

**Proceedings of the Dolores County board of
County Commissioners
July 6, 2015**

A Regular meeting of the board of County Commissioners was held in their boardroom in Dove Creek, Colorado, July 6, 2015. Present for the meeting was Chairman of the Board, Julie Kibel, Commissioners Ernie Williams, & Doug Stowe. Also present for the meeting was Lorraine Hancock, Deputy Clerk to the Board, Dennis Golbricht, County Attorney, and Margret Daves, Manager of Special Projects.

Guests

Doug Funk, Dove Creek Press, Dan Fernandez, Bryce Capron, David Cressler, Kyle Carhart, Gus Westerman, DCDC, Tim Huskey, David Erickson, Jan Foster, Jerry Carhart, Cindy Rippee, Tommy Rippee, Larry Johnson, Dolores County Residents, Bob and Sylvia Weber, Donor of DCDC Land, Nita Purkat, Senior Services Director, Jerry Martin, Dolores County Sheriff, Steven Stiasny, Maintenance Supervisor, Brian Kimmel, SW Land Services Inc.

Pledge

The meeting was started by everyone standing and saying the Pledge of Allegiance.

Agenda

Commissioner Williams made a motion to approve the agenda with the addition of the Roof Bid and an Update from Sheriff Martin.

Commissioner Stowe seconded the motion. All three commissioners voted yes.

Approval of Minutes

Commissioner Stowe made a motion to accept the Minutes from June 15, 2015.

Commissioner Williams seconded the motion. All three commissioners voted in favor.

Commissioner Stowe made a motion to accept the Minutes from June 30, 2015.

Commissioner Williams seconded the motion. All three commissioners voted in favor.

Approval of Payroll & Bills

Commissioner Stowe made a motion to accept the payroll.

Commissioner Williams seconded the motion. All three commissioners voted in favor.

The following is a list of total payroll by Department:

County Commissioners:	5,613.73	6 Employees	
County Commissioners Other:	230.87		1 Part Time
Transfer Station:	754.37		1 Part Time
County Clerk:	2,491.46	3 Employees	
County Treasurer:	2,134.72	2 Employees	
County Assessor:	3,045.66	3 Employees	1 Part Time
GIS:	1,270.21		2 Part Time
County Maintenance:	1,188.68	1 Employee	
Traffic Enforcement	1,388.60	1 Employee	
County Sheriff:	8,622.08	6 Employees	4 Part Time

County Coroner:	360.31	1 Employee	
EMA/EMS:	567.78		1 Part Time
Extension:	1,455.23	1 Employee	1 Part Time
DCTV:	230.87		1 Part Time
Veterans Office:	480.22		1 Part Time
Senior Services:	8,305.54	2 Employees	12 Part Time
Health & Nurse:	2,499.63	2 Employee	
Mandatory Weed:	1,124.94	2 Employees	2 Part Time
Admin Other:	19,487.85	19 Employees	2 Part Time
Social Services	<u>3,076.24</u>	3 Employees	
TOTAL	\$64,328.99		

Maintenance Update

Steven Stiasny, Maintenance Supervisor was here to give an update. He received a quote for repair of the courthouse roof for \$75,000 and we had \$80,000 in the budget. He said that he advertised for two weeks and no one bid so he contacted the company that came out before. The commissioners gave approval to proceed with the roof repair.

Commissioner Kibel said that we received a letter from the Weed District because we have noxious weeds around the courthouse.

Steven said he sprayed the Canadian Thistle and sprayed other weeds recently.

Commissioner Kibel let Steve know that the Weed District will help spray if need be.

Meeting and Information

Commissioner Kibel said she attended the weekly BLM EIS phone conference call recently. She said that they removed Leigh Espy from the Gunnison Sage Grouse and put her on the Greater Sage Grouse project. She said Laurie Armstrong is taking Leigh’s spot. She also met with Colorado Land and Title and the county finalized the documents and closed on the land swap with Stanley Daves.

Dennis Golbricht, County Attorney said the surveyor was holding off on the topographic map on the land swap property until the land closed. Now that the county has finalized the sale, he asked if we wanted to get the topographic map at this time or wait to see if the gravel pit is approved.

