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CORTEZ CITY COUNCIL
WORKSESSION/SPECIAL MEETING
TUESDAY, APRIL 26, 2022
7:00 P.M.

CALL TO ORDER

- A. 7:00 p.m., Reception to Celebrate Mayor Mike Lavey and Councilmember Orly Lucero
- B. For Your Information
 - 1. Minutes from Board of Commissioners, Montezuma County, Colorado for April 5, 2022.

ADJOURNMENT of Worksession at 7:20 p.m.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

04/26/2022

Agenda Item: B. 1.

MEMO TO: Honorable Mayor and City Council

FROM: Donna Murphy, Deputy City Clerk

SUBJECT: Minutes from Board of Commissioners, Montezuma County, Colorado for April 5, 2022.

Attachments

BOCC Minutes 04052022

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 5, 2022**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday April 5, 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, Absent
Ian MacLaren, County Attorney
Kim Percell, County Clerk
Planning Director, Don Haley

MINUTES: Commissioner Koppenhafer moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 29, 2022 as presented. Motion was seconded by Commissioner Lindsay 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 **Mark Walter & Tracey Hately**, on property located at 27604 Road S, Dolores, CO, consisting of 14.56 acres, more or less, located west of Hwy 145, south of Road S, situated in Section 30, T.37N., R.15W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mrs. Hately 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. Public Comment was made by Andrew Rapiejko and Marla Underell. Hearing no further 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 Mark Walter and Tracey Hately, on property located at 27604 Road S, Dolores, contingent upon a CDOT access approval. Second 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 Application for a Wireless & Internet Cell Tower project, submitted by **Farmers Telecommunications Company, Inc;** agents: **Shawn Sanders & Terry Hinds**, on property located at 22903 Road F, Cortez, CO, located west of Road F, south of Road G, situated in Section 8, 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. Hinds 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 special use permit application for a Wireless and Internet Cell Tower project, submitted by Farmers Telecommunications Company, Inc. agents: Shawn Sanders and Terry Hinds, on property located at 22903 Road F, Cortez, Co. Second 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 the purpose of review and determination of a proposed Rezoning Application, submitted by **Circle Z Construction, Agents: Shawn Sanders & Terry Hinds**, on property located at 22903 Road F, Cortez, CO, located west of Road F, south of Road G, situated in Section 8, 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. Hinds 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 a rezoning application, submitted by Circle Z Construction, Agents: Shawn Sanders and Terry Hinds, on property located at 22903 Road F, Cortez, CO. Second 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 the purpose of review and determination of a proposed Single Lot Development and Rezoning Application submitted by **Deanne Acott Estate, agent: Keenen Lovett**, on property located at 23720 Road M, Cortez, CO, consisting of 60.18 acres, more or less, located south of Road M, west of Hwy 491, situated in Section 16, T.36N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **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 single lot development and rezoning application submitted by Deanne Acott Estate, agent: Keenen Lovett, on property located at 23720 Road M, Cortez, CO. Second 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 proposed 2 Lot Minor Subdivision & Rezoning Application, submitted by **James Shaner; agent: Logon Vogt**, on property located at 7601 Road 37, Mancos, CO,

consisting of 35.03 acres, more or less, located south of Hwy 160, west of Road 37, situated in Section 3, T.35N., R.14W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **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 **Denise Comer**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Koppenhafer moved to approve the proposed 2 lot minor subdivision and rezoning application, submitted by James Shaner; agent: Logon Vogt, on property located at 7601 Road 37, Mancos, CO. Second 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 **Justin & Tammy Hooten**; agent: **Marti Spitzer**, on property located at 26510 Road K.5, Cortez, CO, consisting of 35 acres, more or less, located west of Hwy 145, north of Empire Street, situated in Section 24, T.36N, R.24W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Commissioner Koppenhafer recused himself from the hearing. Mr. and Mrs. Hooten were present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner 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 accept the proposed 2 lot minor subdivision and rezoning application, submitted by Justin and Tammy Hooten; agent: Marti Spitzer, on property located at 26510 Road K.5, Cortez. Second by Commissioner Candelaria 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 the purpose of review and determination of a proposed High Impact/Special Use Permit with Commercial Rezoning Application, submitted by **Lighthouse Baptist Church**; agent: **Dale Murphy**, on property located at TBD Road L, Cortez, CO, consisting of 9.32 acres, more or less, located north of Road L, west of Hwy 145, situated in Section 13, T.36N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. **Bruce Burkett** and **Steve Kelly** were present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Candelaria opened the hearing to public comment. Public comment was made by **Kelly Belt**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Koppenhafer moved to approve the proposed High Impact/Special Use Permit with Commercial Rezoning Application, submitted by Lighthouse Baptist Church; agent: Dale Murphy, on property located at (TBD) to be determined Road L, consisting of 9.32 acres. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PUBLIC COMMENT: **Gayel Alexander** discussed the scheduled Gun Show and her concerns regarding internet access at the Fairgrounds. **Terry Hinds** discussed the internet connections at the Fairgrounds.

