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**CORTEZ CITY COUNCIL
WORKSESSION/SPECIAL MEETING
TUESDAY, AUGUST 23, 2022
5:45 p.m.**

CALL TO ORDER

- A. 5:50 p.m. to 6:50 p.m., Six Presentations from the Community Grant Recipients (continued from the August 9, 2022, Council Worksession)
- B. 6:50 p.m. to 7:20 p.m., Discussion on Pathways to Mesa Verde with James Dietrich, Natural Resources Director, Montezuma County
- C. 7:20 p.m., Council General Discussion
- D. For Your Information
 - a. Minutes for the Board of Adjustment and Appeals Meeting of June 29, 2022
 - b. Minutes from Board of Commissioners, Montezuma County, Colorado for August 2, 2022.
 - c. Minutes from Board of Commissioners, Montezuma County, Colorado for August 9, 2022.

ADJOURNMENT of Worksession.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

08/23/2022

Agenda Item: 1. A.

MEMO TO: Honorable Mayor and City Council

FROM: Linda Smith, City Clerk

SUBJECT: 5:50 p.m. to 6:50 p.m., Six Presentations from the Community Grant Recipients (continued from the August 9, 2022, Council Worksession)

Attachments

Community Grants No. 2

Community Grant Awards Presentation Schedule
Tuesday, August 23, 2022
Cortez City Hall

Time	Organization
5:50	Chamber of Commerce
6:00	Cortez Farmers Market
6:10	Imagination Library
6:20	Hospice of Montezuma
6:30	Community Radio Project
6:40	Communities That Care of MC



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

08/23/2022

Agenda Item: 1. D. a.

MEMO TO: Honorable Mayor and City Council

FROM: Linda Smith, City Clerk

SUBJECT: Minutes for the Board of Adjustment and Appeals Meeting of June 29, 2022

Attachments

minutes

BOARD OF ADJUSTMENT AND APPEALS
SPECIAL MEETING
JUNE 29, 2022

1. The meeting was called to order at 5:30 p.m. Members present were Glenn Leighton, Rebecca Levy, Lance McDaniel, Alan Rolston, and Katrina Weiss. Staff members present were Contract City Planner Nancy Dosdall, Community and Economic Development Director Rachael Marchbanks, and City Clerk Linda Smith. There were five people present in the audience.

2. Business of the Board of Adjustment and Appeals

a. Election of Chair. Board Member McDaniel moved that Glenn Leighton be nominated as Chair of the Board of Adjustment and Appeals. Board Member Levy seconded the motion and the vote was as follows:

Leighton	Levy	Rolston	McDaniel	Weiss
Yes	Yes	Yes	Yes	Yes

Board Member McDaniel moved that Rebecca Levy be nominated as Vice-Chair of the Board of the Adjustment and Appeals. Board Member Weiss seconded the motion and the vote was as follows:

Leighton	Levy	Rolston	McDaniel	Weiss
Yes	Yes	Yes	Yes	Yes

b. Hear and Decide on Three Variances to Residential Area Regulations and Parking Standards for 550 and 640 South Broadway. Contract City Planner Dosdall stated that the City has received a request from Zuma Apartments, LLC, who is under contract to purchase property owned by D.B. Hotel Properties LLC., located at 640 South Broadway. She stated that the applicants would like to renovate the Mesa Verde Inn motel into long term rental apartments. She stated that the motel was constructed sometime in the late 1950's or early 1960's and noted that the property is uninhabited and in need of repair/renovation. She stated that the restaurant/commercial portion of the property would remain commercial, though there are no plans for use at this time. Contract City Planner Dosdall stated that apartments are allowed in the Commercial (C) zone with the requirements that the apartments comprise less than one-half the floor area of a single story non-residential building and upper stories are allowed unlimited use for residential purposes. She noted that Land Use Code Section 3.06(a) requires a minimum floor area for an apartment of 500 square feet. She commented that converting the existing motel to long term rentals results in the request for three separate variances. First is the percent of commercial residential on the ground floor which is required to not exceed 50% residential. Converting the motel portion of the property to residential would require a variance of 14% for the

commercial portion. She stated that the second issue requiring a variance is for the unit size. She stated that the newly constructed apartments are required to be 500 square feet minimum. She stated that the applicants intend to combine many of the existing units into larger units but are requesting to keep some of the existing rooms as small, studio style apartments which will not meet the 500 square feet requirement. She noted that the proposal is for 20 units at 324 square feet and 37 of the units would exceed the minimum requirement. She stated that the third variance is in regard to parking requirements. She stated that, from current review of what has been presented on the project, the request would be for a variance of eight spaces. She noted that, if the variances are approved, the applicant would be required to complete a site plan which would be reviewed by Planning and Zoning and City Council and conditions could better be defined at that time in the process. Contract City Planner Dosdall referenced the Jurisdiction of the Board as outlined in Land Use Code Section 6.15(c) 1-6, and read for the record the required findings for the board to consider.

