

**Proceedings of the Dolores County board of  
County Commissioners  
October 19, 2015  
Rico, CO**

A Regular meeting of the board of County Commissioners was held in the Courtroom at 2 North Commercial St, in Rico, Colorado on October 19, 2015. Present for the meeting was Chairman of the Board, Julie Kibel & Commissioner Doug Stowe. Commissioners Ernie Williams called in for part of the meeting. Also present for the meeting was Lorraine Hancock, Deputy Clerk to the Board and Dennis Golbright, County Attorney. Margret Daves, Special Projects Manager was absent.

**Guests**

Mike England, Rico Town Manager, Linda Yellowman, Rico Town Clerk, Brad Pietruszka, BLM, Connie Clementson, BLM, Charlie Brannon, Aspenwood Furniture.

**Pledge**

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

**Agenda**

Commissioner Stowe made a motion to approve the agenda.  
Commissioner Kibel seconded the motion. Both commissioners voted yes.

**Approval of Minutes**

Commissioner Stowe made a motion to accept the Minutes from October 5, 2015 with corrections.  
Commissioner Kibel seconded the motion. Both commissioners voted in favor.

**Approval of Payroll & Bills**

Commissioner Stowe made a motion to accept the payroll.  
Commissioner Kibel seconded the motion. Both commissioners voted in favor.

The following is a list of total payroll by Department:

County Commissioners:	5,585.82	6 Employees	
County Commissioners Other:	369.40		1 Part Time
Transfer Station:	413.24		1 Part Time
County Clerk:	2,379.06	3 Employees	
County Treasurer:	2,134.04	2 Employees	
County Assessor:	2,899.59	3 Employees	1 Part Time
GIS:	955.45		2 Part Time
County Maintenance:	1,188.68	1 Employee	
Traffic Enforcement	1,159.65	1 Employee	
County Sheriff:	8,215.62	6 Employees	3 Part Time
County Coroner:	360.31	1 Employee	
EMA/EMS:	567.78		1 Part Time
Extension:	423.70	1 Employee	1 Part Time
DCTV:	1,033.54		6 Part Time
Veterans Office:	480.22		1 Part Time

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Senior Services:	6,144.94	2 Employees	13 Part Time
Health & Nurse:	2,499.02	2 Employee	
Mandatory Weed:	1,020.58	2 Employees	1 Part Time
Admin Other:	17,419.55	17 Employees	2 Part Time
Social Services	<u>3,695.23</u>	4 Employees	
TOTAL	\$58,945.42		

**Meetings and Information**

Dennis Golbricht, County Attorney said that he attended the last West Dolores Fire Department meeting; he gave an overview to Mike England and Linda Yellowman, Town of Rico. Dunton Hot Springs was supposed to register the fire department into a nonprofit. Dennis is looking into grant opportunities with Todd Parisi, EMS/EMA. He said they will also need to enter into an MOU with the sheriff as well as the Rico Fire Department and Dolores Fire Protection District. He said that he will also check with the Rico Center for funding.

There was discussion on this.

Mike asked if the new department will be a Special District.

Dennis said as this point it's not a Special District it will just be a nonprofit volunteer fire department who will serve the West Fork up through Dunton Hot Springs.

Commissioner Kibel said that the RBSC is going really well. We are now working with the school for an easement for access to the Senior Center. We are also partnering with the school to house our Public Health Nurse. She said that the Senior Advisory Board meeting also went well. She said Margret is working on the RFQ for an owner's representative for the RBSC.

Mike England, Rico Town Manager said all the waterlines have been replaced in town. They also put a little more gravel on the streets.

Commissioner Kibel asked about geothermal energy.

Mike said very little is happening at this point. He said geothermal energy will be included in the Town Ordinances.

**Aspenwood Furniture Public Hearing**

Commissioner Kibel closed the regular meeting and opened the Public Hearing.

Dennis asked Charlie Brannon to clarify his business name.

Charlie said it is Rustic Aspen Furniture, LLC and he is the sole member.

Dennis confirmed that Charlie is currently living at the Circle K Ranch.

Dennis asked if the site that he is proposing to have this business is 300 Twin Peaks, Lot 12 Sundial Subdivision, Rico, CO and Charlie confirmed.

Commissioner Kibel asked if they are working at the current site and Charlie said they are working on building the shop. She asked him if there are any other employees and Charlie said just his son.

Charlie said he did a decibel study and the largest amount of noise comes from the highway and the neighbors dogs. Chainsaw work takes 4 min for two beds and it's the decibel noise equivalent of two trucks on the highway. He reiterated that he doesn't want to create noise.

