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CORTEZ CITY COUNCIL
WORKSESSION/SPECIAL MEETING
TUESDAY, APRIL 12, 2022
NO COUNCIL WORKSHOP WILL BE HELD
REGULAR COUNCIL MEETING WILL BEGIN AT 7:30 P.M.

A. For Your Information

1. Minutes from Board of Commissioners, Montezuma County, Colorado for March 8, 2022, March 15, 2022, March 22, 2022 and March 29, 2022.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

04/12/2022

Agenda Item: A. 1.

MEMO TO: Honorable Mayor and City Council

FROM: Donna Murphy, Deputy City Clerk

SUBJECT: Minutes from Board of Commissioners, Montezuma County, Colorado for March 8, 2022, March 15, 2022, March 22, 2022 and March 29, 2022.

Attachments

BOCC Minutes 03082022

BOCC Minutes 03152022

BOCC Minutes 03222022

BOCC Minutes 03292022

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 8, 2022**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 8, 2022 at the Montezuma County Administration building in Cortez, Colorado, there were present:

Jim Candelaria, Chairman
Kent Lindsay, Vice Chairman
Gerald Koppenhafer, Commissioner of Deeds
Shalako Powers, County Administrator
Ian MacLaren, County Attorney
Kim Percell, County Clerk

MINUTES: Commissioner Lindsay moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 1, 2022 as presented. Motion was seconded by Commissioner Koppenhafer and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed 2 Lot Moderate Subdivision & Rezoning Application, submitted by **Douglas & Cindy Coulon**, on property located at 21624 Road S, Cortez, CO, consisting of 17.42 acres, more or less, located west of Hwy 491, south of Road S, situated in Section 30, T.37N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mrs. Coulon was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Lindsay moved to approve the proposed 2 lot moderate subdivision and rezoning application, submitted by Douglas and Cindy Coulon, on property located at 21624 Road S, Cortez. Seconded by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING: Director, Haley along with **Assistant, Duncan** presented for signatures, a Boundary Line Adjustment, submitted by Arvita Higgins on property located at 21510 Road W,

Lewis Co, and **Ervil Higgins** on property located at TBD Road W, Lewis , CO.. Commissioner Lindsay moved to approve the boundary line adjustment agreement for Arvita Higgins and Ervil Higgins at 21510 Road W, Lewis Co. Second by Commissioner Koppenhafer and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination a proposed Subdivision Amendment Application of the **Swearingen 2 Lot Moderate Subdivision**, submitted by **BBS, LLC**, agents: **David Posner & Karl Jeffries**, on properties located at 11245 & 11145 Road 20, Cortez, CO, consisting of 3.34 acres, more or less & 3.80 acres, more or less, located south of Road M and west of Road 20, situated in Section 14, T.36N., R.17W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Posner was present. **Planning Director, Don Haley with Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Koppenhafer moved to approve the proposed subdivision amendment application of the Swearingen 2 lot moderate subdivision, submitted by BBS, LLC, agents: David Posner and Karl Jeffries, on properties located at 11245 & 11145 Road 20, Cortez, CO. Seconded by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed 2 Lot Minor Subdivision & Rezoning Application, submitted by **James E. Lynch Living Trust**, on property located at 14767 Road 29.75, Dolores, CO, consisting of 40 acres, more or less, located west of Road 29, east of Road 29.75, situated in Section 33, T.37N., R.15W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Lynch was present. **Planning Director, Don Haley with Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Lindsay moved to approve the proposed 2 lot minor subdivision and rezoning application, submitted by James E. Lynch Living Trust, on property located at 14767 Road 29.75, Dolores, CO.. Seconded by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a Special Use Permit and Rezoning Application for a USDA meat processing facility, submitted by **Rocky Mountain Meats**; agent: **Chad Foutz**, on property located at 7429 Hwy 160-491, Cortez, CO, located west of Hwy 160-491, situated in Section 4, T.35N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Foutz was present. At this time, **Attorney Kelly McCabe**, made a request to continue the public hearing, to comply with the Land Use Code, notice requirements. After establishing the evidence of sending the required notice, by certified mail, to all adjacent land owners, it was determined that the hearing would proceed. **Planning Director, Don Haley with Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Candelaria opened the hearing to public

