

**CORTEZ CITY COUNCIL
WORK SESSION/SPECIAL MEETING
TUESDAY, SEPTEMBER 26, 2023**

NO COUNCIL WORK SESSION/SPECIAL MEETING WILL BE HELD THIS EVENING.

- A. For Your Information
 - a. Minutes for the Board of Commissioners, Montezuma County, Colorado for September 5, 2023.
 - b. Minutes for the Board of Commissioners, Montezuma County, Colorado for September 12, 2023.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

09/26/2023

Agenda Item: 1. A. a.

MEMO TO: Honorable Mayor and City Council

FROM: DONNA MURPHY, DEPUTY CITY CLERK

SUBJECT: Minutes for the Board of Commissioners, Montezuma County, Colorado for September 5, 2023.

Attachments

BOCC Minutes 09.05.2023

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 5, 2023**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday September 5, 2023 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

CHAIRMAN CANDELARIA opened the meeting of September 5, 2023 with the Pledge of Allegiance.

MINUTES: Commissioner Koppenhafer moved to approve the Proceedings of the Board of County Commissioners of Montezuma County, for August 29, 2023 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 Single Lot Development and AR3-9 Rezoning Application submitted by **Raymond & Patsy Kysar**; agent: **James Kennedy**, on property located at 17184 FS 559, Mancos, CO, consisting of 5 acres, more or less, located north of Hwy 184, west of Forest Service Road 561, situated in Section 14, T.37N, R.13W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent, James Kennedy was present. **Planning Director, Don Haley** along 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 **Robert Urquhart**. 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 Single Lot Development and AR3-9 Rezoning Application submitted by Raymond & Patsy

Kysar; agent: James Kennedy, on property located at 17184 FS 559, Mancos, contingent upon the easement being drawn on the plat. Second by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING: Director, Haley presented a re-appointment request from **John Hernandez** to the Planning & Zoning Commission. The discussion was tabled to the next Commissioner meeting.

Director, Haley along with **Assistant, Duncan** presented for signatures, a Mylar for a 2 Lot Moderate Subdivision & AR3-9 Rezoning, submitted by **Karl Spielman & Melinda Elkin**, on property located at 17064 Road 23, Dolores, CO, consisting of 10.03 acres, more or less, located north of Road T, east of Road 23, situated in Section 16, Township 37N, Range 16W, N.M.P.M.

Attorney MacLaren reported that a scheduled meeting with the Planning Department and the District Attorney will be held, to discuss problem properties within the County and the possibility of the use of Public Nuisance Laws. (See attached)

PUBLIC COMMENT: Public comment was made by **Allen Maez**.

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 month of September 2023 and gave an overview of the type of work scheduled. Topics discussed within the report included; hauling and spreading gravel, Schedule A roads, chip seal projects, mowing shoulders, recent flood damage on county roads, an update on the Alkali Bridge project, the completion of the Dolores Norwood Road asphalt/signs project and possible environmental issues at the bridge. (See attached)

NOXIOUS WEED DEPARTMENT: Weed Department Manager, Bonnie Anderson met with the Commissioners to give a monthly report. Topics discussed included, an update on the Russian olive removal project, completion of the first round of approved RCPP properties, the approval of the second round of RCPP applications, the renewal of the RCPP funding request, a 2022-2023 growth rate mapping, the Roadside Spray Program, Kochia, treatment of Willows, Canada Thistle and Russian Knapweed, the Back Pack Sprayer program, cost share applications and reimbursements, property owner notification letters and property owner contacts. Manager Anderson reported that the **Seeding Seminar** is scheduled for September 19th at the Fairgrounds and the **Fall Applicator Training** is scheduled for November 3, 2023.

LANDFILL: Landfill Manager, Mel Jarmon met with the Commissioner to give a monthly report which included the July 2023 Landfill budget spread sheet. Manager Jarmon reported that the engineers will have the plans done this week, for CDPHE approval on Cell #5 including the alternate liner and that they will begin packing clay on the Carver Field on September 18th. A discussion related to a possible neighboring County closure and adjustments to the current fee structure for out of county residents was held. (See attached)

FAIRGROUNDS: Fairgrounds Manager, Justin McGuire met with the Commissioner to give a monthly report. The monthly report included; the year to date attendance number, the Revenues and Expenditures report, along with past and future scheduled events. Other topics

discussed included: the outdoor restroom project, the electrical upgrade project, received LOR grant funds and the purchased tents and picnic tables, the Flea Market, a donation of gravel from the Ute Mountain Roundup Rodeo, the 2024 Racetrack Lease, proposed winter maintenance projects and completed fire hydrant flow tests. (See attached)

VEHICLE MAINTENANCE: Road & Bridge Equipment Manager, Shane Higman met with the Commissioners to discuss the list of Montezuma County Public Surplus Items for August 2023 and the purchase of a Chevy Tahoe for the Detentions Department. Commissioner Lindsay moved to purchase a 2023 Chevy Tahoe from Morehart Durango, in the amount of \$46,610.00. Second by Commissioner Koppenhafer and carried. (See attached)

UNFINISHED BUSINESS:

COUNTY SHERIFF: Sheriff, Steven Nowlin met with the Commissioners to make a recommendation to rescind the Fire Ban within Montezuma County. **RESOLUTION #18-2023:** a resolution for the suspension of ban on open fires and use of fireworks, effective at 6:00 a.m., on September 6, 2023, was presented for approval. Commissioner Koppenhafer moved to approve Resolution #18-2023, rescinding the Fire ban. Seconded by Commissioner Lindsay and carried.