There was discussion on this and the commissioners decided to wait.

Commissioner Williams met with CDOT about the passing lanes on HWY 141. They sent an engineer out and they found that there will be two passing lanes reinstated, however it might take a while.

Margret Daves, Special Projects Manager said that they had two Planning Commission meetings last month. The next Dolores Fire Protection District meeting will be next week. She sent out all of the letters discussion the fire protection district to the West Dolores residence but hasn’t received any phone calls yet.

Glade Area Allotment Letter

Commissioner Kibel drafted a letter to the U.S. Forest Service asking that the Glade Area Allotment analysis allows for the continued authorization of livestock grazing on all portions of the project area while moving resource conditions from existing toward desired healthy resource conditions.

Commissioner Williams made a motion to sign the letter.

Commissioner Stowe seconded the motion. All three commissioners voted yes.

DCDC Subdivision Exemption

This is a follow up meeting to the Special Meeting that was held June 23, 2015.

Bryce Capron, DCDC said he is a business person and looks at this as a business opportunity. Kyle Carhart and David Cressler bring money into this town with their businesses. He said for the last 15 years businesses haven't been successful in the park.

Commissioner Williams said we need to look at the equality for the citizens where tax payer money is involved. When the land became available to just the board members and not to the public it sent up red flags. He said in the past there were a lot of people wanting the buildings with the land but the land was absolutely not for sale. When those rules are set then all of a sudden the land becomes available to board members it doesn't look right. He said that both Kyle and David have good businesses. He discussed how other airports and business parks lease out the land that they own to others versus selling parcels off. He said if they would have opened it up to the public there would have been no issue but now it seems like an inside deal. He discussed issues regarding the 5 year period after a subdivision exemption is approved that wouldn't allow them to split which would not be fair to another business that might want to get started in the park. He said there were grants and tax payer money that went into the property and doesn't think it's right to sell the land that the Weber's donated. He said the Attorney General was indeed contacted and is looking at the actions of this 501c3. He discussed the cement plant and the rent from the buildings that went to DCDC. He said if the two board members buy the buildings and then lease the land it needs to be the same if someone else leases the land.

Bryce said that he contacted Bryan Kimmel to put together some covenants. He discussed the lease model for the business parks in which you would apply to buy the land and be approved to do so by the board. He feels that they are willing to comply to get the utilities straight. He said they met with the bank after someone wanted to buy the buildings and that fell through because they couldn't agree on a lease. After that, the board discussed selling the land. He said Kyle was concerned that the county might buy the land which would stop other business from getting started at the business park.

Commissioner Williams asked if David Cressler negotiated a lease before he bought the buildings and it was confirmed that he did not.

Commissioner Williams said our lawyer protected the buildings for DCDC so they couldn't be torn down or moved. The buildings were to be sold but a lease had to be negotiated with DCDC.

Dennis Golbricht, County Attorney asked who terminated the lease. He said any sale was subject to the lease with DCDC and the bank cannot terminate the lease, only DCDC can terminate the lease. He said if the board didn't terminate the lease, the buildings are subject to the lease and the lease says the buildings cannot be removed from the property. The reason that the county did that was to promote business in the area.

There was discussion on this.

David Cressler said when he bought the buildings the lease already had been terminated by DCDC.

Dennis asked if there was a signed termination of the lease and Bryce said yes.

Dan Fernandez, DCDC asked who signed the lease termination and Bryce said he did.

Dennis said the consistent theme was that DCDC said their only income source was rent and if the land is sold there wouldn't be any funds coming in.

Commissioner Williams said that the money that they are paying for the land is a lot less than what they would be bringing in with rent.

Dennis said that the county wanted to buy both buildings and donate the larger one back to DCDC and its baffling to the county and to him why they wouldn't accept the county's offer.

There was discussion on this.

Commissioner Kibel said she asked for the three goals from the last meeting. She asked about a set of rules for the business park.

Bryce said that they just paid for Bryan Kimmel to work on the rules.

Commissioner Kibel said that you still have an LDA with the county and that will have to be amended and have the new rules added in.

Bryce said that he knows that the process will take time to do this right.

