **Fairground Remodel project**. Bids for the Fairground Remodel Project were opened for review. A bid in the amount of \$56,971.00 from **Cortez Home & Office, LLC** was presented. Commissioner Suckla moved to approve the bid from Cortez Home & Office LLC, in the amount of \$56,971.00. The motion was seconded by Commissioner Ertel. With two votes in favor from Commissioners Suckla and Ertel and one vote against from Commissioner Candelaria, the motion carried. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, John Baxter met virtually with the Commissioners and discussed; the decrease in the County jail population, jury trial schedules, remote court appearances, the resolutions approved in the May 14, 2020 meeting and a number correction for previously approved resolutions numbered 7-2020 through 9-2020. Commissioner Candelaria moved for clarification that resolutions #8-2020, rescinding the Declaration of Local Health Disaster Emergency be numbered as resolution number #9 and also moved that the

Resolution #9-2020 voted on last week to the JVC be moved to Resolution #10. Second by Commissioner Ertel and carried (See attached)

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

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented for the Chairman's signature, a quote for the Montezuma County Landfill liner systems, from **Simbeck & Associates** in the amount of \$274,236.76. Other topics discussed included; the CDPHE Revised Variance Request and clarification of a Public Health Department personnel that attended the Race Track opening event.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioner's report included; a virtual meeting with the CDPHE, the Montezuma Business Task Force meeting, business loans from local banks and the first quarter city sales tax reports.

PUBLIC COMMENT: Danny Wilkin discussed the Montezuma Valley Irrigation board meeting and the Mc Elmo Canyon water discussion.

VIRTUAL PUBLIC COMMENT: (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 12:25 p.m.

Clerk May 19, 2020

Chairman