Sheriff Nowlin presented for approval, the **Dolores Contract for Law Enforcement Services**. No action was taken at this time.

Sheriff Nowlin presented for approval an amendment to the **2022-2023 (JBB) Jail Based Behavior Service Grant**. Commissioner Lindsay moved to accept the revised budget for the Jail Based Behavior Service Grant, 2022-2023 for the additional funds of \$33,337.03. Second by Commissioner Koppenhafer and carried. (See attached)

GRANT COORDINATOR: Grant Coordinator, Robert Dobry met with the Commissioners to present the **Project Manual for the 2023 Fairgrounds Solar Installation**, for approval. Commissioner Koppenhafer moved to put out for bid the 2023 Fairgrounds Solar Installation for Montezuma County. Second by Commissioner Lindsay and carried. (See attached)

COUNTY ATTORNEY REPORT: County Attorney, Ian MacLaren discussed the Ellis Lewis Land Use case and gave an update on the Road 41 fence removal issue.

ADMINISTRATOR REPORT: County Administrator, Travis Anderson discussed a meeting with **Business Magazine** and **Jessica Thurman** related to an article on Montezuma County, an attended meeting with **Paul Rothemeyer** related to the 2024 strategic plan, the SB213 discussion during the visit with **Senator Bridges**, and the zoom attendance for a CCI land use and housing discussion.

COUNTY COMMISSIONER REPORT: Topics within the Commissioners reports included: **Commissioner Lindsay** discussed the attended Housing Solutions Board meeting. **Commissioner Koppenhafer** reported on the attended Colorado River Taskforce meeting. **Commissioner Candelaria** reported on a constituent discussion related to a nuisance property.

MOTION TO ADJOURN: Commissioner Lindsay moved to adjourn, seconded by Commissioner Koppenhafer and carried.

CORRESPONDENCE: The following correspondence was read and noted:

MEETING ADJOURNED: 10:40a.m.

Clerk

September 5, 2023

Chairman



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

09/26/2023

Agenda Item: 1. A. b.

MEMO TO: Honorable Mayor and City Council

FROM: DONNA MURPHY, DEPUTY CITY CLERK

SUBJECT: Minutes for the Board of Commissioners, Montezuma County, Colorado for September 12, 2023.

Attachments

BOCC Minutes 09.12.2023

public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Lindsay moved to deny the commercial zoning of the planned unit application for property located at TBD Road 31, Dolores. Commissioner Lindsay amended his previous motion to deny the application for a proposed High Impact/Special Use Permit Application and Commercial Planned Unit Development and Rezoning Application, submitted by Ramble Outdoors, Inc, agent for Benny & Sondra Cordova, on property located at TBD Road 31, Dolores, CO, consisting of 9.05 acres, more or less, & Conrad & Eva Hover, on property located at 29485 Road M, consisting of 24.12 acres, more or less, both located north of Road M, west of Road 31, situated in Section 9, Township 36N, Range 15W, N.M.P.M. Second by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

DISCUSSION: A discussion was held, related to the current language within the Land Use Code, and the process for commercial development on properties that are not currently zoned commercial. The Commissioners were in agreement to continue this discussion.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and discussion of amending the Land Use Code subdivision regulation as it relates to the **Mancos RE-6 School District** fee in lieu of land dedication fee increase and finalizing the fees for the other school districts. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Director, Don Haley** along with **Assistant, S. Jane Duncan** presented the details of the proposed amendments 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 Mancos RE-6 School District fee in lieu of land dedication fee increase to \$550.00 per lot, and finalizing the fees for the other school districts in Montezuma County as presented. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PLANNING: Director Haley presented a re-appointment request from **John Hernandez** to extend his term 3 years on the Planning & Zoning Commission. Commissioner Lindsay moved to re-appointment John Hernandez to the Planning & Zoning Commission, for a three year term, ending in December 2026. Second by Commissioner Koppenhafer and carried. (See attached)

Director, Haley along with **Assistant, Duncan** presented for signatures a Mylar for a 2 Lot Moderate Subdivision and AR3-9 Rezoning Application submitted by **Jim & Sharon Krater;** agent: **Keenen Lovett**, on property located at 4303 Road 21, Cortez, CO, consisting of 20 acres, more or less, located west of Road 21, north of Road D, situated in Section 24, Township 35N, Range 17W, N.M.P.M..

