

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

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday November 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  
Travis Anderson, County Administrator  
Ian MacLaren, County Attorney  
Kim Percell, County Clerk

**CHAIRMAN, CANDELARIA** opened the meeting of November 15, 2022 with the Pledge of Allegiance

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

**PUBLIC HEARING:** It being the time set aside a public hearing is held, to consider Resolution #13-2022, a resolution to vacate and abandon a portion of **County Road Y**, crossing lands owned by the **Bureau of Land Management** and **Cortez, LLC**, beginning at a point along the eastern boundary of Government Lot 13 within the NW/4SW/4 of Section 31 Township 38n Range 18w NMPM, following a westerly and southerly direction, terminating at a point along the eastern boundary of Government Lot 1, within the SW/4/NE/4 of Section 11 Township 37n Range 19w, a road approximately 3 and 1/10ths of a miles in length. The roll was called, the public notice read, and the proceedings were recorded for the record. **GIS Manager, Doug Roth** presented the details of **Resolution #13-2022**. Commissioner Candelaria opened the hearing to public comment. **John Zimmerhackel** made public comment by Zoom. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Koppenhafer moved to approve Resolution #13-2022, for the proposed

abandonment of a portion of Road Y crossing lands owned by Cortez, LLC within Sections 1, 2, 11 and 12 of Township 37 north, Range 19 west N.M.P.M. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

**GIS MAPPING: GIS Manager, Doug Roth and Mapping Specialist, Nolan Notah** met with the Commissioners to give a monthly report. Topics discussed included; addressing, field checks, BLM trail data, the Aqueduct trail system, the property owners and agency address notifications.

**COUNTY CORONER: Coroner, George Deavers** met with the Commissioners to give a monthly report. Coroner Deavers reported on the October Coroner cases, Hospice cases and Autopsies. Other topics discussed included; year to date numbers for total cases, coroner cases to date, hospice deaths, motor vehicle accident deaths, suicides, overdose deaths, homicides, autopsies, the total income from autopsies and an update on the La Plata County autopsy facility. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining the official **2022 County Road Map and Resolution 14-2022**, which includes, but is not limited to, determining a system of primary and secondary county roads, reviewing changes to the road system and specifying a 60-foot right of way for all county roads. The roll was called, the public notice read, and the proceedings were recorded for the record. **GIS Manager Doug Roth** presented the details of **Resolution #14-2022**. Commissioner Candelaria opened the hearing to public comment. Public comment was made by **Elicia Bellmire, Randy Smith and Rick Spencer / Cortez Fire**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Lindsay moved to adopt Resolution 14-2022, the adoption of the 2022 county road map, which includes, but is not limited to, determining a system of primary and secondary county roads, reviewing changes to the road system and specifying a 60-foot right of way on all county roads. 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 regarding a proposed 2 Lot Minor Subdivision & Rezoning Application, submitted by **Keith & April Gray**, on property located at 18255 Road DD, Pleasant View, CO, consisting of 40 acres, more or less, located east of Road 18, north of Road DD, situated in Section 27, T.39N, R. 17W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Gray 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 2 lot minor subdivision and rezoning application, submitted by Keith & April Gray, on property located at 18255 Road DD, Pleasant View, 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 Single Lot Development and AR3-9 Rezoning Application, submitted by **Christopher Cutrone**, on property located at 15125 Road 28, Dolores, CO, consisting of 40 acres, more or less, located west of Road 28, east of Hwy 145, situated in Section 29, Township 37N, Range 15W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Cutrone 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 single lot development and AR3-9 rezoning application, submitted by Chris Cutrone, on property located at 15125 Road 28, Dolores. 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 Subdivision Amendment Application to Lots 1 and 21 of the Butler Subdivision, submitted by **Henes Enterprises, LLC**, on property located at 24114 Road 37, Dolores, CO, consisting of 1.32 acres, more or less and **Holpuch Family Trust**, located at 24118 Road 37, Dolores, CO, consisting of 11.90 acres, more or less, both located east of Hwy 145, situated in Section 11, T.38N, R.17W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. and Mrs. Henes 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 Koppenhafer moved to approve the proposed subdivision amendment application for lots 1 and 21 of the Butler Subdivision, submitted by Henes Enterprises, LLC, on property located at 24114 Road 37, Dolores. 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 Common Lot Line Change to Lot #s 13 & 15, of the **Rustic Ridge** Phase II subdivision, submitted by **Troy & Lori Mott**, on properties located at 26972 Road T.8 & TBD Road T.8, Dolores, CO, both consisting of 3.50 acres, more or less, both located east of Road 27, south of Road T.8, situated in Section 13, 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. Mott 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 common lot line change to lot numbers 13 and 15, of the Rustic Ridge Phase II subdivision, submitted by Troy and Lori Mott, on properties located at 26972 Road T.8 and TBD Road T.8, Dolores. 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 Single Lot Development and AR3-9 Rezoning Application, submitted by **Brad & Keri Mustoe**, on property located at 13698 Road 17, Cortez, CO, consisting of 150.14 acres, more or less, located south of Road P, east of Road 17, situated in Section 4, Township 36N, Range 17W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Mustoe 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 single lot development and AR3-9 rezoning application, submitted by Brad & Keri Mustoe, on property located at 13698 Road 17, Cortez, CO. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

