

COUNCIL WORKSHOP/SPECIAL MEETING
TUESDAY, MAY 14, 2019
Dinner will be served at 5:30 p.m.

CALL TO ORDER

- A. 5:30 p.m., Dinner will be Served
- B. 5:40 p.m., Council will adjourn to Executive Session for discussion with the City Attorney for the purpose of receiving legal advice on specific legal questions regarding settlement of litigations, as per C.R.S. Section 24-6-402(4)(b)
- C. 7:20 p.m., General Council Discussion
- D. For Your Information
 - 1. Resolution No. 14, Series 2019, Regarding Restricted Parking on North Washington Street in Cortez, Colorado
 - 2. Resolution No. 16, Series 2019, Limiting Truck Traffic on 7th Street and Sligo Street
 - 3. Planning and Zoning Minutes of April 2, 2019
 - 4. Montezuma County Minutes of April 16 and 23, 2019

ADJOURN

**CORTEZ CITY COUNCIL
RESOLUTION NO. 14
SERIES 2019**

**A RESOLUTION REGARDING RESTRICTED PARKING ON NORTH WASHINGTON
STREET IN CORTEZ COLORADO**

WHEREAS, the Cortez Fire Protection District has requested a two hour parking limit for the spaces on the west side of North Washington from East North Street south to the alley; and,

WHEREAS, Section 16-71(b) Limitations on parking Cortez Municipal Code, states that "limitations as to time, or place, shall be established by resolution of the City Council."

NOW THEREFORE, it is resolved by the City Council of the City of Cortez, Colorado, that the parking spaces, three (3), located on the west side of North Washington, south from East North Street, to the alley shall be and are declared to be designated as two hour parking.

MOVED, SECONDED AND ADOPTED THIS 23RD DAY OF APRIL, 2019.

CITY OF CORTEZ



KAREN W. SHEEK, MAYOR

ATTEST:



LINDA L. SMITH, CITY CLERK

**CORTEZ CITY COUNCIL
RESOLUTION NO. 16
SERIES 2019**

A RESOLUTION LIMITING TRUCK TRAFFIC ON 7TH STREET AND SLIGO STREET

WHEREAS, the Colorado Constitution and Statutes, the City of Cortez Charter and ordinances, and the Model Traffic code for Colorado (2010) authorize the regulation of Motor Vehicle within the exterior boundaries of the City of Cortez by the Cortez City Council; and,

WHEREAS, there are two school zones along this route, it is primarily residential in nature, it is in the interests of the public safety for the residents of the area to prohibit through truck traffic on the 7th Street to South Sligo and South Sligo to East Main from South Broadway to East Main.

WHEREAS, It is necessary to prohibit thru truck on 7th Street from its intersection with South Broadway to South Sligo Street and on South Sligo Street to East Main Street for the public safety and welfare of the citizens of the City of Cortez; and,

NOW THEREFORE, it is resolved by the City Council of the City of Cortez, Colorado, that starting at South Broadway to South Sligo Street, 7th Street shall be closed to thru truck traffic. Neither local truck traffic nor delivery truck traffic along that route is prohibited.

MOVED, SECONDED AND ADOPTED THIS 23RD DAY OF APRIL, 2019.

CITY OF CORTEZ



KAREN W. SHEEK, MAYOR

ATTEST.



LINDA L. SMITH, CITY CLERK

PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, APRIL 2, 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, Director of Planning and Building Sam Proffer, Associate Planner Neva Connolly, City Planner Tracie Hughes, Management Intern Peyton Heitzman, City Attorney Mike Green, City Engineer Chad Hill, City Manager John Dougherty, and Deputy City Clerk Sara Coffey. There were seven people present in the audience.
2. Commissioner Medina moved to approve the Planning and Zoning Minutes of the Regular Meeting of March 5, 2019. Commissioner Butler seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	*	Yes	Yes	Yes

Chairperson Levy arrived at the meeting following the vote on the minutes.

3. BUSINESS OF THE COMMISSION

a. Public Hearing on an Application for a Conditional Use Permit to Allow the Construction of an Oversized Accessory Structure on Property at 1718 Center Street, as Submitted by Clint and Freda Watson, and Review of P&Z Resolution No. 5, Series 2019. Associate Planner Connolly stated that Clint and Freda Watson have applied for a conditional use permit to construct an oversized garage on property located at 1718 Center Street. She stated that the applicants are proposing to install a 2,400 square foot garage on the eastern portion of the property. She stated that the existing home and garage is 2,322 square feet and the lot size is 20,647 square feet. She stated that if the oversized structure is approved, build-out would be 4,722 square feet for the existing home and proposed garage and the total lot coverage would be 23%, well below the 40% maximum allowed within the Single-Family Residential (R-1) zoning district. She stated that the applicants' narrative says that the garage is intended for personal storage and there are no proposed water or sewer tap hookups. She noted that the proposed structure meets setback requirements for the R-1 zone. She reviewed Land Use Code Section 3.05(b)(4)(e) which limits the size of accessory structures to 800 square feet or 33% of the principal structure, which in this instance would be 743 square feet. She stated that the proposal is compatible with the adjacent uses and no adverse impacts will be created by the addition of the accessory structure. She noted that personal items are currently stored outside and could be stored in the new garage which would clean up the property. She stated that the proposed garage would be accessed from Center Street. She stated that there were no comments of concern received from affected agencies, districts, and departments; however, Empire Electric was going to complete a field-check to be sure there is clearance from the power line across the

back yard. She stated that staff recommends approval of Resolution No. 5, Series 2019, with three conditions. In answer to a question from Commissioner McDaniel, Associate Planner Connolly stated that the lighting for the building is required to be contained on the property. She stated that there is not a mechanism to measure light but if there are any complaints received, staff would deal with them.