Commissioner Kibel asked about the 501c3 board duties and if ethically everything has been followed.

Bryce said that he looked at their minutes and by laws and everything is recorded.

Commissioner Kibel asked about a letter from the Weber's approving the sale of the land.

Bryce said that he feels like it is a little premature.

Bob Weber, the original land donator said the process for donating their land started in 2001. They had a consultant for the bio diesel plant approached them about their land but they had concerns with selling the property. He has discussed the document that they have been asking DCDC for such as a master plan, funding for the infrastructure, etc. and that has been an ongoing challenge to get answers. He said he outlined the conditions of the property donation and had key steps for DCDC to follow but they still haven't received the information that they asked for. He feels that the subdivision exemption has been piecemealed. At this point he said he is not ready to sign off on the letter that the commissioners are asking for because none of his questions have been answered.

Commissioner Kibel said these questions need to be answered by DCDC and once these things are done they can come back before the board.

Commissioner Williams asked if DCDC could do a reduced rent for Kyle.

Bryce said that DCDC would probably be willing to give him free rent for a year.

Commissioner Kibel said that Kyle's business is exactly the kind of business this park what meant for and that is why the county backed out of buying the buildings originally. She asked DCDC to work with the Weber's to satisfy their questions.

Commissioner Stowe said that he would like to see Kyle to succeed. He felt that the subdivision itself is the way to go and they should go through the process to do everything right.

Bryce said that there are things that DCDC still wants to do to develop the rest of the property.

Dennis said a subdivision of the entire park would be best.

Kyle asked about infrastructure issues if they subdivide the whole property.

Dennis said that we still don't know for sure what's in the ground in regards to the septic tank and if it is more than 2,000 gallons it would need state approval.

Larry Johnson, Dolores County Resident said in 2005 he had investor friends looking at Dove Creek because a lot was going on then. They went to the Weber's and ended up buying about 80 lots in 2007. In 2008 everything was shut down. He said he ran into a sizeable humate deposit which is a carbon based material that is very valuable. He said they have been trying to get it up and going but it's been hard to get it tested. They will need a heated building to keep it going during the winter and David Cressler purchased the building on the DCDC land to process the humate. He said this might stop our community from sinking.

Commissioner Williams said that he agrees and is not trying to hold up business. He said we have a job as commissioners to look at how tax dollars are spent. He said the only two board members that are speaking are the ones that want to buy the land. We have at least one board member who didn't even know that the lease was terminated. He doesn't believe that the county is holding up the businesses because they could be working in there tomorrow with a lease from DCDC.

Dan said when they first opened the park the businesses had a two year free lease.

Dennis asked David if he is waiting to get paid back for the building purchase and he agreed.

Kyle said that he needs to pay back David and to do renovations to the building.

Dennis asked if David could wait and he said he would have to.

Williams said that we have to honor the partnership with the Weber's, the county, and DCDC.

Commissioner Stowe said DCDC and the Weber's need to find out what direction they want to go then come back to the county.

Dennis discussed the original LDA as well as the supplemental LDA. He also said that we need to satisfy the state in regards to the septic system.

Bryan Kimmel, Southwest Land Services said that his company puts packets together which will help DCDC move through the process.

Dennis said that we will get Bryan copies of all pertinent documents.

Mr. Weber said he feels like bringing Bryan in as a consultant will be good. He spoke with Kyle about a lease which he is fine with because that is what the original intent of the park was. He would like to be updated through the process from DCDC and the Planning Commission.

Commissioner Williams said that we appreciate everything that the Weber's have done.

Dennis said during a previous Commissioners Meeting Kyle's welding shop wouldn't trigger the need for a new LDA and the commissioners confirmed that this was still the case.

Dennis asked what David was going to use his building for.

David said that it would be a humate facility.

There was discussion on what humate is and what it can be used for.

Dennis said it sounds like as long as the building on the DCDC property is used for agriculture, a change in land use or and LDA would not be necessary.

David said that it may be a year before he gets anything up and going.