Finding 1. There are special circumstances existing on the property on which the applicant has made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other properties in the same area and zone district.

Finding 2. That a Variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this Chapter, by other properties in the vicinity and zone, but which rights are denied to the subject project.

Finding 3. That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan of the City of Cortez.

Finding 4. That the variance, if granted, will have no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity.

Finding 5. That such unnecessary hardship has not been created by the applicant.

Finding 6. That the proposed use is a permitted use in the underlying zoning district.

Contract City Planner Dosdall spoke about the minimum commercial percentage variance request noting that by keeping the restaurant space commercial and converting all of the motel units and the existing office to residential, a 36.4% commercial/63.4% residential ratio would result for the ground floor. She noted the criteria for a variance are specific to the property and commented that there are specific circumstances that exist on site. She stated that the site is not necessarily constrained by size, shape, or topography, but it can be considered

constrained by the existing structures on the property. She commented that in order to effectively remodel the existing use in a reasonable manner, it is necessary to work with what exists on the property and the existing structures including location, walls, doors, windows, etc. She reviewed the rights and land use pattern for the property and commented that the majority of the surrounding land uses are zoned Commercial, although residential properties exist to the west (mobile home park) and north (Residential Multi-family). She reviewed multiple goals and objectives from the Comprehensive Plan that could be considered supportive of the request. She noted that the current state of the property is uninhabitable and in need of repair and the proposal would result in a much-improved property that would likely improve the overall neighborhood. She stated that having the property improved and fully occupied would result in many benefits to the City and especially the surrounding area, not to mention providing an additional 57 rental units in the community. She stated that the hardship was not created by the applicant as the property was constructed many years ago and in need of significant re-investment and she noted that the use of the property is a mixed use and apartments are a permitted use in the Commercial zone. She noted that the parking variance is the most difficult of the three requests to ascertain at this point as it is difficult to determine whether or not the parking areas could be reconfigured to provide additional parking on the existing site and whether the provided spaces are correctly sized appropriately. She stated that it is possible that at the site plan stage of review, the parking could better be determined, Contract City Planner Dosdall stated that the agency comments would be better implemented during the site plan review process.

Questions from the Commission included the amount of Commercial property versus residential on the ground floor total and if the parking requirements could be determined differently, such as providing compact/motorcycle parking. Contract City Planner Dosdall stated that the total square footage of the apartment area is 31,200 square feet and when divided between the 57 units would equal 547 square foot for the average.

Chairman Leighton opened the public hearing. Monique Weese, Craig Weese, and Oliver Hart, members of Zuma Apartments LLC, spoke to the Board answering various questions regarding the project. Ms. Weese stated that the current property at 550 South Broadway is in great need of renovation and the proposal is to provide affordable apartments on the property. It was noted that the proposal is for one 3-bedroom unit, 20 studio units, 19 1-bedroom/2 bath, and 17 2-bedroom/1 bath, which makes the project profitable for the applicants. Mr. Weese stated that the study of the community has shown that some people want to live alone and the studio apartments are something that is affordable and is desired for community members (as per local property managers). Discussion was held on parking and the current City regulation of providing two parking spaces for each unit. Mr. Weese stated that the concrete barriers facing the street (Seventh Street) will be removed and the residents would have access to Seventh Street as well as Broadway for ingress/egress. Discussion was held on

landscaping, improving the reputation of the property, and the applicants stated they may be interested in fixing up other properties in the vicinity in the future. Mr. Weese stated that an estimate for completion of the project would be 12 to 18 months. He stated as each building block is completed, they will be rented out and the project would continue until all the buildings are renovated.