Clint Watson stated that he would like to build a garage to store his camper, boat, and four-wheeling trailer. In answer to a question from Vice-Chairperson Rime, Mr. Watson stated that the height would be 16-feet and the materials for the garage would be the same color and compatible to the home. Chairman Levy opened the public hearing; however, no one spoke and the hearing was closed.

Commissioner Medina moved that Planning and Zoning Resolution No. 5, Series 2019, an application for a conditional use permit to allow the construction of an oversized accessory structure on property at 1718 Center Street, as submitted by Clint and Freda Watson, be approved with three conditions. Vice-Chairperson Rime 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 for a Conditional Use Permit to Establish a Community Garden Farm School and Artist Cooperative at 105 North Sligo, as Submitted by Dr. David Schemberger, and Review of P&Z Resolution No. 6, Series 2019. Associate Planner Connolly stated that Dr. David Schemberger, Director of the Cortez Community Garden Farm School and Artists Cooperative, LLC, has applied for a conditional use permit to operate a community school at 105 North Sligo Street. She stated that the location is zoned Commercial Highway (C) and has an existing 3,400 square foot building (currently Sky Art Studio) located on the property. She stated that schools require a conditional use permit to operate in all zoning districts. She stated that no exterior construction is planned for the building. She stated that the school will be an educational facility and art venue and will offer its curriculum to the Cortez community. She handed out a larger scaled drawing of the premises and spoke about the school's mission. She stated that the building would contain four residential dormitories, a spa, a retail gallery, workshop studios, workshop space, a kitchen, and an indoor gardening room. She stated that the outdoor space will contain parking and various garden spaces. She spoke about the parking requirements as outlined in Land Use Code Section 5.02(d) and noted that the applicant would need to provide an ADA accessible space per building code requirements. She stated that the proposed project will add landscaping in the form of edible beds and plantings throughout the site. She noted that the project includes a blacksmith forge and kiln inside the building and would be designed to mitigate impacts to the neighborhood. She noted that school hours are proposed to be between 8:00 a.m. and 5:00 p.m. daily and there is no proposed signage at this point. She stated that access to the property is from Sligo Street. She reviewed the comments received from City departments and affected

agencies stated that the comments were forwarded to the applicant. She stated that staff recommends approval of Planning and Zoning Resolution No. 6, Series 2019, with three conditions.

Jan Christensen and Dr. David Schemberger spoke about their proposal and commented that what ever is needed for compliance will be addressed by the architect. Ms. Christensen stated that she and Dr. Schemberger just moved to Cortez from Milwaukee and have spent the last 20 years working with urban farms and gardening and their mission is to bring more local foods to everyone. She spoke about their experience with farming and thanked the Commission for the opportunity to offer their program to the area. In answer to a question from Vice-Chairperson Rime, Dr. Schemberger stated that artists (in residence) like to live where they work and the dormitories would be for them to complete special projects that could take up to six months to complete. Chairman Levy asked about the space that is noted as vehicle repair on the plans and Dr. Schemberger noted that the undercover space would be a general common area that could be used for minor repairs such as for a wagon or a pickup truck. In answer to a question from Commissioner Medina, Dr. Schemberger stated that there will be two ADA bathrooms and a shower/spa/personal health treatment area. Ms. Christensen stated that the proposed plan would be completed in several steps. In answer to a question from Chairman Levy, Ms. Christensen stated that discussion has been held with artists on offering rental space, but also the artists could be involved in the school. Dr. Schemberger spoke about the gardening boxes and people growing their own food to take care of themselves. Associate Planner Connolly stated that the apartments and auto repair uses are allowed in the Commercial zone.

Chairman Levy opened the public hearing; however, no one spoke and the hearing was closed.