comment. Public comment was made by: **Rob Pope, Wanda Martin, Tim Lanier, Danny Wilkin, Attorney, Bryson McCabe** representing property owner **Jim Black, Jennifer Singer, Clayton Archer** and **Colton Black** representing the **Cortez Area Chamber Commerce**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented, Commissioner Lindsay moved to approve the special use permit and rezoning application for a USDA meat processing facility, submitted by Rocky Mountain Meats; agent: Chad Foutz, on property located at 7429 Hwy 160-491, Cortez, and this application be contingent upon, a good working septic permit, rather it be through septic tank or preferably hooked up to Cortez Sanitation District, a CDOT permit and dust control on the roads. Second by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PUBLIC COMMENT: **James Parks** presented a signature petition regarding the request, for County Roads L, 32 and P, be placed on the Road & Bridge chip seal schedule. (See attached) **Kathy VanVleet** offered a thank you to the Commissioners on the recently reviewed Ironwood LLC property. **Butch Smith** discussed a proposed highway turn lane for the approved Rocky Mountain Meats.

PUBLIC LANDS: No reports made.

VEHICLE MAINTENANCE: **Road & Bridge Equipment Manager, Shane Higman** was not available to report.

GROUND AND BUILDINGS: **Maintenance Supervisor, Dustin Sattler** met with the Commissioner to give a monthly report on the grounds and buildings. Topics discussed included the Lost Canyon Road Shop Project, the Social Services Conference Room project, a restroom project for the Road and Bridge department, heater repairs and sidewalk ice removal.

IT: **IT Director, Jim McClain** met with the Commissioners to present his monthly report. Director McClain gave a departmental overview and an introduction to Commissioner Koppenhafer. Other topics discussed included the recent Phone Services Change Project, a new firewall implementation, the Internet Services Project and the development of a County ring.

GIS MAPPING: **GIS Manager, Doug Roth** and **Mapping Specialist, Rachel Medina** met with the Commissioners to give a monthly report. Topics discussed included: the new GIS landing page <https://montezumacounty.maps.arcgis.com/home/index.html>, the recreational map viewer, changes to the interface of the verifying address page, an updated road impact fee accounting and development of the available impact fee funds map, an overview of the 2021 impact fees collected, county development statistics and the Smart Gov. Program. (See attached)

UNFINISHED BUSINESS: **Road & Bridge, John Deer Grader Lease Plan.** Commissioner Koppenhafer moved to approve the movement of \$86,392.00, out of the Capital Outlay account, for the Road and Bridge Department, for the purchase of these two blades, model 772/GP. Second by Commissioner Lindsay and carried. (See attached)

Noxious Weed Department's proposed purchase of a masticator head. Commissioner Lindsay moved to approve the purchase of the masticator head for \$21,875.81. Second by Commissioner Koppenhafer and carried. (See attached)

Noxious Weed Department: The **US Forest Service Modification #1 Grant or Agreement** in the amount of \$5,000.00 was presented for approval. Commissioner Lindsay moved to approve Modification contract #21-PA-11021300-034 to the Forest Service contract. Second by Commissioner Koppenhafer and carried. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, **Ian MacLaren** gave updates on the Kinder Morgan Case and the Walmart Appeal abeyance. Attorney MacLaren presented the amended City of Cortez Fiber Management Agreement, for approval. Commissioner Koppenhafer moved to approve this amendment modifying the agreement between Montezuma County and the City Of Cortez, owned by Cortez Community Network Enterprise, regarding a broadband fiber network, her in after called the agreement, the revisions on the agreements are limited to those specified. Second by Commissioner Lindsay and carried. (See attached)

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, met with the Commissioners to give a weekly report. Topics discussed included; the Mesa Verde Trail Project grant applications, the Cortez side of the Mesa Verde Trail route, matching funds strategy, BLM concerns of camping on the Chutes and Ladders trails, and land owned by the State Land Board.

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers**, discussed the Wellness Committee's proposed memberships to the City of Cortez Recreation Center, the attended (SWORD) Southwest Opioid Response District meeting, a Region 9 Feasibility Study, attendance at the Tribal Council meeting, the Commissioner attendance at the Cortez City Council meeting and requested Commissioner assistance for a a repeal or delay, of the CCI legislation, that requires Counties to license all entities that transport individuals in behavioral health crisis.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commission Koppenhafer** discussed the attended Community Intervention meeting and the attended (Triple A) Area on Aging Agency meeting. **Commissioner Lindsay** discussed the scheduled Cortez City Council meeting and the Dolores Town Board Candidate Forum. **Commissioner Candelaria** discussed the attended Dolores Town Board Candidate meet and greet, CCI Legislative updates, the Monday Workshop and a request for a County Animal Control Officer.