Comment from neighbor Pam Jordan was that anything that could be done to the property would be better than what is there now. Jay Balfour, former Fire Chief, stated that he supports the renovation and that there has been so many issues with the property especially over the past five years (crime/drug use, etc.). He stated that the proposal is a great opportunity for the community, especially the option of studio apartments which is lacking in the area. He stated that he hopes the proposal can be approved so the property can be cleaned up. No one else spoke and Chairman Leighton closed the public hearing.

Procedures on how to handle the approval/denial of the resolutions were discussed and Contract City Planner Dosdall stated that she has worked with a lot of Boards of Adjustment and Appeals and that they have not reviewed each of the six findings separately, but more as a whole. The Commission reviewed the various findings. Board Member McDaniel stated that he would like to work something out with the applicants on the parking requirement as there are only eight spaces that a variance is required for. He stated that to him the average unit size is over 500 square feet and he has no issue with supporting the variance for the unit size and supports the variance for the percentage of commercial as well. Vice-Chair Levy asked that staff look at reviewing the parking issue under Land Use Code Section 6.18(b), noting that the language allows for a special exception to be granted rather than needing a variance. She commented that a special exception to the parking would be reviewed by the Planning and Zoning Commission during the site plan review. She commented that she feels the proposal is requesting a unique variance as it is dealing with property density and commented that the lot is a pre-existing developed lot. Contract City Planner Dosdall stated that the variance is unique as most variances are pre-construction and noted that the building is a special condition as the applicants are trying to remodel the building as it sits. She stated that the proposal meets many objectives in the Comprehensive Plan and commented that it doesn't seem to be causing any harm for the area. She stated that the project is certainly a special exception which is a reasonable criteria for a variance. Discussion was held on the requirement of two parking spaces for a studio apartment and Contract City Planner stated that it is an incredible high parking requirement. Board Member Weiss stated that she considers the apartment complex a commercial building as commercial insurance will be required to be purchased as the units won't be sold, but rather rented. She stated that agrees with the statement that the average size of the apartments meets the intent of the requirements. Discussion was held on how to move the project forward rather than have the applicants have to return to discuss the parking requirements. Mr. Weese noted that the national average for parking for residential developments is 1.2 parking spaces per unit and this

project is currently planned at 1.8 parking spaces per unit. It was noted that the City's requirement is two spaces per unit.

Board Member McDaniel moved that approval be granted for the Board of Adjustment and Appeals Resolution No. 1, Series 2022, approving an application for a variance to the required percentage of Commercial on a property located at 550 and 640 South Broadway, located in the Commercial Highway (C) zoning district. Board Member Rolston seconded the motion, and the vote was as follows:

Leighton	Levy	Rolston	McDaniel	Weiss
Yes	Yes	Yes	Yes	Yes

Board Member McDaniel moved that approval be granted for the Board of Adjustment and Appeals Resolution No. 2, Series 2022, approving an application for a variance to the minimum unit size for apartments on a property located at 550 and 640 South Broadway, located in the Commercial Highway (C) zoning district. Board Member Weiss seconded the motion, and the vote was as follows:

Leighton	Levy	Rolston	McDaniel	Weiss
Yes	Yes	Yes	Yes	Yes

Chairman Leighton stated that the applicants have meet 95.8% of the parking requirements for the project and he would like to move the parking variance forward. He feels there is plenty of parking for the project. Contract City Planner Dosdall stated she feels that 1.5 spaces is adequate for the project; however, she noted that she has not seen a scaled site plan for the project yet. Land Use Code Section 6.18(b) was read for the record and it was noted that a special exception could be decided for the parking requirements at the Planning and Zoning level. Discussion was held on the Fire Department approving the parking plan prior to final approval and Contract City Planner Dosdall stated that the Fire Department would be involved in the site plan review process.

Board Member McDaniel moved that Board of Adjustment and Appeals Resolution No. 3, Series 2022, be approved. Board Member Weiss seconded the motion, and the vote was as follows:

Leighton	Levy	Rolston	McDaniel	Weiss
Yes	No	Yes	Yes	Yes


Vote was 4 -1 on Board of Adjustment and Appeals Resolution No. 3, Series 2022. Resolution passed.

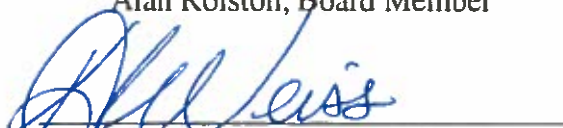
The meeting be adjourned at 6:35 p.m.