Commissioner Medina moved that Planning and Zoning Resolution No. 6, Series 2019, an application for a conditional use permit to establish a Community Garden Farm School and Artist Cooperative at 105 North Sligo, as submitted by Dr. David Schemberger, be approved with three conditions. Vice-Chairperson Rime 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 for a Conditional Use Permit to Establish an Online Charter School (GOAL Academy), as Submitted by Dustin R. Sparks, Representative for Goal Academy, and Review of P&Z Resolution No. 7, Series 2019. Associate Planner Connolly stated that Amber DeCarlie with the Law Office of Dustin R. Sparks, LLC, representing the GOAL Academy, has applied to the City for a conditional use permit to operate an online charter school at 2531 East Main Street. She stated that the location is zoned Commercial Highway (C), and has an existing 5,367 square foot building located on the premises. She noted that schools require a conditional use permit to operate in all zoning districts. She stated that the applicant’s narrative notes the GOAL Academy is a multi-district online charter school with student drop-in centers around the State of Colorado. She stated that the campus in Cortez supports 83 students and the application states an

average of 10 students per week use the physical campus. She stated that no classes are taught on the campus, though students may use the campus for tutoring and support. She stated that the Fire Inspector has noted that the school meets all the safety requirements for a school and the parking consists of 14 spaces, plus one ADA space, and therefore meets the Land Use Code requirements. She stated that the school hours are proposed to be between 8:00 a.m. and 5:00 p.m. daily and the site has access from the frontage road off of Main Street. She commented that the Colorado Department of Transportation (CDOT) does not have any comments on the application. She stated that the GOAL Academy staff feels that the conditional use permit is not applicable to their premises because there are not classes taught on site; however, several news articles (included in the packet) indicate that students use the campus. She stated that staff recommends approval of the conditional use permit through Planning and Zoning Resolution No. 7, Series 2019, with two conditions. It was noted that the premises was used previously as a Head Start; however, the proposal is for a different school which is the reason for the conditional use permit being presented to the Commission for approval. In answer to a question from Commissioner McDaniel, City Attorney Green stated that the GOAL Academy is a charter school and is not part of the local school district and he feels Commissioner McDaniel does not have any conflict with participating in the vote.

Ryan Matthews, representing GOAL Academy, located at 2531 East Main Street, stated that the school is on-line and virtual and cannot require students attendance on campus; however, some students come in for tutoring. She stated that the building is mostly used for staff offices. In answer to a question from Commissioner Medina, Ms. Matthews stated that the school is not in competition with Southwest Open High School (SWOS) in the school district as the GOAL Academy is a State-wide alternative approved campus (Falcon District 49).

Chairman Levy opened the public hearing; however, no one spoke and the hearing was closed.

Vice-Chairperson Rime moved that Planning and Zoning approve a conditional use permit to establish an online charter school, GOAL Academy, as submitted by Amber DeCarli, with the Law Office of Dustin R. Sparks, LLC., authorized representative for GOAL Academy, to be located at 2531 East Main Street, through Planning and Zoning Resolution No. 7, Series 2019, with two conditions. Commissioner Butler seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

d. County Development – Proposed Single Lot Development on Property Owned by Patsy Lou Simmons, and Agent Kathy Stone, located at 25409 Road H, Cortez, Consisting of One 21.6 Acre Lot, and a Rezoning Request from AR 35+ to AR 10-34, on Property in Montezuma County Within the Three-Mile Urban Influence Area. City Planner Hughes stated that Patsy Simmons owns the property located at 25409 Road H and she would like to split the property into two lots, one lot would be 21.6-acres and one lot would be 43-acres. She stated that the applicants are requesting

AR 10-34 zoning on the property and the uses in the area include residential, agricultural, light industrial, and heavy industrial. She stated that staff recommends that the Commission approve the proposal for conformance with the Master Streets Plan and direct the Chair to sign the plat with paragraph #1 (Compliance with Master Streets Plan). City Planner Hughes stated that Road H is on the three-mile plan as an existing road; however, the area further east is not depicted on the adopted Streets Plan.

Commissioner Butler moved that the Planning and Zoning Commission approve the proposal for conformance with the Master Streets Plan and direct the Chair to sign the plat with paragraph #1. Vice-Chairperson Rime seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

e. County Development – Review of a Proposed High Impact Permit Application for a Telecommunications Facility Located at 6991 Road 24.3, on Property Owned by Dirk Johnson, Submitted by Agent Richard Horcasitas, in Montezuma County Within the three-Mile Urban Influence Area. City Planner Hughes stated that the County has received an application for a High Impact Permit for property located at 6991 Road 24.3. She stated that the applicant proposes to construct a wireless telecommunications facility comprised of a 50 x 50-foot lease area with ground equipment, cabinets, emergency generator, and a 100’ monopole. She stated that the property is currently zoned INDHZ and the surrounding property is already impacted by industrial activity and includes zones of INDHZ, INDLZ, AR3-9 and A/R ES. She stated that staff recommends that the County require the applicant to implement appropriate screening per threshold standard evaluation form (#8). She stated that staff also recommends that the tower be constructed to blend in with the surrounding environment using appropriate camouflaging as the area is adjacent to the Trail of the Ancients Scenic Byway. In answer to a question from Commissioner Medina, City Planner Hughes stated that the towers around the Cortez area are around 100+ feet tall.