**PLANNING: Director, Haley** along with **Assistant, Duncan** presented for signatures of an After-The-Fact Variance, submitted by **Arvell Lamb**; agent: **Robin Rice**, on property located at 15297 Road CC, Pleasant View, CO, consisting of 0.91 acres, more or less, located west of Hwy 491, north of Road CC, situated in Section 31, Township 39N, Range 17W, N.M.P.M.

**Director, Haley** along with **Assistant, Duncan** presented for discussion, approval and signatures of a Supplemental Mylar for a Boundary Line Adjustment submitted by **Arvell Lamb**; agent: **Robin Rice**, on property located at 15297 Road CC, Pleasant View, CO, consisting of 0.91 acres, more or less, located west of Hwy 491, north of Road CC, situated in Section 31, Township 39N, Range 17W, N.M.P.M. Commissioner Lindsay moved to approve and sign the supplemental Mylar for a boundary line adjustment submitted by Arvell Lamb; agent: Robin Rice, on property located at 15297 Road CC, Pleasant View. Second by Commissioner Koppenhafer and carried. (See attached)

**Director, Haley** along with **Assistant, Duncan** presented for signatures of High Impact Permit #101, 2nd Amended, submitted by **Basin Coop, Inc.**, Agent **Lynn Forssberg** and **Bentley Colbert** for the purpose of expanding the existing use to include a fertilizer storage and mixing facility and future general storage / store, on property located at 11722 Hwy 491, Cortez, CO, consisting of 5 acres, more or less, located north of Road L.5, east of Hwy 491, situated in S.15 T.36N., R.16W., N.M.P.M.

**Director, Haley** along with **Assistant, Duncan** presented for approval and signatures for a Variance Application, submitted by **Basin Co-op, INC**; agent: **Don Dukart**, on property located at 11654 Hwy 491, Cortez, CO, consisting of 9.87 acres, more or less, situated in Section 15, T.36N, R.16W, N.M.P.M. Mr. Dukart was present. Commissioner Koppenhafer moved to sign the variance application, submitted by Basin Co-op, agent: Don Dukart, on property located at 11654 Hwy 491, Cortez, CO., varying the setback from 50 foot to 41 foot on the south side of the lot. Second by Commissioner Lindsay and carried. (See attached)

**Director, Haley** discussed property Land Use Code violation letters and advertising for two retiring members of the Planning and Zoning Board.

**PUBLIC COMMENT:** No public comment was made.

**GROUNDS AND BUILDINGS: Maintenance Supervisor, Dustin Sattler** met with the Commissioner to give a monthly report. Supervisor Sattler discussed the Detention Center walk in's schedule, the asphalt repair project at the Combined Courts building, gave an update on the Annex III basement office project, the 2023 janitorial bid walk through and the completion of the kitchen hood, fire extinguisher inspections along with fire backflows testing.