Commissioner Williams asked if the business will outgrow the lot and if so, how he would handle the decision.

Charlie said if he does outgrow this lot, he doesn't want the expansion to be at this location. Most of his growth will be handled outside in other business he has established.

Commissioner Kibel opened the Public Hearing for Public Comment.

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Linda Yellowman, Rico Resident said she has a problem because the building is already up. She feels like when we received the application, we should not have let him finish the building until everything was approved.

Dennis said one thing that happened is that the applicant did put the building up. He came to the county to see what he should do application wise. There was discussion that this could have potentially been classified as a home base business. It was with the agreement that he wouldn't operate as a furniture shop until the application was approved. If it was classified as a home based business and Charlie were to bring in outside employees, he would have to come back and apply for approval.

Dennis said Dave Flat wrote a letter to the Planning Commission, he is not in favor of a commercial operation in this area and the applicant should explore other commercially zoned lots in the Rico area. The other objector was Ms. Markey, who owns land across the highway. She is concerned that this is a commercial lot in the middle of a residential subdivision. The use is inconsistent and inappropriate for this location with trucks loading and unloading, constant noise, the county's reduction in future tax revenues. He said we also received letters from CDOT saying that the applicant will not have direct access off of HWY 145 but they do not object to the use. Division of Water Resources said he only has one residential well. CDPHE recommended that the applicant follow all state rules and regulation.

Commissioner Kibel asked about the trucks entering the property.

Charlie said that residents in town bring most of the wood in a ¾ ton pickup. They will also make a turn around on his property. He doesn't want trucks backing around the building.

Commissioner Kibel asked if Charlie had any issues with it being commercial in a residential area.

Charlie said that the property was actually commercial before he bought the property.

Dennis said that lot 12 has been a commercial designated lot from its conception. Also the HOA wrote a letter in support.

Dennis said the final process if this is approved would be the approval of a Land Development Agreement between the applicant and the county. He will have to comply with any and all state, county, and federal standards currently in place or here after amended. As well as to provide proof of any necessary state and federal permits including CDOT permits. He is going to propose that the applicant shall operate in such a manner to reasonably minimize and mitigate any impact on neighboring property owners recognizing the commercial operation will be surrounded by residential properties.

Commissioner Kibel said a commercial lot doesn't mean it's going to negatively affect property values or taxes. She said that the LDA will support the quality of life when it comes to noise.

Dennis asked Charlie if all oral representations have been reported with his application and Charlie agreed. This LDA is standard language and Charlie would be responsible for demonstrating compliance with any regulations. If we did have to bring action upon you to enforce this agreement, you could be subject to attorney's fees and costs. If this application is approved today it should be conditioned on the successful drafting and negotiation of an LDA.

Commissioner Kibel closed out of the public comment period.

Commissioner Stowe made a motion to approve the application for Rustic Aspenwood Furniture with the conditions described above.

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

Dennis said Charlie can't move forward without an LDA that is recorded with the county. He said if Charlie increases the size of the operation or adds floor space he will need to come back to the Planning

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Commissioner for approval.

Dennis asked about outdoor lighting and Charlie said there is one light by the door and Dennis reminded him that we do require down faced lighting.

Commissioner Kibel closed of the Public Hearing at 11:00am and opened back into the regular meeting.

**Ormiston Fund Application**

Commissioner Stowe asked about the Ormiston Fund in regards to the interest that the account is accruing.

There was much discussion on this.

The commissioners will look into the trust.

The commissioners were presented with an Ormiston Fund Application.

Commissioner Stowe made a motion to approve the application subject to approval from the trust.

Commissioner Kibel seconded the motion. Both commissioners voted yes.

**Continuation of the Dove Creek Ambulance District Service Plan Hearing-  
Sadowski Request for Exclusion**

Commissioner Kibel closed the Regular Meeting and opened the Public Hearing at 11:30am.

Commissioner Kibel said this is a continuation of the Dove Creek Ambulance Service Plan Public Hearing on August 3, 2015.

Dennis said that the requesting party was sent a certified letter and so far they haven't signed for the letter.

Commissioner Kibel said that the Mr. and Mrs. Sadowski requested to be excluded from taxes for the ambulance plan for their five empty lots in the Town of Dove Creek.

Dennis said that we are having a public hearing on the exclusion request and will assume his request was timely. He said that the biggest issue with the request for exclusion is whether it would be in the best interest of the district. He asked if we want our emergency responders to have to check addresses to make sure they are in the district before they respond to a call. He said from a legal and liability stand point for the district he wouldn't recommend granting the exclusion.