Commissioner Medina moved that the Commission recommend that the issuance of a high impact permit on property located at 6991 Road 24.3, within the three-mile urban influence area, as submitted by agent Richard Horcasitas, be approved with the requirement the applicant properly mitigate the visual impacts of the tower through camouflaging and/or architectural design. Commissioner McDaniel seconded the motion, and the vote was as follows:

Butler	Levy	McDaniel	Medina	Rime
Yes	Yes	Yes	Yes	Yes

f. Public Hearing on a Special Exception for Fence Height at 114 Linden Street, applicant Loveshack LLC, Mike Green, and review of Resolution No. 4, Series 2019. City Planner Hughes stated that Mike Green, Loveshack, LLC, has applied to the City for a special exception to the permitted fence height in residential front yards for his property at 114 Linden Street, in the

Neighborhood Business (NB) Zoning District. She stated that the applicant is requesting a 5'2" fence height to enclose the entire front yard along the front and side property lines to the front façade of the house, including a portion of City right-of-way (ROW). She stated that the applicant wants to install a taller fence to contain his dog. She stated that the applicant proposes to enclose approximately seven feet into the City ROW beyond his property line and it is noted that there is not a sidewalk in this particular location. She stated that Land Use Code Section 5.04(b)(1) stipulates that the maximum fence height for a residential front yard is four feet. She stated fences in the rear yard of a residential property may be eight feet in height. She stated that the subject property sits behind a commercial building, and uses in the area include residential and business activities. She noted that the Land Use Code states that security fences for commercial uses may be seven feet in height; however, there are no specifications for the height of commercial fences not intended to be for security. She stated that Land Use Code Section 5.04(g)(1) states that a fence may extend into the non-used portion of the City right-of-way to within five feet of the existing curbline or to the back of an existing sidewalk. She stated that the fenced-in portion of the front yard of the property at 114 Linden Street would be approximately 28% of the total square footage of the yard. She stated that the lot is 3,528 square feet. City Planner Hughes stated that Section 6.18 of the City's Land Use Code gives the Planning and Zoning Commission the authority to grant a special exception and she reviewed the criteria (1-6) and staff's comments and noted that the lot is narrower and smaller than the minimum lot size for the NB zone. She noted that the applicant's request for a higher fence would likely not impact the neighborhood and noted the fence is proposed to be cedar posts and wire panels. She stated that the City Engineer commented that the fence cannot be placed in the Linden Street ROW as it would obstruct line-of-sight for the exiting alley located on the south side of the property. It was noted that the property is 25 feet wide (not 50 feet wide as usually required); however, it is a platted lot.

Mike Green, 114 Linden Street, spoke about topographic issues with the lot not being level. He stated that the back yard is used for storage and off-street parking and he would like the fence to be in the front yard. He stated that he would be fine with not having the fence in the ROW. He stated that he has talked with the neighbors about the fence and no one has a problem with it. He stated that the special exception would be for one foot higher than allowed. He spoke about the transient population that walks in area and the need to fence his property.

Chairperson Levy opened the public hearing; however, no one spoke and the hearing was closed. She stated that recently a taller fence was rejected (2018) by Planning and Zoning as the Commission did not find a hardship with the request. She stated that the request would need to meet all the special exception requirements to be approved and noted that the size of the lot is an issue. Discussion was held on the placement of the fence in the City ROW. It was noted that the site plan submitted for review by the Planning and Zoning Commission was what is being considered for approval and the plan shows the fence would be in the City ROW.

Commissioner Butler moved that a Special Exception be approved for a fence to be built at 114 Linden Street to five feet in height, as long as the fence is not built in the City right-of-way, through

Planning and Zoning Resolution No. 4, Series 2019. 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 – None.
- 6. FYI
 - a. Building Permits March 2019.
- 7. OTHER ITEMS OF BUSINESS – None.
- 8. PREVIOUS BUSINESS – None.

The meeting was adjourned at 8:00 p.m.

Rebecca Levy, Chairman

ATTEST:

Sara Coffey, Deputy City Clerk

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 16, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 16, 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 April 16, 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 April 9, 2019 as amended. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: **Mary Dodd** discussed the proposed term limit ballot question and the development of a County Elected Official Code of Conduct. **Jane Anderson** discussed the proposed term limit ballot question. **Rob Pope** discussed the fire mitigation process for Planning & Zoning application, a review of the County Land Use Codes and the proposed term limit ballot question. **Jill Carlson** discussed the proposed term limit ballot question. **M.B. McAfee** discussed the County Land Use Code, the proposed term limit ballot question and the County Code of Ethics. **Dexter Gill** discussed the proposed term limit ballot question. **Betty Ann Kolner** discussed the proposed term limit ballot question. **Rebecca Busic** discussed the proposed term limit ballot question. **Tom Seymour** discussed the proposed term limit ballot question and the County Code of Ethics. **Alan Maez** discussed the proposed term limit ballot question. **Laura Switzer** discussed the proposed term limit ballot question.