CORRESPONDENCE: The following correspondence was read and noted:

MOTION TO ADJOURN: was made by Commissioner Koppenhafer, seconded by Commissioner Lindsay and carried.

MEETING ADJOURNED: 11:30 a.m.

Clerk

March 8, 2022

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 15, 2022**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 15, 2022 at the Montezuma County Administration building in Cortez, Colorado, there were present:

Jim Candelaria, Chairman
Kent Lindsay, Vice Chairman
Gerald Koppenhafer, Commissioner of Deeds
Shalako Powers, County Administrator
Ian MacLaren, County Attorney
Kim Percell, County Clerk

MINUTES: Commissioner Lindsay moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 8, 2022 as presented. Motion was seconded by Commissioner Koppenhafer and carried.

PLANNING: Planning Director, Don Haley along with **Assistant, S. Jane Duncan** presented for discussion a draft for a General Planned Unit Development submitted by **Triple S Farms, LLC; Agent: Ernie Maness**, on property located at 12261 Hwy 145, Cortez, CO, consisting of 247 acres, more or less, located south of Road M, west of Hwy 145, situated in Section 12, T.36N., R.16W., N.M.P.M. Agent Ernie Maness was present. The Commissioners were in agreement that the application should proceed through the Planning process.

DISCUSSION: Director Haley along with **Assistant Duncan** held a discussion regarding CDOT access permits. Topics discussed included; Road 37, the Summit Lake access, a proposed county access permit process, Road L, Road 38.5, the intersection of Road M and Hwy 491, and the State access permit process.

PUBLIC COMMENT: Allen Maez discussed the County Annex and the recently held Republican Party Assembly. **Mike Lynch** presented the Commissioners a thumb drive, with

electronic information regarding the 2020 election. (Thumb drive available for review, within the County Clerk's Office, during regular office hours)

LIQUOR LICENSE: Deputy Clerk, **Jerri Frizzell** presented for approval a liquor license renewal application for **The Gettin' Place, Steele Investments Inc.**, located at 26060 Hwy., 491 Pleasant View, Co. 81331. Commissioner Koppenhafer moved to approve the renewal application for a retail liquor and fermented malt beverage, license for **Steel Investments Inc., The Gettin' Place**, located at 26060 Hwy., 491 Pleasant View, CO. Second by Commissioner Lindsay and carried. (See attached)

12 HOURS OF MESA VERDE MOUNTAIN BIKE RACE: Board members **Cap Allen, Kirk Underwood** and **Dani Gregory** met with the Commissioners to request permission for a special event liquor license, to serve donated beer during the 12 Hours of Mesa Verde event, scheduled May 7, 2022. Commissioner Lindsay moved to approve a special event liquor license, for the 12 Hours of Mesa Verde event at the County Fairgrounds. Second by Commissioner Koppenhafer and carried. (See attached)

COUNTY CORONER: Coroner, **George Deavers** met with the Commissioners to give a monthly report. Topics discussed included: a Monthly 2021 Case Report, a 2021 Weekly Case Report, a, Hourly Case Report, the 2021 yearly statistics which included, 17 motor vehicle deaths, 19 suicides and 8 overdose deaths. Coroner Deavers reported the current yearly statistics included: a total number of 39 cases that include, 2 motor vehicle deaths, 2 suicides and 5 overdose deaths. The year to date, total number of autopsies completed was 50, with 15 being from Montezuma County and a total of 3 (possibly 4) homicides for the year. Other topics discussed included; an increase in young deaths within the county and Senate Bill 22-065. (See attached)

COUNTY SHERIFF'S MONTHLY REPORT: Sheriff, **Steven Nowlin** met with the Commissioners to give his monthly report. Sheriff Nowlin discussed what the critical and priority needs would be for the proposed Public Safety Sales Tax and presented the **2022 Public Safety Sales Tax Requested Cost Estimates**. Topics discussed included the Detention Center, the Patrol Division, the Detective Division equipment, training, and salaries. Reports presented for the record included the January and February, **Calls for Service Report**, the **Jail Report**, the **Year to Date Transport Report**, the **Perdium and Cost for Travel Report**, the **Total Monthly Inmate Report**, the **Monthly Arrests Report**, the **Dolores County Billing Report**, the **City of Cortez Billing Report**, the **DOC Holds Report**, the **Operational Expense Report** and the **Monies Paid to the General Fund Report**. (See attached)