Update from Sheriff Martin

Jerry Martin, Dolores County Sheriff said that there were only three injuries during the 4th of July events this year but there were several vehicle accidents around the county. He also discussed a rumor about a local deputy getting a DUI. He called the law enforcement head and no one had any record of any of the county's deputies getting a DUI. He said everything is fictitious and he hasn't done any cover up. He said that someone is just trying to cause issues. He also gave the Town of Dove Creek 30 days' notice to terminate their contract. By contract they are supposed complete 40 hours of patrol with investigation each week for the Town and for years they have been providing at least twice that amount. He said that they have been providing more than what the contract requires and the Town always wants more. He feels that the Town needs to form their own law enforcement. He feels it would be more beneficially to the county to terminate their service with the Town. Until they get a law enforcement team up and going, the mayor will become the police chief.

Commissioner Williams asked what the county's responsibilities are.

Sheriff Martin said that with any major issues he will step in and make sure the county's responsibilities are upheld.

Commissioner Kibel said that the Town doesn't have vehicles, equipment, or training and those duties will fall on the mayor as well as traffic control.

Sheriff Martin said dispatch calls will be directed to the mayor, but if its life or death he will step in.

Open Bids for Chip Seal and Court Clerk Construction

The County put a notice in the Dove Creek Press for sealed bids to chip seal and they received one sealed bid. Commissioner Kibel opened the bid.

Thompson Trucking- \$95,240.00

Commissioner Williams made a motion to approve the bid for Thompsons Trucking.

Commissioner Stowe seconded the motion. All three commissioners voted yes.

The County put a notice in the Dove Creek Press for sealed bids for the Court Clerk's office and they received one sealed bid. Commissioner Kibel opened the bid.

Jim Hutchinson-\$8,376.00

Margret said that we had to get a proposal for the grant, which we received from Jim Hutchinson and the grant didn't include the door or the air conditioning.

Commissioner Williams asked how much this will cost the county.

Commissioner Kibel said Eric Hogue, District Court Administrator understands the safety issues and can come up with 2/3 of the cost for the extra egress door.

There was discussion on this.

Commissioner Williams made a motion to approve the bid with the county adding the additional \$761.00 to the grant funds to make up for this mandate plus taking care of the carpet. The rest we need to look at adding to next year's budget along with the 2/3 help from the state with the door or air-conditioning.

Commissioner Stowe seconded the motion. All three commissioners voted yes.

Planning Grant Update

Nita Purkat, Senior Services Director was here to give an update on the Planning Grant from CDOT. They made Notice of Award for the Expansion Strategic Plan and she just received the service agreement today. Dennis looked it over the service agreement and gave his approval.

Commissioner Williams asked if this Planning Grant will help with the new Senior Services building.

Nita said that it will mostly help with transit planning.

Atlantic Richfield Financial Update

Dennis said that the state has held up the financial assurance for Atlantic Richfield. He said this occurred when Atlantic Richfield went through the CD process. The state and the county were supposed to get together and agree on the financial assurances to reclaim the site. When Dennis spoke with CDPHE months ago they were surprised that the county wants to be involved, then they forgot to include the county in the process. Atlantic Richfield did the financial analysis which the state approved. After Dennis reminded Bob Peterson that the county wanted to be a part of this, Bob stopped the process and said that the county needs to have a say in this.

Commissioner Kibel said that the policy amount is for \$993,000.

Commissioner Stowe discussed some concerns with the liability portion of the policy.

Adam Cohen, Attorney for Atlantic Richfield was conference called to discuss the insurance policy.

Dennis said that it's hard to tell what is included in this policy and the expiration date.

Adam said it's a one year policy that will be annually renewed because the statute requires the continued existence of the policy to insure compliance with the statute.

Commissioner Williams asked if we would be notified if this lapsed.

Adam said they would need to agree to notify you or if the county could be identified as an additional insured and to be notified on the lapse of the policy.

Dennis said he isn't as worried about a lapse from Atlantic Richfield but maybe their successor and doesn't want anything to fall through the cracks.

Adam discussed the county becoming a certificate holder and will look into this.

Dennis asked for a copy of the policy before our next meeting and Adam will look into this and present his finding at the next meeting on July 20, 2015.

Ambulance Service Plan

Angela Myers, DCVAS was here to give an update on the ambulance service plan.