EXTENDED TERM LIMIT DISCUSSION: A discussion was held regarding a proposed ballot question to extend the County Commissioner term limits. The current term limit is two, four year terms with a proposal to extend it to three, four year terms. Attorney Baxter gave an overview of the history for the County Officials term limits and presented the draft language for the proposed ballot question. Commissioner topics of discussion included: consistency in Elected Officials term limits, building relationships, connectivity to younger voter concerns, other Colorado County term limits, opportunities during elections to vote candidates out of office, the loss of knowledge and the consequences to the County with remaining issues after an elected official is termed out. Constituents, **Dawn Brunson, Jeremy Noack and Dean Boeckman** emailed public comments to Administrator Powers to be included within the discussion. A discussion was held regarding the inclusion of the District Attorney within the proposed term limit ballot question. Commissioner Suckla moved to approve the draft language for the extension of the Commissioner's term limits, and to put the question on the November 2019 ballot. Second by Commissioner Candelaria and carried. Attorney Baxter will present a resolution for approval at a future date. (See attached)

ROAD DEPARTMENT: Road Superintendent, **Rob Englehart** presented the road and bridge schedule for the dates of April 10, 2019 through April 26, 2019. Superintendent Englehart gave an overview of the type of work scheduled for each crew. Topics discussed included; ditch cleaning, the grinding projects, culvert replacements, chip seal, soft spot repairs, seasonal blading, drainage repairs and over lay projects. Other topics discussed included; the completion of the County's **Sand Canyon** parking lot project, the completion of the BLM trail to the County's parking lot, the posting of parking signs, the proposed BLM Sand Canyon parking lot project, the Alkali Bridge project and the entry road to Phil's World. (See attached)

CSU EXTENSION OFFICE: Extension Director, **Kacey Reidel** met with the Commissioners to give a quarterly report. Topics of the discussion included: the Quarterly newsletter, the 4-H youth development updates, past and future events, noxious weeds programs, a drought impact workshop, the Lasting Legacy program, the Master Gardner program, a Family Consumer Science Agent, the quarterly Advisory Board meeting, the Southwest Research Center updates, an update to the web site, a categorized email signup sheet, and proposed adjustments to the office hours. (See attached)

PUBLIC LANDS:

Forrest Service, Derek Padilla discussed a proposed repair time line for the road into House Creek and the spring prescribed burn season.

Bureau of Land Management, Acting Field Manager, Elijah Waters met with the Commissioners to give a BLM monthly update and to introduce himself. Topics discussed included; the Phil's World road maintenance, the public scoping period for the Transportation Plan, the BLM access parking lot projects for Roads L and Road M and the Congressional disbanding of the WSA's.

Acting Canyon of the Ancients National Monument Manager, Tyler Foss met with the Commissioners to give a monthly update. Topics discussed included; the Sand Canyon parking lot projects, the Flodine and Yellow Jacket range permits and a Conditional Use filed by the BLM on water in Yellow Jacket Creek. (See attached)

Mesa Verde Superintendent, Cliff Spencer met with the Commissioners to request assistance, regarding a property owner's placement of a gate and a no trespassing sign, on the entry road to the Yucca House Monument. Topics of the discussion included; identification and direction signs, a "Please close the gate behind you" sign, other access options, staffing at the monument, the Road Superintendent's dialog with the property owner and the Karwick land gift. Other topics discussed included; a list of scheduled park projects and rocks falling on the Mesa Verde entrance road. (See attached)

PUBLIC COMMENT: Mary Dodd discussed the County Code of Ethical Conduct. **Tom Seymour** discussed the Wednesday scheduled convention / event center meeting.

Chairman Ertel announced the adjournment of the meeting for the LUNCH break.
Chairman Ertel announced the meeting would reconvene.
Commissioner Candelaria was absent for the afternoon session.

PUBLIC HEARING: It being the time set aside a continuation of a public hearing is held for review and determination of an AR10-34 Rezoning and Subdivision Application on a proposed 2 Lot Minor Subdivision submitted by **Doug Jennings** on property located at 30250 Road H, Cortez, CO, consisting of 40 acres, more or less, located on the south side of Road H, east of Road 27, situated in S.34, T.36N., R.15W., N.M.P.M... The roll was called, the public notice read, and the proceedings were recorded for the record. Property owner Doug Jennings was present. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. Commissioner Ertel requested the findings from the Planning and Zoning Commission. Assistant, Duncan reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Suckla moved to approve the AR10-34 rezoning and subdivision application on a proposed 2 lot minor subdivision submitted by Doug Jennings on property located at 30250 Road H, Cortez Co. consisting of 40 acres, more or less. Second by Commissioner Ertel and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Planning Assistant, Duncan presented for signatures a final plat for a proposed 2 lot minor subdivision submitted by **Doug Jennings** on property located at 30250 Road H, Cortez, CO, consisting of 40 acres, more or less, located on the south side of Road H, east of Road 27, situated in S.34, T.36N., R.15W., N.M.P.M.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a proposed Amendment to High Impact Permit #14- 000010, Special Use Permit #14-000006 Application submitted by **Kinder Morgan, Agent: Chris Lopez** on property located at 8087 Road BB, Pleasant View, CO, consisting of 6.41 acres, more or less, located on the north side of Road BB, east of Road 8, situated in S.1 T.38N. R.19W. N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent Chris Lopez was present. **Planning Assistant, S. Jane Duncan** gave an overview of the application. Commissioner Ertel opened the hearing to public comment. Public comment was made by **Gala Pock**. Hearing no further public comment that portion of the hearing was closed.