EMERGENCY MANAGEMENT: Emergency Manager, **Jim Spratlen** met with the Commissioner and gave a monthly update. Manager Spratlen presented for discussion and review, the **Monthly Situational Report**. Topics within the report that were discussed included; drought, a COVID update and a water update. Manager Spratlen presented for discussion, the **Public Safety Sales Tax Disbursement for Emergency Management and Communications Proposal**. Topics discussed included; communication towers, a mobile communication trailer, full time employee positions, yearly costs, broadband opportunities and tower locations. **Maintenance Supervisor, Dustin Sattler** joined the meeting to discuss the purchase of a used

generator in the amount of \$23,000.00. The discussion will be postponed to a later date, to allow time to get a cost comparison for the energy source. (See attached)

DISCUSSION: Cortez Fire Protection Chief, Jay Balfour, Battalion Chief Charlie Bordon and Lieutenant Rick Spencer met with the Commissioners to discuss the proposed **Public Safety Sales Tax**. Chief Balfour discussed the history of the Fire District, current staffing and call volume history, apparatus, calls for service, additional services provided, an overview on current issues, where similar departments are currently, priority needs, the benefits of the proposed sales tax and needed capital improvements. Chief Balfour discussed the Fourth of July Fireworks Display event. (See attached)

UNFINISHED BUSINESS: No unfinished business presented.

COUNTY ATTORNEY REPORT: County Attorney, Ian MacLaren gave updates on the Land Use Code Violation Case and the Weber Canyon / Road 41 lawsuit.

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

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers, presented for approval the **Master Engagement Agreement** by and between **MGT of America Consulting, LLC**, and **Montezuma County Board of Commissioners**. Commissioner Lindsay moved to approve the Master Engagement Agreement, between MGT of America Consulting, LLC, and the Montezuma County Board of Commissioners. Second by Commissioner Koppenhafer and carried. Other topics discussed included: a scheduled drought mitigation meeting to begin the educational Water Wise Series, an update on the attended Detox Intergovernmental Agreement meeting, an update on the (SWORD) Southwest Opioid Response District meeting and a County website link for behavioral health information. <https://montezumacounty.org/behavioral-health/> (See attached)

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commission Koppenhafer** discussed the attended Mancos Town Board meeting and the scheduled Club 20 meetings. **Commissioner Lindsay** discussed constituent discussions, the attended Cortez City Council meeting, the attended Republican Party General Assembly meeting, and the passing of former County Commissioner Helen Mc Clellan. **Commissioner Candelaria** discussed the attended CDOT meeting, the attended CCI Legislative meetings, the Dolores Town Board meeting, PILT Payments, the Republican Party Assembly and gave an update on the Monday Workshop topics.

DISTRICT ATTORNEY: District Attorney, Matt Margeson and Office Manager, Clarisa Feuilly met with the Commissioners to give a monthly report. Topics discussed included; the proposed **Public Safety Sales Tax**, an additional legal assistant, a proposed 8% cost of living adjustment, a budgetary increase for the department, increased requirements for data storage, Senate Bill #217, proposed juvenile legislation and current department staffing. (See attached)

CORRESPONDENCE: The following correspondence was read and noted: Email received from Joellen Dickey regarding updates on Ironwood Fire Mitigation.

MOTION TO ADJOURN: was made by Commissioner Lindsay, seconded by Commissioner Koppenhafer and carried.

MEETING ADJOURNED: 11:15 a.m.

Clerk

March 15, 2022

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 22, 2022**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 22, 2022 at the Montezuma County Administration building in Cortez, Colorado, there were present:

Jim Candelaria, Chairman
Kent Lindsay, Vice Chairman
Gerald Koppenhafer, Commissioner of Deeds
Shalako Powers, County Administrator
Ian MacLaren, County Attorney
Kim Percell, County Clerk, Absent
M. Lynn Dorenkamp, Chief Deputy Clerk

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 15, 2022 as presented. Motion was seconded by Commissioner Lindsay and carried.