PUBLIC LANDS:

Bureau of Land Management, Tres Rios Field Office Manager, Derek Padilla met with the Commissioners for a monthly update. Manager Padilla introduced **Acting Lands and Realty Specialist Haley McCaffery**. Other topics discussed included; Tribal Analysis Planning, a proposed parking lot on Road 41 for access to the Webber Mountain Wilderness Study Area, the

congressional process to release a (WSA) Wilderness Study Area, the re-engagement of Phase 2 of the Tribal Management Planning, and future prescribed burns.

Canyon of the Ancients National Monument Manager, Ray O'Neal reported to the Commissioners that the Visitor Center has two new permanent exhibits, a special **Stanton Englehart Paintings** exhibit and mentioned the scheduled Star Party event.

Forrest Service Acting District Ranger, Tom Rice met with the Commissioners to give updates on various projects. Topics discussed included; the Dolores Norwood Road patching project, gravel crushing at the Beaver Pit, the new Breakwater Construction Project, the Muscle Inspections Program, brushing at Cabin Canyon, construction at the Transfer Campground, construction at the Boggy parking lot, the Road W signs, future prescribed burns and the permanent District Ranger position.

Mesa Verde National Park, Kayci Cook Collins met with the Commissioners to give an update on the nation Park. Topics discussed included; visitor numbers, the Pavement Preservation Project, exhibits at the Chapin Mesa Museum, events scheduled for the Annular Solar Eclipse, and a schedule of future closure dates for the park.

PUBLIC COMMENT: Public comment was made by **Mike Lynch** and **Susan Kemnetz**. (See attached)

GIS MAPPING: GIS Manager, Doug Roth along with **Mapping Specialist Nolan Notah** met with the Commissioners to give a monthly report. Topics discussed included; the US Forest Service Address Assignment Project, a Fire Mitigation Analysis, new wildfire analysis data, the Landfill excavation points for the Cell 5 development, a future transfer order for Road Impact Fees and a proposed grant application for County address signs.

ECONOMIC DEVELOPMENT: Economic Development Coordinator, Jessica Thurman met with the Commissioner to give a monthly report. Topics discussed included; the attended Tribal Planning and Envisioning Session, the attended (SWORD) Southwest Opioid Response District meeting, the SWORD feasibility study, the attended West Slope Start Up Week, the Landfill Voucher program, the Fairgrounds Flea Market, the Economic Development Community Perspective workshop, road maps with Montezuma Community Collective, the Housing and Transportation Action Team and the Region 9 SUDS.

UNFINISHED BUSINESS:

LETTER OF SUPPORT: Administrator Anderson presented for approval, a letter of support addressed to **Colorado Broadband Office Advance (CPF) Capital Project Fund Grant Program** related to the support of the **Clearnetworx / Montezuma County Priority 1 & 2 CPF Project**. Commissioner Lindsay moved to sign the letter of support, the City of Cortez for providing a, non-exclusive letter for Clearnetworx and Montezuma County as part of the Advance Colorado Capital Fund grant application. Second by Commissioner Koppenhafer and carried. (See attached)

DISCUSSION: Commissioner Candelaria gave an overview of the Monday Workshop discussion related to the **Noxious Weed Advisory Board**. (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 Flowdine and Yellow Jacket allotments, the Paths to Mesa Verde Project, the DWARF and CFLRP projects and the Community Wildfire Protection Plan.

LETTER OF SUPPORT: Director Dietrich presented a letter of support addressed to the **Colorado Parks and Wildlife Non-Motorized Trails Grant Program** related to the **Phase 1 of the Southwest Regional Trails Connector Project**. Commissioner Koppenhafer moved to approve the letter of support for the Phase 1 of the Southwest Regional Trails Connector Project, the non-motorized CPW trail planning grant. Second by Commissioner Lindsay and carried. (See attached)

EXECUTIVE SESSION: Attorney MacLaren reported that the scheduled Executive Session was not needed.

COUNTY ATTORNEY REPORT: **County Attorney, Ian MacLaren** gave an update on the Ironwood Mill Property Case. The Commissioners were in agreement to move forward with a requirement of a two week deadline for the separation of piles and an increase in fines.

ADMINISTRATOR REPORT: **County Administrator, Travis Anderson** reported that he had been working on the budget, the meeting with the District Attorney related to public nuisance actions for properties, the attended Region 9 discussion, a scheduled meeting with the Court Administrator to identify utility cost reductions on structures and the attended (CML) Colorado Municipal League meeting.

COUNTY COMMISSIONER REPORT: Topics within the Commissioners reports included: **Commissioner Koppenhafer** reported on the attended Economic Development Community Perspective workshop. **Commissioner Lindsay** discussed the scheduled Veterans Stand Down event, the scheduled Cortez City Council meeting and the Governor of New Mexico's conceal carry executive order. **Commissioner Candelaria** reported on the attended Dolores Town Board meeting, and budget discussions.

MOTION TO ADJOURN: Commissioner Lindsay moved to adjourn, seconded by Commissioner Koppenhafer and carried.

CORRESPONDENCE: The following correspondence was read and noted:

MEETING ADJOURNED: 11:30a.m.

Clerk

September 12, 2023

Chairman