Commissioner Ertel requested the findings from the Planning and Zoning Commission. **Assistant, Duncan** reported the vote was unanimously in favor of approval from the Planning and Zoning Commission. After hearing all the evidence presented Commissioner Suckla moved to approve the amendment to high impact permit #14-000010, special use permit #14-000006, application submitted by Kinder Morgan, representative agent: Chris Lopez on property located at 8087 Road BB, Pleasant View, CO, consisting of 6.41 acres, more or less, located on the north side of Road BB, east of Road 8. Second by Commissioner Ertel and carried. Commissioner Ertel closed the hearing at this time. (See attached)

Planning Assistant, S. Jane Duncan presented for signatures, corrections to High Impact Permit No.701 Special Use Permit No. 03-2018 Kinder Morgan CO2 Company, Agent, Chris Lopez on property owned by Roxy Rupe, located at 25136 Road 8, Pleasant View, CO; in Sec.1, T.38N, and R.19W, N.M.P.M. A multiple-well pad with wells known as CA8, CA-9 and CA-10 for the purpose of the construction of said well pads, drilling of CO2 wells, production activities and the construction and installation of CO2 tie-in pipelines. Commissioner Suckla moved to approve the corrections to High Impact Permit #701 and Special Use Permit #03-2018, to replace High Impact permit #701 previously recorded on 02-04-2019 also known as a multi wells pad with wells known as CA-8, CA-9 and CA-10 for the purpose of the construction of said wells, drilling of CO2 wells, production activities and the construction and installation of CO2 tie-in pipelines. Second by Commissioner Ertel and carried (See attached)

Planning Assistant, Duncan presented for signatures a final plat for a 3 lot minor subdivision submitted by **Gary Ellson** on property located at TBD Road P, Mancos, CO, consisting of 35 acres, more or less, located on the north side of Road P, west of Road 33, situated in S.1 T.36N., R.15W., N.M.P.M.

Planning Assistant, Duncan presented for signatures of a final plat for a 3 lot minor subdivision submitted by **Terry Ellson** on property located at TBD Road P, Mancos, CO, consisting of 35 acres, more or less, located on the north side of Road P, west of Road 33, situated in S.1 T.36N., R.15W., N.M.P.M

Planning Assistant, Duncan presented for signatures of a final plat for a single lot development submitted by **Sheldon Zwicker, Agent: Elsie Carver**, on property located at 9257 Road G, Cortez, CO, consisting of 10.26 acres, more or less, located on the north side of Road G, situated in S.31 T.36N., R.18W., N.M.P.M.

EMERGENCY MANAGER REPORT: Emergency Manager, Mike Pasquin met with the Commissioners to discuss county flood preparedness. Topics discussed included; flood plans included in the current Emergency Operations Plan, the Dolores River Emergency Alert and Notification Plan, the Mancos River Emergency Alert and Notification Plan, Nixel alerts, Town of Dolores flood zone maps, flood gauges, IGA's for proposed emergency shelters, help from the Red Cross, the Colorado River Basin Forecast Center, evacuation procedures, the availability of sand and sand bags, gas lines and septic tanks, the 100 foot standoff zone and possible updates to the Emergency Operations plan. Manager Pasquin reported he would be attending the scheduled Emergency Management Academy. (See attached)

COUNTY ATTORNEY REPORT: Attorney, **John Baxter** discussed the future scheduling of an Executive Session to discuss a personnel matter and the Road 41 injunction. Attorney Baxter reported that there had not been a ruling from the February 2019, BAA hearing.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, met with the Commissioners to give his weekly report. Topics of the discussion included; the Flap Grant application, the Sand Canyon parking lot trail and the BLM Parking lot projects on Road L and Road M. Director Dietrich reported he would be attending the scheduled Oil and Gas Symposium and a scheduled flood plane workshop.

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers** presented a letter of interest for reappointment to the **Lebanon Cemetery Board** from **Neita Muniz**. Commissioner Candelaria moved to accept Ms. Muniz for the Lebanon Cemetery Board and appoint her to a 6 year term. Second by Commissioner Suckla and carried.

Administrator Powers presented for approval **AMENDED TRANSFER ORDERS #5-2019** and **#6-2019**. The original transfer requests were from the Contingency Fund to the Assessor's Fund. **Amended Transfer Order # 5-2019** is a transfer of \$3,542.00 from the Contingency Fund to the General Fund to pay **Dufford Waldeck Milburn & Krohn, LLP** for matters regarding Kinder Morgan. **Amended Transfer Order #6-2019** is a transfer of \$4,456.00 from the Contingency Fund to the General Fund to pay Dufford Waldeck Milburn & Krohn, LLP for matters regarding Kinder Morgan. Commissioner Suckla moved to approve order #6-2019 a transfer of \$4,456.00 from the Contingency Fund to the Assessor Fund to pay Dufford Waldeck Milburn & Krohn, for matters regarding Kinder Morgan, dated April 16, and modify the transfer to the General Fund per the Treasurer, as well as the April 9, transfer Order #5-2019 of \$3,542.00 from the Contingency Fund to the Assessor's Fund to pay Dufford Waldeck Milburn & Krohn, LLP for matters regarding Kinder Morgan. Second by Commissioner Candelaria and carried.