Glenn Leighton, Chairperson


Rebecca Levy, Vice-Chair


Alan Rolston, Board Member


Lance McDaniel, Board Member


Katrina Weiss, Board Member

ATTEST:


Linda L. Smith, City Clerk



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

08/23/2022

Agenda Item: 1. D. b.

MEMO TO: Honorable Mayor and City Council

FROM: Donna Murphy, Deputy City Clerk

SUBJECT: Minutes from Board of Commissioners, Montezuma County, Colorado for August 2, 2022.

Attachments

BOCC 08.02.2022

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 2, 2022**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 2, 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
Travis Anderson, 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 July 26, 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 Single Lot Development and AR10-34 Rezoning Application, submitted by **Jason & Billie Ann Saulan**, on property located at 23971 Road N, Cortez, CO, consisting of 70.16 acres, more or less, located east of Hwy 491, north of Road N, situated in Section 4, T.36N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Saulan 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 single lot development and AR10-34 rezoning application, submitted by Jason & Billie Ann Saulan, on property located at 23971 Road N, Cortez. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING: Planning Director, Don Haley along with **Assistant, S. Jane Duncan** presented for signatures of a Mylar for a Single Lot Development and AR10-34 Rezoning Application, submitted by **Jason & Billie Ann Saulan**, on property located at 23971 Road N, Cortez, CO, consisting of 70.16 acres, more or less, located east of Hwy 491, north of Road N, situated in Section 4, T.36N, R.16W, N.M.P.M.

Director, Haley along with **Assistant, Duncan** presented for signatures of a Mylar for an Amendment, along with AR 3-9 Rezoning, to the **Duehrssen Subdivision**, submitted by **David Brandos**, on property located at 20865 Road 23.75, Lewis, CO, consisting of 17.83 acres, more or less, located south of Road X, east of Road 23, situated in Section 33, T.38N, R.16W, N.M.P.M.

Director, Haley along with **Assistant, Duncan** presented for signatures of a Mylar for a 2 Lot Minor Subdivision submitted by **Peter Magielnicki**, on property located at 43175 Road N, Mancos, CO, consisting of 32.37 acres, more or less, located west of Road 42, situated in Section 2, T.36N, R.13W, N.M.P.M.

Director, Haley along with **Assistant, Duncan** presented for signatures of a Mylar for an After-The-Fact General Planned Unit Development and Rezoning submitted by **Jonathan & Tegan Lewis**, on property located at 22812 Road G, Cortez, CO, consisting of 8.73 acres, more or less, located south of Road G, west of Road 23, situated in Section 8, T.35N, R.16W, N.M.P.M.

Director, Haley along with **Assistant, Duncan** presented for signatures of a Mylar for a Single Lot Development and AR10-34 Rezoning, submitted by **Robbins Family Ranches, LLC**; agent: **Brian McLaughlin**, on property located at 10005 Road 43, Mancos, CO, consisting of 134.01 acres, more or less, located west of Road 43, north of Hwy 160, situated in Section 22, T.36N, R.13W, N.M.P.M.

Director, Haley along with **Assistant, Duncan** presented for signatures 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.

PUBLIC COMMENT: No public comments were made.

FIRE BAN RESOLUTION #8-2022: Sheriff, Steven Nowlin met with the Commissioners to make a recommendation to lift the Fire Ban within Montezuma County. Resolution #8-2022, a resolution to suspend the ban on fires and use of firework was presented for approval. Commissioner Lindsay read the resolution into the record. Commissioner Lindsay moved to adopt Resolution #8, suspension of ban on open fires and use of fireworks. Seconded by Commissioner Koppenhafer and carried. (See attached)

SPECIAL EVENT LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell presented for approval a Special Event liquor license application from **Denkai Animal Sanctuary**, event to be held at the County Fairgrounds, on September 4, 2022, from 5:00-11:00 p.m. Commissioner

Koppenhafer moved to approve the Special Event to serve alcohol at the Montezuma County Fairgrounds, located at 30100 US., 160, Cortez, on September 4th, from 5-11p.m. for the Den kai Animal Sanctuary. Second by Commissioner Lindsay and carried. (See attached)