PLANNING: Planning Director, Don Haley along with Assistant, S. Jane Duncan presented for approval of an Exemption Resolution submitted by **Gregory Taylor**; agent: **Eric Taylor, POA**, on property located at 25453 Road T, Dolores, CO, consisting of 5.55 acres, more or less, located south of Road T.5, east of Road 25, situated in Section 14, T.37N, R.16W, N.M.P.M. Commissioner Lindsay moved to approve the Exemption Resolution for **Gregory Taylor**; agent: **Eric Taylor, POA** for property located at 25453 Road T, Dolores, CO, consisting of 5.55 acres, more or less. Second by Commissioner Koppenhafer and carried. (See attached)

PUBLIC COMMENT: **George Tripp** wanted to introduce himself to the Board of County Commissioners, as he is running for city council. **Mike Lynch** gave more information regarding election equipment to the County Commissioners. (See attached)

SPECIAL EVENT LIQUOR LICENSE: Ute Mountain Roundup Rodeo Board members **Cindy Green, Marti Spitzer, and Lacey Murphy** met with the Commissioners to request permission to include alcohol sales during the scheduled Ute Mountain Ute Rodeo event held at the Montezuma County Fairgrounds. Commissioner Koppenhafer moved to approve the Special Event Liquor

License for the Ute Mountain Rodeo on June, 9, 10 and 11th from 4p.m. till 11:00p.m. Second by Commissioner Lindsay and carried. (See attached)

BOARD OF SOCIAL SERVICES MONTHLY REPORT: It being the time set aside, the Board of Social Services was conducted. **Finance Officer, Lori Higgins** and **LueAnn Everett** were present. Commissioner Lindsay moved to approve the Record of Proceedings and financials for Montezuma County Social Services for February 2022 in the amount of \$1,852,175.37. Second by Commissioner Koppenhafer and carried. (See attached)

VETERANS SERVICE: **Veteran Service Officer, Sara Kuhn** met with the Commissioners to give a monthly report. A copy of the **Colorado Department of Military and Veterans Affairs, County Veterans Service Officers Monthly Report and Certification of Pay, February 2022** was presented for the record. Other topics discussed included; the February 2022 financial report, a review of office activities, statistical data and the indirect income to Montezuma County. (See attached).

SENIOR SERVICES: **Director Jonathon G. Parker** met with the Commissioners to give a monthly report on the Senior Services programs.

CSU EXTENSION OFFICE: **Extension Director, Gregory Felsen** and **Emily Lockard** met with the Commissioners for a monthly report. Topics of the discussion included; Upcoming 4 States Ag Expo and the presentations that they will be giving during the Ag Expo, ongoing relationship with Pueblo Community College and overview of the Seed Share Event and Fire Mitigations and Land Restoration in Forest Areas. (See attached)

UNFINISHED BUSINESS: None at this time.

COUNTY ATTORNEY REPORT: **County Attorney, Ian MacLaren** overviewed the default judgement that was issued last Friday on the Land Use violation regarding the property south of town. Finished the brief for the Court of Appeals for the Road 41 case.

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

COUNTY ADMINISTRATOR REPORT: **Administrator, Shak Powers,** attend the SWORD meeting for Opioid settlement for the 2 year plan. Record clean up, need to resubmit the payable for November 2021. Commissioner Lindsay moved to approve the November 2021 payables in the amount of \$3,365,145.89. Second by Commissioner Candelaria and carried. Clarification to the public regarding the Durango Herald article and its misleading headline saying La Plata and Montezuma County receiving over 11 million. The only entity in Montezuma County receiving any of those monies is the Ute Mountain Ute Tribe. (See attached)

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Lindsay** attend Monday's workshop. **Commissioner Koppenhafer** attended last weeks' meeting with the National Conservation Area Work Group that's studying the NCA below the McPhee Dam. Montezuma County wanting to reengage in that process and

get a seat at the table if this process goes through to be a part of that plan. Call from Senator Hickenloopers' aids regarding the Farm Bill. **Commissioner Candelaria** discussed the cancellation CDOT meeting, met with the Extension Office out at the Fair Grounds specifically to the wash rack, attended the Corn Beef and Cabbage dinner, and Monday's workshop.

CORRESPONDENCE: The following correspondence was read and noted:

MOTION TO ADJOURN: was made by Commissioner Lindsay, seconded by Commissioner Koppenhafer and carried.

MEETING ADJOURNED: 10:32 a.m.