Administrator Powers presented an amended proposed membership of the **Juvenile Service Planning Committee** for approval. Commissioner Candelaria moved to approve that pursuant to Colorado Revised Statutes 19-2-211 recommending individuals to serve on the local juvenile services planning committee that shall be appointed by the chief judge of the judicial court and adding Eric Stiasny, Counselor, Dove Creek High School. Second by Commissioner Suckla and carried. Other topics discussed included the North Street parking lot project and the re-advertisement for bids. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Ertel, discussed the attended Club 20 meeting.

Commissioner Suckla, had no report to give.

Commissioner Candelaria, discussed attendance to the scheduled Oil and Gas Symposium, a conversation with Shaw Solar, the architect sketch diagrams for the Convention / Event center and the attended TRP meeting.

PUBLIC COMMENT: **Ellen Foster** discussed the review of the Land Use Code.
M.B. McAfee discussed Chairman Ertel's verbal verification of the proposed motions.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 2:30 a.m.

Clerk April 16, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 23, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 23, 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 April 23, 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 April 16, 2019 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC COMMENT: Alan Maez discussed the original approved High Impact Permit for Fozzie's Farm and current special events scheduled there. Mr. Maez also discussed a previous request for a map of Conservation Easements within the County. M.B. McAfee discussed the conservation easement map and the community resource found at Fozzie's Farm.

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

EXECUTIVE SESSION: Commissioner Candelaria moved to go into executive session for discussion of a matter required to be kept confidential by the following federal or state law, rule or regulation under C.R.S. Section 24-6-402 (4) (c) and for the discussion of personnel matters under C.R.S. 24-6-402 (4) (f), to include Social Service Director Gina Montoya, seconded by

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Commissioner Suckla and carried. Topic for the executive session was review by the Board of County Commissioners of the finding made by the Citizens Review Panel regarding a decision by Social Services. Commissioner Suckla moved to go out of executive session, seconded by Commissioner Candelaria and carried. Commissioner Candelaria moved to uphold the decision by Director, Gina Montoya and the findings of the Citizens Review Panel on their decision regarding this subject matter. Second by Commissioner Suckla and carried. (See attached)

DISTRICT ATTORNEY: Will Furse met with the Commissioners to discuss the purchase of a vehicle for the department and a ballot question to extend his term limits from two terms to three terms. Topics of the discussion included; current fleet vehicles assigned to the department, county insurance for vehicles purchased, vehicle trade in's, auctioned county vehicles, vehicle mileage expense, vehicle passenger needs and vehicle rental options. District Attorney, Furse presented for review, proposed draft language for a resolution of a ballot question to be placed on the November 2019 ballot. The discussion was tabled for a future decision. (See attached)

IT MONTHLY REPORT: IT Director, Jim McClain met with the Commissioners to present for review and discussion, a **Surface Use Agreement** between **Visionary Broadband** and Montezuma County to install a 40' tower. Topics of the discussion included; the language of the agreement, land access, inclusion of the Landfill Manager within the discussion, the size of the tower, the band width of the tower, access point placements, county wide dead spots and support for the project from the Commissioners. Other topics discussed included; the placement of approved Resolutions on the County web site and Public Hearing videos. (See attached)

COUNTY ATTORNEY REPORT: Attorney, John Baxter discussed the draft Term Limit Extension Resolution. It was decided to table the discussion until the May 28, 2019 meeting. Other topics discussed included the Montezuma Valley Irrigation lawsuit.

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

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

COUNTY COMMISSIONER REPORT: Commissioner Ertel discussed the attended Board to Board meeting, the Convention / Event Center meeting and the Health Department meeting. **Commissioner Suckla**, discussed the attended CCI meeting and the unencumbered 6 million dollars of county reserve funds that could be used for the benefit of the county residents. **Commissioner Candelaria** discussed the attended Oil and Gas symposium and the River Raft meeting. Other topics discussed by the Commissioners included; the scheduled Town Hall meeting in Dolores on June, 24, 2019 at 6:30 p.m., the scheduled Town Hall meeting in Cortez on July 12, 2019 at 6:30 p.m., and a proposed change from a day meeting to an evening meeting once per month. It was decided that the May 7, 2019 meeting would start at 1:30 p.m.

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

DISCUSSION: Planning & Zoning Commission members **Bob Clayton, Kelly Belt, Mike Rosso** and **Rob Pope** met with the Commissioners to discuss, support from the Board regarding a proposed County Sales Tax question for the 2020 ballot. Topics of the discussion included, public education and a campaign for the proposed sales tax question, a county analysis of the need for a sales tax, current county reserves, the (RAR) Residential Assessment Rate, mill levy adjustments, earmarking funds, a developmental plan, an update to the County Comprehensive Plan, county sales tax amounts in other counties, tourism, County marketing options, proposed sales tax exemptions, public education of collected property tax and distributions to special districts, a Regional Mental Health Facility, a Regional Detox center, reviews of the County's departmental budgets, reviews of the county employee benefits, property development fees, sales tax revenues spent for the benefit of the County constituents, a 20 year growth comparison of the county and the quality of services provided, sales tax collection on internet purchases, the business leverage of being a "no sales" tax county and future increases to city taxes. The Montezuma County Board of County Commissioners were in agreement that the Planning & Zoning Commission investigate the various revenue streams that may be available to the County to promote the citizens of the County.