DISCUSSION: Sheriff Steve Nowlin along with Road & Bridge Equipment Manager, Shane Higman met with the Commissioners to discuss lease / used purchase options for proposed vehicles for the Detective Division. Manager Higman's recommendation was to lease, two of the Enterprise, 2022, Ram 1500, with a 48 month lease. Commissioner Lindsay moved to allow the lease of two vehicles to be put in to our fleet. Second by Commissioner Koppenhafer and carried. (See attached)

ROAD & BRIDGE DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give a monthly report. Superintendent Englehart presented the road and bridge schedule for the dates of April 3, 2022 through May 6, 2022, gave an overview of the type of work scheduled and presented for review the Alkali Creek Rock removal slides. Other topics discussed included; the 2022 Proposed Road projects, a budgetary estimate for a proposed project on the Airport Road, the Road G annual cleanup project is scheduled for April 23rd, a possible used bucket truck purchase, the Landfill County Roads cleanup project is scheduled for the third week of April and the City of Cortez Cleanup event. (See attached)

LANDFILL: Landfill Manager, Mel Jarmon gave his monthly report which included the 2022 Landfill budget spread sheet. Topics discussed with the report included: the Bomag delivery, the annual CDPHE inspection, cash flow requirements for the Bomag purchase, the Closure and Post Closure Savings Program, the annual County Spring cleanup event and a proposed contract to rent a shredder for the month of June. A discussion was held regarding the current mattress fee and the dead animal fees. The Commissioners were in agreement to raise the mattress fee to \$17.00 each and to add a medium size dead animal fee of \$15.00 each. (See attached)

LIQUOR LICENSE TRANSFER: Deputy Clerk, Jerri Frizzell presented a retail liquor or fermented malt beverage license renewal application for, **Ancient Echos DBA, Kelly Place Inc.** located at 14537 Road G. Cortez. Commissioner Koppenhafer moved to approve the retail liquor and fermented malt beverage license renewal application for, Ancient Echos, Kelly Place, at 14537 Road G, Cortez. Second by Commissioner Lindsay and carried. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Justin McGuire gave his monthly report. Year to date numbers included; income \$29,470.00 and attendance 10,305. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included, the Certificate of Operation for the platform lift, the advertising banner program, the revenue and expense report, the Conservation Trust Funds, a proposed review of current fees and the internet services at the Fairgrounds. (See attached)

TRANSFER ORDER: Transfer Order #1-2022, a transfer of \$400,000 from the General Fund (001) to Capital Fund (004) for 2022 Capital expenditures was presented for approval. Commissioner Lindsay moved to approve Order #1-2022. Second by Commissioner Koppenhafer and carried. (See attached)

UNFINISHED BUSINESS: No unfinished business was presented.

COUNTY ATTORNEY REPORT: County Attorney, Ian MacLaren discussed the Ellis Lewis subdivision complaint case, the Fish property Land Use Code violation case and the CDPHE title restrictions for the Carver Landfill.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, discussed current projects that included; grant writing, the Federal Raise Grant, drought mitigation strategies, the attended Regional State Forrester meeting, coordination with the Dolores Watershed Resilient Forest (DWRF) working group, proposed CCI legislation and alternative mineral sources.

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

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Koppenhafer** discussed constituent phone calls. **Commissioner Lindsay** discussed constituent emails, the Municipal election, scheduled weekend events and an increase of weekend traffic. **Commissioner Candelaria** discussed a public information update on the Ironwood Group property, the attended Business After Hours Event, the attended Housing Authority meeting, the CCI Steering Committee meeting, constituent discussions and the previous Farmers Internet Services at the Fairgrounds.

CORRESPONDENCE: The following correspondence was read and noted: Email from Rafe O'Brian regarding the Fairgrounds racetrack.

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

MONTEZUMA COUNTY BOARD OF HEALTH MEETING: 1:30 p.m.

MEETING ADJOURNED: 11:40 p.m.

Clerk

April 5, 2022

Chairman