Commissioner Kibel said the first thing that caught her eye with the plan was the larger staff which includes 3 paramedics, a bookkeeper and Angela.

Angela said there are two full time paramedic positions and a clerical position. She said if the

paramedics don't want to do clerical work they will have an extra clerical position available. Commissioner Kibel asked if the driver is separate from a paramedic and Angela confirmed. Dennis asked if they are going to De-Bruce. Angel said that Bud Smith was going to add that in with the ballot because it's a taber year. Dennis discussed De-Brucing. Commissioner Williams asked how the expenditures match their income. Bruce said you want to show zero but they aren't cushioning things too much. Dennis asked about reserves for the taber election. He also said he didn't see line items for grant matches. Angela said that grant matches are an unknown so they weren't included. Dennis said it seems to him that you would want to have money available for grant matches built into your budget. Bruce said that he looks at grants as just something to get you by. Ultimately you have to get your own funding up and going. There was discussion on this. Commissioner Williams said that you have to allocate tax dollars and if you don't have an allocation in your budget it will be hard to do that. You have to have a line item in order to spend out of your budget and if you don't you are restricting yourself. Angela said that it is hard to get a grant for personnel and they allocated reserves for items that wouldn't shut down the service. Commissioner Williams said after going through the audits, it's better to put in a line item. There was more discussion on grants and Angela will be adding a line item for grants. Dennis suggested that the DCVAS should discuss capping the mill levy with Bud Smith. Dennis said that the way to not cap would be to not De-Bruce. He said if you had excess funding, they could use it to expand into other areas. Angela said they have been lacking in hazmat training and any extra funds will help with the training costs. She said that they are here to do what the community wants. Dennis asked if some funds could go into community health care or school programs. Angela said absolutely. There are a lot of opportunities to make an impact on local residence it's just been held back by funding in the past. There was discussion on community programs including a program to check up on patients that were recently discharged from the hospital. Dennis said the dollar values in the initial budget are going to shock people. He said he would be promoting a lot of the other benefits because if you do a per call price break down without the extra benefits you will shock a lot of people. With the limited calls and having full time staff, you will be able to provide the other services. Angela said that they are now doing a blood pressure clinic at the Senior Center every week. Dennis said in terms of preliminary review of this plan they cannot go forward without this board's approval. Commissioner Williams said the 24/7 service costs a lot of money. Dennis suggested that the budget be changed to show grant matching funds. He also discusses reimbursements. Angela said Medicare and Medicaid people are increasing in the county because of cost of living and reimbursements are about \$150-130 per call for Medicare and Medicaid. Dennis suggested mentioning community services and overlapping them with the ambulance service. There was discussion on aide to other counties. Angela said that they will look into the additions that the board suggested. The commissioners thanked them for coming in.

Commissioner Kibel opened the meeting back up at 3:05pm.

Dennis said it should be noted that the organizers of the Dove creek ambulance district filled their plan June 26, 2015 and the Board of County Commissioner Hearing is scheduled for August 3, 2015 at 1:00pm.

Commissioner Williams made a motion to adjourn.

Commissioner Stowe seconded the motion. All three commissioners voted yes.

Subdivision Exemption

Cindy Rippee, Dolores County Resident was to discuss a subdivision exemption. She said it is a 40 acre parcel and 4 siblings are on the deed. The property needs to be split 4 ways with each sibling receiving approximately 10 acres. She will receive the parcel with the house because of some loans that she gave to her parents. If they split the parcels out "long ways", each parcel will have road access.

Commissioner Williams said that everyone on the deed will have to sign off on the subdivision exemption application. He said access to the properties will need to be shown along with septic, water and electric to each parcel.

Tommy Rippee discussed an issue with the property lines that would go across two parcels.

There was discussion on the property lines in regards to the barn.

Margret said there is only one septic permit on file and that is for the home.

Dennis said if it creates more than two exempt parcels it must go through the Planning Commission and this particular exemption would be for 4 new parcels. He said all four parcels will have to have septic except for the one without a home. The other home will have to have a septic installed and if that sibling will not get a septic the application will not be approved.

There was discussion on this.