PUBLIC COMMENT: **Greg Kemp**, discussed the previously investigated Economic Development Association's ballot initiative regarding High Speed Internet Services to Montezuma County. **M.B. McAfee** discussed the proposed county sales tax. **Dexter Gill** discussed an update to the County Comprehensive plan. **Ellen Foster** discussed the county financial reserve account.

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED: 3:10 p.m.

Clerk April 23, 2019

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 30, 2019**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 30, 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 April 30, 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 April 23, 2019 as amended. Motion was seconded by Commissioner Candelaria and carried.

PUBLIC COMMENT: Ann Bowler discussed the proposed broadband tower. Galen Larson discussed job promotion opportunities within Montezuma County and the 2nd Amendment.

LANDFILL: Rachel Ablen from the Landfill gave a monthly report which included the 2019 Landfill budget spread sheet. Topics discussed with the report included; the subgrade excavation for the new cell project, the tire shredding program, coordination with Empire Electric for Earth Week and the engineer design for the deceased animal pit. (See attached)

IT: IT Director, Jim McClain along with Visionary Broadband, Vice President, Justin Davis met with the Commissioners to present for signatures, a Surface Use Agreement between Visionary Broadband and Montezuma County to install a tower on County land. Topics of the discussion included; a site survey at the Landfill, the language of the agreement, the size of the tower, possible leased sections of the tower, combining the 2 proposed towers, connectivity for

the Landfill and dead spots within the county, flight patterns at the airport, the structure of the towers, infrastructure support, tower ownership, a Sheriff's Department repeater placed on the tower and the time frame for the completion of the project. Commissioner Candelaria moved to accept the Surface Use Agreement with Visionary Broadband a Colorado Corporation. Second by Commissioner Suckla and carried. (See attached)

LIQUOR LICENSE: Deputy Clerk, Malinda Fuller presented special event liquor license applications for **Schroeder Colorado Inc., DBA Eagle Claw Trading Post**, 4321 S US Hwy 160/491, Cortez, CO and a liquor license renewal for **Echo Basin Ranch** located at 43747 Road M, Mancos, CO 81328. Commissioner Candelaria moved to accept the retail liquor license renewal application for Eagle Claw Trading Post and Liquor Store located at 4321 S US Hwy 160/491, Cortez, CO and a retail liquor license renewal application for Echo Basin Ranch located at 43747 Road M, Mancos, CO. Second by Commissioner Suckla and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney John Baxter discussed the proposed 2019-2020 Court Security Grant, the Road 41 lawsuit and a letter sent to Senator Bennet, regarding the CORE Wilderness Act. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Topics of the discussion included; the formal scoping period for the Transportation Alternatives Plan, a Montezuma County Recreational Advisory Committee (MCRAC) meeting scheduled May 2, 2019 at 6:00 p.m., an attended meeting with Dolores Water Conservation District and the Forest Service regarding reservoir operations and the Aquatic Nuisance Species Program, a proposed Governor tour within Montezuma County, the proposed parking lot at the Landfill for access to BLM lands, the County engagement with State Historic Preservation Office (SHPO) process for rerouting trails out at Phil's World, funding for fencing that had been burnt during the required back burn of the Plateau Fire and the resignation of a Montezuma County Recreational Advisory Committee member.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed the new Bi-weekly pay conversion project.

COUNTY COMMISSIONER REPORT:

Commissioner Ertel discussed an attended meeting at the Unlimited Learning Center with Senator Bennet's representative, Ms. Wolf, regarding programs and funding for the Center's educational programs and the proposed release of the 5 Wilderness Study Areas

Commissioner Suckla discussed his participation in the Mancos Hoedown Auction, a proposed BOCC field trip to review some of the Montezuma School to Farm projects, Senate Bill 19-81, C.R.S. Article 24-65.1 and mental health services provided to Montezuma County by AXIS Health.

Commissioner Candelaria discussed the attended meeting with Region 9, mile markers for the Dolores, Norwood Road, the Cortez City Council meeting and a luncheon attended with the Dolores Seniors.

PUBLIC COMMENT: **Gala Pock** discussed the inclusion of the local Hospital with the discussion of **AXIS Mental Health services**. **M.B. McAfee** discussed the **AXIS Mental Health issue** and the inclusion of **Vern Heath** within the discussion. **Lisa Henry** discussed the recent **Youth Service meeting** and the mental health issues within the county. **Tom Seymour** discussed the **AXIS Mental Health issue** and his support of the **Broadband tower**. **Dexter Gill** discussed the **Mental Health issue**, **Senate Bill 19-81**, the **Broad Band tower** and the **Core Wilderness Act letter**.

CORRESPONDENCE: The following correspondence was read and noted: Email from **Joe Slaughenhaupt** regarding **County term limits**, (See attached)

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

MEETING ADJOURNED: 11:00 a.m.

Clerk April 30, 2019

Chairman

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