CIP BEHAVIORAL HEALTH SAFETY NET GRANT AWARD: Emergency Manager, Jim Spratlen met with the Commissioners to present for approval, the RFA#:RFP1HJA2022000339 Expansion of Behavioral Health Safety Net Grant Program. Commissioner Lindsay moved to accept the State of Colorado grant for the Expansion of Behavioral Health Safety Net Grant Program RFA#:RFPIHJA2022000339. Second by Commissioner Koppenhafer and carried. (See attached)

NOXIOUS WEED DEPARTMENT: Weed Department Manager, Bonnie Loving met with the Commissioners to give a monthly report. Topics discussed included; the economic impact of noxious weeds within Montezuma County, known species of weeds within the County, the estimated acreage of weeds within the County, noxious weed inventory relative to land types, funds lost from decreased crop yield, and crop quality, economic impacts to rangelands, economic impacts to the Forrest, impacts on hunting, economic impact from water loss due to non-native phreatophytes, water potentials, impacts on developed / barren land, results of economic impacts from noxious weeds, an economic impact conclusion and current equipment conditions. (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; repairs to the old Bomag machine and dozer, green waste, paper products, the budget, mattress revenues, cardboard revenues, credits, #1 plastics and a CDPHE tire inspection. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Justin McGuire gave his monthly report which included the year to date numbers. Year to date numbers included; 43,480 in attendance, Revenues at \$62,637.49 and Expenditures at \$152,374.37. A discussion was held regarding past and future events scheduled at the Fairgrounds. Other topics discussed included; the County Fair, a proposed tattoo vendor to participate in the September 4th **Concert for Critters** event, the Fire Suppression System project, the elevator and the County's sign in the indoor arena. (See attached)

DISCUSSION: A discussion was held regarding the Montezuma County's Board of County Commissioner's appointment to the **Southwest Water Conservation District**. Commissioner Lindsay moved to remove the current appointee to the Southwest Water Conservation District and appoint Gerald Koppenhafer to the Southwest Water Conservation District seat. Second by Commissioner Candelaria and carried.

ROAD & BRIDGE DEPARTMENT: Road Superintendent, Rob Englehart met with the Commissioners to give a monthly report. Superintendent Englehart presented the road and bridge schedule and gave an overview of the type of work scheduled. Other topics discussed included; recent flooding on the Summit Ridge and Pleasant View areas, the **McElmo Slide**, the **Alkali Bridge** project, a rain damage update, paint striping and the conditions of the equipment. Superintendent Englehart reported that a paint company will be using of the Road and Bridge

yard for a CDOT project. A discussion was held regarding the proposed, Road S and Road F asphalt / chip seal projects. Commissioner Lindsay moved to approve Grant Award #9341 with the Department of Local Affairs, in the amount of \$97,000.00. Second by Commissioner Koppenhafer and carried. (See attached)

UNFINISHED BUSINESS:

DISCUSSION: A discussion was held regarding the request from the **Town of Mancos** for a commitment from the County, to keep the **Mancos Senior Center** open. Commissioner Lindsay moved to make the commitment, to keep the Mancos Senior Center open through the 2022-2023 fiscal year, contingent upon receipt of the \$20,000.00 from the Town of Mancos. Second by Commissioner Koppenhafer and carried. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, **Ian MacLaren** gave an update on the Charles Fish and Ellis Lewis, Land Use matters.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, **James Dietrich**, met with the Commissioner to give a weekly report. Director, Dietrich gave an update on the **Paths to Mesa Verde**, the (CWPP) **Community Wildfire Protection Plan**, a draft Memo of Understanding for the BLM planning process for the Gunnison Sage Grouse and Big Game Corridors and discussed the Dolores Norwood Road.

COUNTY ADMINISTRATOR REPORT: County Administrator, **Travis Anderson** discussed an attended meeting with the **Cortez City Manager, Drew Sanders**, the yearly Audit report, emergency management aspects for the Concert for Critters event, an attended CCI budget workshop and the attended Leadership Montezuma meeting.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Koppenhafer** discussed the attended Mancos Days event and the attended Mancos Town Board meeting. **Commissioner Lindsay** reported on the Cortez City Council meeting and discussed the County Fair Dog Show event, the County Fair, the scheduled Balloon Rally and the Tri State Fire Fighter Convention. **Commissioner Candelaria** discussed the County Fair and the Monday workshop.