Clerk

March 22, 2022

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 29, 2022**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday March 29, 2022 at the Montezuma County Administration building in Cortez, Colorado, there were present:

Jim Candelaria, Chairman
Kent Lindsay, Vice Chairman
Gerald Koppenhafer, Commissioner of Deeds
Shalako Powers, County Administrator
Ian MacLaren, County Attorney
Kim Percell, County Clerk

MINUTES: Commissioner Lindsay moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 22, 2022 as presented. Motion was seconded by Commissioner Koppenhafer and carried.

PLANNING: Planning Director, Don Haley along with Assistant, S. Jane Duncan presented for signatures a Mylar for an After-The-Fact General Planned Unit Development envelope and Rezoning submitted by **Camp Kush, LLC**; agent: **Jennifer Meigs**, on property located at 30261 Road H, Cortez, CO, consisting of 40.14 acres, more or less, located south of Hwy 160, east of Road 27, situated in Section 34, T.36N, R.15W, N.M.P.M.

Director, Haley along with Assistant, **Duncan** presented for approval of an Amendment to Exemption #P-56-80 and Exemption #P-70-80, submitted by **Charles Shumway & Sara Kimball**, on property located at 12685 Road 41.9, Mancos, CO, consisting of 29.47 acres, more or less, located north of Hwy 184, east of Road 41, situated in Section 9, T.36N, R.13W, N.M.P.M. Commissioner Koppenhafer moved to approve the amendment to exemption #P-56-80 and Exemption #P-70-80, submitted by Charles Shumway & Sara Kimball, on property located at 12685 Road 41.9, Mancos, CO. Second by Commissioner Lindsay and carried.

DISCUSSION: Director, Haley along with Assistant, Duncan discussed a complaint received, regarding possible Land Use Code violations on two properties located on Road 24 and Road T.

PUBLIC COMMENT: Mike Lynch presented additional information regarding the County's current election equipment. (See attached) Allen Maez discussed the presented election equipment reports.

SPECIAL EVENT LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell presented for approval a Special Event liquor license application for the **Ute Mountain Roundup Rodeo**. The event is scheduled for June 9th, 10th, and 11th, 2022, and will be held at the County Fairgrounds. Commissioner Koppenhafer moved to approve the application for a special events permit, for the Ute Mountain Roundup Rodeo, at the Montezuma County Fairgrounds, to have malt, vinous and spirituous liquor, at the event. Second by Commissioner Lindsay and carried. (See attached)

RESOLUTION #5-2022: Administrator Shak Powers along with Lisa Vecchietti with Fish Pond Living presented for approval, **Resolution #5-2022. A Resolution of Montezuma County, Colorado Amending Resolution #16-2021 by Awarding Private Activity Bond Volume CAP for the Sleeping Ute Apartments Project.** Commissioner Lindsay moved to approve Resolution #5-2022, a resolution, of Montezuma County, Colorado, Amending Resolution #16-2021 by Awarding Private Activity Bond Volume CAP for the Sleeping Ute Apartments Project. Second by Commissioner Koppenhafer and carried. (See attached)

SOUTHWEST HEALTH SYSTEMS: CEO, Jeanie Gentry, CNO, Lisa Gates and CFO, Rick Shrader met with the Commissioners to give an update on the local hospital. Topics of the discussion included; the current mask and vaccine mandates, supply chain issues, delays in delivery of ordered equipment, Key Talking Points for Ballot Referendum 6A, hospital operations, staffing, retention, temporary position wages, available rental housing and the Financial Statements / Statistical Summary. (See attached)

COUNTY TREASURER: Treasurer, Ellen Black met with the Commissioner to present the July 1, 2021 through December 31, 2021, **Schedule of Receipts and Disbursements.** Commissioner Koppenhafer moved to approve the Schedule of Receipts and Disbursements, for Montezuma County, from 7/1/2021 to 12/31/2021. Second by Commissioner Lindsay and carried. (See attached)

WATER ISSUES UPDATE: Southwest Water Conservation District Representative, Don Schwindt, along with Southwest Basin Round Table Montezuma County Representative, Randy Carver met with the Commissioners to give an update on the County water issues. (See attached)

UNFINISHED BUSINESS:

Administration Generator Project: Maintenance Supervisor, Dustin Sattler presented quotes for an Above Ground Tank, an Underground Tank and Natural Gas, for the Administration Backup Generator Project. Commissioner Lindsay moved to proceed with the Administration Generator Project with natural gas. Second by Commissioner Koppenhafer and carried. (See attached)

Memo of Understanding: Administrator Powers presented for approval the Social Services, **Memo of Understanding between Montezuma County and Prowers County.** Commissioner Koppenhafer moved to approve the Memorandum of Understanding between Montezuma

County and Prowers County Colorado. Second by Commissioner Lindsay and carried. (See attached)

Appointment: Administrator Powers discussed the recommendations from Social Service Director, Gina Montoya, that **Annie Diaz** be appointed as a representative to the (SWORD) Southwest Opioid Response District Board, for a two year term. Commissioner Lindsay moved to appoint Ms. Diaz to the SWORD Board for two years. Second by Commissioner Koppenhafer and carried.