**IT: IT Director, Jim McClain** met with the Commissioners to present his monthly report. Director McClain discussed the switch over project, the new cameras at the Sheriff's Department and presented the year to date calls of service report. (See attached)

**DISTRICT ATTORNEY: District Attorney, Matt Margeson** met with the Commissioners to give a monthly report. District Attorney Margeson discussed the hiring of a new applicant, gave an update on staffing issues.

**EMERGENCY MANAGEMENT: Emergency Manager, Jim Spratlen** met with the Commissioner and gave a monthly update. Manager Spratlen presented for discussion the **Monthly Situational Report**. Other topics discussed included; updates on grant applications, trainings and signatures for the CWPP. (See attached)

**CORTEZ FIRE PROTECTION: Lieutenant, Rick Spencer** met with the Commissioners to give an update from the Cortez Fire Protection District. Topics discussed included; 262 monthly calls of service, 2930 year to date calls for service, individual member calls, 534 monthly training hours, the Countywide Fire Academy and the volunteer membership program.

**COUNTY SHERIFF: Sheriff, Steven Nowlin** met with the Commissioners to give his monthly report which included the **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 **July Operational Expense Report** and the **Monies Paid to the General Fund Report**. Sheriff Nowlin reported that the **Southern Health Partners** contract would be presented for approval at a later date. Other topics discussed included; the Town of Dolores 2023 Sheriff's Contract, the Victim Witness Coordinator position and a request to increase a Deputy's salary. (See attached)

**UNFINISHED BUSINESS: DISCUSSION: Annex Fee Waiver Requests:** It was reported that donations had been offered to pay the Annex I building usage fees for both scheduled events.

**DISCUSSION: Weed Department, Grant Letter of Commitment.** Not presented.

**DISCUSSION: IGA with CDOT for Paths to Mesa Verde.** Not presented.

**DISCUSSION: Appointment to the Southwest Water Conservancy District:** A discussion and decision related to Board appointee to the Southwest Water Conservancy District.

Commissioner Lindsay moved to appoint Gerald Koppenhafer to the Southwest Water Conservancy District Board of Directors. Second by Commissioner Candelaria and carried (See attached)

**DISCUSSION: CDOT Contract OLA Montezuma County (25303) 331002873 MTF C320-006** was presented for approval. Commissioner Lindsay moved to sign CDOT contract OLA Montezuma County (25303) 331002873 MTF C320-006. Second by Commissioner Koppenhafer and carried. (See attached)

**TRANSFER ORDER #6-2022:** Transfer Order #6-2022, a transfer of \$39,343.50 from General Fund (001) to Public Health Fund (003) for 2022 per capita calculations, was presented for approval. DOLA estimates the population of Montezuma County to be 26,229.  $26,229 \times \$1.50 = \$39,343.50$ . Commissioner Lindsay moved to sign Transfer Order #6-2022, Public Health per capita, a transfer of \$39,343.50 from General Fund to Public Health Fund for the 2022 per capita calculations. Second by Commissioner Koppenhafer and carried. (See attached)

**COUNTY ATTORNEY REPORT: County Attorney, Ian MacLaren** discussed reviewing contracts and gave an update on the Road 41 case, land use enforcements, as well as the Ironwood property compliance case.

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

**COUNTY ADMINISTRATOR REPORT: County Administrator, Travis Anderson**, discussed the attended stakeholder meeting regarding the Lake Nighthorse water project.

**COUNTY COMMISSIONER REPORT:** Topics discussed within the Commissioners reports included: **Commissioner Lindsay** discussed the attended Cortez City Council meeting, the attended Hospital District Board meeting the American Legion's Veterans Day breakfast and the Veterans Day parade. **Commissioner Koppenhafer** discussed the attended Mancos Town Council meeting. **Commissioner Candelaria** discussed attended budget discussions, the State Transportation Advisory Committee meeting, the Southwest TPR meeting, the Monday workshop, the Highway Committee CCI meeting, the Veterans Day events, the Dolores Rotary meeting and the Monday E911 Board meeting. All three Commissioners expressed gratitude to the General Election workers.

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

**CORRESPONDENCE:** The following correspondence was read and noted: Email from Ingrid Ward.

**MEETING ADJOURNED: 11:38 a.m.**

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Clerk

November 15, 2022

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Chairman