CORRESPONDENCE: The following correspondence was read and noted: Emails received from **Joe & Carol Bartolino, Lowell F. Volk, Sandy Gates & David Hamilton** and **Ingrid Ward**.

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

MEETING ADJOURNED: 11:10 a.m.

Clerk

August 2, 2022

Chairman



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

08/23/2022

Agenda Item: 1. D. c.

MEMO TO: Honorable Mayor and City Council

FROM: Donna Murphy, Deputy City Clerk

SUBJECT: Minutes from Board of Commissioners, Montezuma County, Colorado for August 9, 2022.

Attachments

BOCC 08.09.2022

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 9, 2022**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday August 9, 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
Travis Anderson, County Administrator
Ian MacLaren, County Attorney
Kim Percell, County Clerk (By Zoom)

MINUTES: Commissioner Lindsay moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 2, 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 Subdivision Amendment Application to the Keith Evans 2 Lot Moderate Subdivision, submitted by **Keith Evans and Curt & Nancy Mangan**, on properties located at 10659 Road 26, Cortez, CO, consisting of 15.51 acres, more or less and 10869 Road 26, Cortez, CO, consisting 16 acres, more or less, both located west of Road 26, south of Road L, situated in Section 23, T.36N, R.16W, N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Mangan 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 accept the proposed subdivision amendment application to the Keith Evans 2 lot moderate subdivision, submitted by Keith Evans and Curt & Nancy Mangan, on properties located at 10659 Road 26,

Cortez, CO. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, **Ian MacLaren** reported that Clerk, Percell had been served in a lawsuit from Secretary of State Candidate Tina Peters and gave updates on the Charles Fish and Ellis Lewis, Land Use matters

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed 2 Lot Minor and AR10-34 Rezoning Application, submitted by **Daniel & Amanda Ryan**, on property located at 17390 Road 23, Dolores, CO, consisting of 40.46 acres, more or less, located north of Road T, east of Road 23, situated in Section 16, T.37N, R.16W, N.M.P.M.. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Ryan 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 proposed 2 lot minor and AR10-34 rezoning application, submitted by Daniel & Amanda Ryan, on property located at 17390 Road 23, Dolores. Second by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

COUNTY ADMINISTRATOR REPORT: County Administrator, **Travis Anderson** discussed; a meeting regarding the proposed Lexipole Software program, (SRS) Secure Rural Schools funding, a Dispatch Stake Holder meeting and a feasibility study regarding a solar panel project at the Fairgrounds.

COUNTY COMMISSIONER REPORT: Topics discussed within the Commissioners reports included: **Commissioner Koppenhafer** discussed the attended County Fair and a future discussion regarding issues at the Fairgrounds. **Commissioner Lindsay** discussed the attended County Fair, Dispatch problems, Fairground issues and the Cortez City Council meeting. **Commissioner Candelaria** discussed the Lexipole Software meeting, the attended Economic Development meeting, (SRS) Secure Rural Schools funding, the Road 29 striping issue, a power outage in the Mancos area, the Boggy Draw Beat Down and the Dolores town Meeting.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed 2 Lot Minor Subdivision and AR3-9 Rezoning Application, submitted by **Justin & Brianna Wyatt**, on property located at 16659 Road 24, Dolores, CO, consisting of 21.69 acres, more or less, located north of Road S, west of Road 24 situated in Section 21, T.37N., R.16W., N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. and Mrs. Wyatt 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 AR3-9 rezoning application, submitted by Justin & Brianna Wyatt, on

property located at 16659 Road 24, Dolores. Second by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PUBLIC COMMENT: Public comment was made by Allen Maez.

VEHICLE MAINTENANCE: Road & Bridge Equipment Manager, Shane Higman met with the Commissioners to give a monthly report. Manager Higman presented an Enterprise / Fleet Management Open-End (Equity) Lease Rate Quote in the amount of \$50,299.00, for the purchase of a 2022 Ram Tradesman 2500 truck. Commissioner Lindsay moved to accept the open-end lease rate quote from Fleet Management / Enterprise, in the amount of \$50,299.00. Second by Commissioner Koppenhafer and carried. Other topics discussed included; the Departmental Vehicle Share Program, the previously ordered vehicles for the Sheriff's Fleet, Road Department pickups and getting vehicles ready to be sold. (See attached)

GROUNDS AND BUILDINGS: Maintenance Supervisor, Dustin Sattler reported on the grounds and buildings. Projects discussed included; panel and concrete for the steer wash bay at the Fairgrounds, a mini split for the Coroner's office, Annex 1 and Annex 3 back flow drains, the Administration building generator, the Public Health Department generator project, a mini split for the new Road and Bridge office and the Fairgrounds suppression system.