PROCLAMATION: Representing the **Child Maltreatment Prevention Action Team**, the **Four Corners Child Advocacy Executive Director**, **Rose Jergens**, and **Colorado National Collaboration for Suicide Prevention Coordinator**, **Arlina Yazzie**, met with the Commissioners to present for approval the **Child Abuse Awareness Month Proclamation**. Commissioner Koppenhafer moved to approve this proclamation, for Montezuma County, for child protection April Abuse Awareness Month. Second by Commissioner Lindsay and carried. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, **Ian MacLaren** no report given.

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

COUNTY ADMINISTRATOR REPORT: Administrator, **Shak Powers**, presented quotes from the Road & Bridge Department, for the purchase of a used 200kw replacement generator. Commissioner Lindsay moved to approve the purchase of an Olympia generator in the amount of \$29,000.00, with an additional \$1000.00 to make the kilovolts conversion, for a total purchase price of \$30,000.00. Second by Commissioner Koppenhafer and carried. (See attached)

Administrator Powers presented for approval, an amendment to the Employee Handbook, within the Sick Leave Section 4.5.2., which includes sick time earned for part time employees. Commissioner Lindsay moved to approve the amendment to the employee handbook, to include, 4.5.2. Second by Commissioner Koppenhafer and carried. (See attached)

Other topics discussed included; the **Urban Leap Procurement Platform Proposal**, the newly hired **Jessica Thurman** as the **County Economic Development Coordinator**, current behavioral health legislation and personal financial support to the Cortez Fire District for the Fourth of July Fireworks display. (See attached)

PAYABLE EXPENDITURE REPORT: Administrator Powers presented the February 2022 Accounts Payable Expenditure Reports for approval. Commissioner Koppenhafer moved to approve the payables for the Board of County Commissioners, Montezuma County, for February 1, 2022, to February 28, 2022, in the amount of \$3,750,979.25. Second by Commissioner Lindsay and carried. (See attached)

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Lindsay** reported on the attended Cortez City Council Meeting, the Weed Department's Phreatophyte presentation to Congresswomen Boebert, and constituent discussions on a proposed County entrance "Right to Farm Community" signs. **Commissioner Koppenhafer** reported on the attended the Club 20 Watershed Conference and constituent phone

calls. **Commissioner Candelaria** discussed the attended Congresswomen Boebert's /Stevenson family presentation, the Weed Department's Phreatophyte presentation, an attended CCI / CCCA zoom meeting, the Senior Center luncheon, the Ag Expo, Monday's workshop and the Town of Dolores Board workshop.

EXECUTIVE SESSION: Pursuant to Attorney MacLaren's suggestion, Commissioner Lindsay moved for the Board of County Commissioners to go into executive session for a conference with the attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), and to include Commissioners Candelaria, Lindsay and Koppenhafer, Administrator Powers, Attorney MacLaren and Clerk Percell, seconded by Commissioner Koppenhafer and carried. Topics for the executive session included the Fiber network. Commissioner Lindsay moved to go out of executive session, seconded by Commissioner Koppenhafer and carried. (See attached)

EXECUTIVE SESSION: Pursuant to Attorney MacLaren's suggestion, Commissioner Lindsay moved for the Board of County Commissioners to go into executive session for a conference with the attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), and to include Commissioners Candelaria, Lindsay and Koppenhafer, Administrator Powers, Attorney MacLaren and Clerk Percell, seconded by Commissioner Koppenhafer and carried. Topics for the executive session included the Ironwood Group LLC. Commissioner Lindsay moved to go out of executive session, seconded by Commissioner Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

MOTION TO ADJOURN: was made by Commissioner Lindsay, seconded by Commissioner Koppenhafer and carried.

MEETING ADJOURNED: 12:20 p.m.

Clerk

March 29, 2022

Chairman