Commissioner Stowe said the five lots are right in the middle of town. He feels that we shouldn't grant the exclusion.

Commissioner Kibel said right now it's unimproved and if someone was working on the property they would need to have service.

Commissioner Kibel opened the Public Hearing for public comment.

There was no one in the audience.

Commissioner Kibel closed the Public Hearing for public comment.

Commissioner Stowe made a motion to deny the request for exclusion because the exclusion is not in the best interest of the district.

Commissioner Kibel seconded the motion. Both commissioners voted yes.

Commissioner Williams was not able to attend this portion of the meeting.

Commissioner Kibel closed the Public Hearing and reopened the Regular Meeting at 11:48am.

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**BLM Fire Plan- Connie Clementson**

Brad Pietruszka, BLM presented a Fire Management Plan for the BLM. He said this is for Tres Rios and Canyon of the Ancients. If a lightning caused fire were to occur in this area, they would manage it as a prescribed burn; this would only apply to naturally occurring fires. He said this just gives them the option to manage the fire as a prescribed fire.

Commissioner Kibel asked about fire suppression at the Canyon of the Ancients.

Brad said they would work with the Dove Creek Fire Department if the fire needs to be suppressed.

They will be pushing to not use any mechanized equipment on the Canyon of the Ancients.

Brad also said in the 2015 budget, there is a line item for resilient landscapes.

There was discussion on the sage grouse area.

Connie said the EA will be out on November 16. She said the Marietta Eaton wanted the Commissioners to know that she will be working in New Mexico for the next 90 days. She said that she will be coming to the commissioners to discuss the Implementation Plan for the Resource Management Plan.

Brad also discussed a VCon tractor.

Connie said that the agencies are willing to help out and how they might implement certain things.

Commissioner Kibel said that the Road and Bridge Department knocked down some berms that an individual put up trying to block a county road leading to BLM ground. Connie thanked the county for that and said that the agencies don't want to limit any access to any roads that lead to public BLM lands.

**Social Services**

Malynda Evan, Social Services Director called in. She said she is on her way to Denver to attend Social Services Director Training.

Commissioner Stowe made a motion to accept the minutes from September.

Commissioner Kibel seconded the motion. Both commissioners voted yes.

Commissioner Stowe made a motion to accept the financials from September from Social Services.

Commissioner Kibel seconded the motion. Both commissioners voted yes.

**Cahone Park Fence**

Commissioner Kibel said Kinder Morgan CO2 re painted the fence at the Cahone Park; the Commissioners thanked them for getting that done.

**Commissioners Office/Extension New Hire**

The Commissioners Office and Extension Office held interviews for a shared position last week.

Commissioner Kibel said the position was advertised for two full weeks.

The Commissioners Office/Extension Office gave their recommendation to hire Jody Gardner.

Commissioner Williams made a motion to approve the recommendation.

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

**Social Services IGA**

The commissioners were presented with an Intergovernmental Agreement between the Board of Social Services of Ouray County and the Board of Social Services of Dolores County. Dolores County is currently without a Certified Supervisor, but has an interim Director of Social Services who is eligible to complete training requirements to become a Certified Supervisor. Until January 31, 2016, or when Dolores County has a Certified Supervisor for Social Services, supervisory oversight will be provided primarily by the Certified Supervisor in Ouray County, Linnea Edwards and secondarily by the Certified

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Supervisor in Ouray/San Miguel County, Carol Friedrich.

Dennis said that Ouray County only wants reimbursement for mileage if any of their personnel comes to Dolores County. He said it does have an indemnification provision that we would indemnify Ouray County only if our personnel did something contrary to their direction.

Commissioner Stowe made a motion to sign the Social Services Intergovernmental Agreement between the Board of Social Services of Ouray County and the Board of Social Services of Dolores County.

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

Ouray county and San Miguel county share the same director even though this contract is with Ouray County.

**Procurement Policy**

No updates.

**NCA**

Commissioner Stowe attended the Southwest Water Meeting and said they discussed the NCA. There were some real positive movements from Montezuma County in support of the NCA.

**Adjourned**

Commissioner Stowe made the motion to Adjourn.

Commissioner Kibel seconded the Motion. Both commissioners voted yes.

Meeting ended at 12:34pm.

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Chairman of the Board of County Commissioners

Attest:

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Deputy Clerk to the  
Board of County Commissioners