Dennis said all signatures will need to be on the application.

Commissioner Williams said once they start down this process everything needs to be up to code.

Dennis said they will need to get a surveyor involved and have four new deeds. He said any one sibling can hold up the process.

The Rippees will work on getting the signatures and also talk to the other sibling about getting a septic installed.

The Rippee's currently haul their water although one property has a water tap.

Renting Space on our Tower for County Internet Services

Commissioner Williams said that River Canyon Wireless is looking into buying excess capacity from Farmers and will be transporting it on the county's fiber to provide high speed internet service to the Dove Creek area. He wants to put an antenna on our tower that would broadcast to local people as well as to Southwest Utah. They will pay the Southwest Colorado Council of Governments \$6.00 a foot for unlit fiber and dark fiber will not be lit. They would be charged \$300.00 in rent for the first 2 years then that price could be re-negotiated after that. Just to be clear, the county won't be selling the service and River Canyon Wireless will provide service for the public at a rate that looks to be cheaper than other providers.

Commissioner Kibel asked how this would benefit the county.

Commissioner Williams said right now outlying residences don't have great service. The rent money that the company will be paying for tower space to the county will cover half of the county's internet bill. The rest of the community will then benefit from the broadband.

There was discussion on this on putting this out for bid.

There was discussion on the Qwest bill.

Dennis said we need to cover the county and include on any contract for excess capacity that we are not

guaranteeing that this will not be thrown out in a legal challenge, we are not guaranteeing the time limit, and we can have a short term cancelation.

There was more discussion on if this should be bid out.

Margret said the last time she talked to River Canyon Wireless they just wanted to rent out space on our tower.

There was more discussion on how to proceed.

The board decided that he will need to go before the Planning Commission.

Margret asked if he will be charged the \$1,000 application fee for the land use change.

There was discussion on this.

It was determined that he will need to request that the fee is waived and the Planning Commission will not rule on the application fee and defer to the commissioners if they have any hesitation.

Social Services

Dennis said our Social Services Director is not happy with our contract; he thinks that our county's Social Service contract with Montezuma County isn't fair and we aren't being charged enough for our county's services. Dennis said our county could also really use a backup case worker and our current director doesn't act as a backup case worker.

Commissioner Stowe said our director did say during a previous meeting that the extra case worker that the county pays for every month doesn't really exist.

Dennis said if we had someone more locally focused we might be notified when there is a grant opportunity available for case workers. He suggested that we have a discussion with the Social Services Director about these issues.

Commissioner Williams asked if we should visit with the Montezuma County Commissioners about this and Commissioner Kibel will visit with the Montezuma County Chairperson.

Geothermal Update

Commissioner Kibel received an update from Barbara Bets recently. Barbara said the Professor Masami Nakaqawa's colleagues and graduate degree students from the Colorado School of Mines will be in Rico from approximately August 4 through August 8 to do noninvasive geothermal testing.

Groundhog Liquor Store License Renewal

The commissioners received a liquor license renewal from the Groundhog Liquor Store. Sheriff Martin said he does not object.

Commissioner Williams made a motion to approve the liquor licenses.

Commissioner Stowe seconded the motion. All three commissioners voted in favor.

FS Road 534- San Miguel

Commissioner Williams attended a meeting with San Miguel County to discuss the FS Road 534 issue. He said Dennis did a CORA request and they found out that nothing had been mentioned about the access issues to the State Land Board before they purchased the land.

Dennis said Attorney Steve Zwick is taking the lead on this. They agreed that they want to show the State Land Board what they could do to fix the situation and that letter should be done next week.

There was discussion on this.

Commissioner Williams said with no public access, the county must still take care of any fires that may occur on the land even though there isn't access to the property.

Procurement Policy

No new updates.

RBSC Building

No new updates.

NCA

Commissioner Williams said the last meeting was canceled and he will update after the next meeting.

Adjourned

Commissioner Williams made the motion to Adjourn.

Commissioner Stowe seconded the Motion. All three commissioners voted yes.

Meeting ended at 2:39 pm.

Chairman of the Board of County Commissioners

Attest:

Deputy Clerk to the
Board of County Commissioners