IT: IT Director, Jim McClain met with the Commissioners to present his monthly report. Director McClain discussed the attended CDOT Broadband project meeting, the Regional Grant proposal, Arcadian as a private fiber provider, the scheduled broadband meeting and the **Concert for Critters** event.

GIS MAPPING: GIS Manager, Doug Roth was not available

PUBLIC LANDS:

Canyon of the Ancients National Monument Manager, Ray O'Neal met with the Commissioners and discussed; the hours of operation for the Visitor Center, the **Painted Hand** site project, the Gunnison Sage Grouse and the **Yellow Jacket** and **Flowline** allotments.

Bureau of Land Management, Connie Clementson met with the Commissioners and discussed the following topics; Cooperating Agency Agreements for the Gunnison Sage Grouse and Big Game Corridors, the lifting of the fire restrictions, an update on recent fires, a Mancos Trail Group project on the Aqueduct Trailheads and the scheduled September 8 and 9th Southwest Resource Advisory Meeting to be held in Gunnison CO.

UNFINISHED BUSINESS:

DISCUSSION: The discussion regarding the **Water Suppression System at Fairgrounds** was postponed to allow follow up questions to be addressed.

DISCUSSION: A discussion was held regarding the proposed **Fairground Fee Adjustments**. Commissioner Koppenhafer moved to accept the first proposed rate schedule for this year and to revisit a year from this date, in that time frame, to see where we are at every year with the Fairgrounds, for any new events scheduled for 2023. Second by Commissioner Lindsay and carried. (See attached)

DISCUSSION: The discussion regarding the **MOU between AAA and Montezuma County related to the Grow Dome** was postponed to allow proposed amendments to be presented.

DISCUSSION: Gunnison Sage-Grouse Resource Management Plan Amendment and Environmental Impact Statement. Commissioner Lindsay moved to sign the MOU with the BLM, for the development of the Gunnison Sage-Grouse resource management plan amendment and environmental impact statement. Second by Commissioner Koppenhafer and carried. (See attached)

DISCUSSION: Big Game Habitat, Movement Route and Migration Corridor Resource Management Plan Amendment. Commissioner Koppenhafer moved to approve and sign, the memorandum of understanding, with the Bureau of Land Management, Colorado State Office and Montezuma County, for cooperative development of the Big Game Habitat, movement route and migratory corridor resource management plan amendment. Second by Commissioner Lindsay and carried. (See attached)

DISCUSSION: Forrest Service Schedule “A” Agreement #22R011021300-039. Commissioner Lindsay moved to approve the road project agreement between Montezuma County and the USDA Forest Service and the San Juan National Forest which is FS agreement #22R011021300-039. Second by Commissioner Koppenhafer and carried. (See attached)

DISCUSSION: The discussion regarding the **Employee Handbook update** was postponed.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioner to give a weekly report. Director, Dietrich discussed the Gunnison Sage Grouse, Big Game Corridors, the Mancos Trail Group’s Aqueduct Trail project, the Paths to Mesa Verde, the attended (DWRP) Dolores Watershed and Resilient Forrest meeting, the CFLRP funding, the IHOP grant and the Outdoor Recreation Grant.

EMERGENCY MANAGEMENT: Emergency Manager, Jim Spratlen met with the Commissioners to discuss the recent Mancos area power outage that caused dispatch issues from the Menifee Mountain tower.

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 Anderson, Attorney MacLaren ,and Assistant County Attorney Steve Turnwski, seconded by Commissioner Koppenhafer and carried. Topics for the executive session included the Ironwood Mill. Commissioner Koppenhafer moved to go out of executive session, seconded by Commissioner Lindsay and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted: Emails received from **Kelsey Wilson, Cindy Vermeule, Bruce Dean Anderson, Lowell F. Volk, and Ingrid Ward.**

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

MEETING ADJOURNED: 11:30 a.m.

Clerk

August 9, 2022

Chairman