

**Proceedings of the Dolores County board of  
County Commissioners  
Special Meeting  
June 23, 2015**

A Special meeting of the board of County Commissioners was held in their boardroom in Dove Creek, Colorado, June 23, 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**

David Cressler, Bryce Capron, Gus Westerman, Tim Rossiter, DCDC, Tommy Woods, Dolores County Resident, David McCart, County Inspector, Doug Funk, Dove Creek Press, Tim Huskey, Dolores County Resident.

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

**Possible Action on the Subdivision Exemption Application by DCDC**

Commissioner Williams said since the last meeting, he has received several phone calls about the Subdivision Exemption that DCDC is applying for. He said if this was a private property and not an entity that used tax payer money it would be cut and dry.

Dennis Golbricht, County Attorney said the Weber's donated the land to the county and the county then donated it to DCDC through a correction deed.

Commissioner Williams said DCDC and the county were supposed to work together to form an economic development area. He said a lot of in kind work and tax payer money has gone into the property. If nothing was established within the first five years the land would go back to the Weber's. When the LDA was done the land was not to be sold or divided. If DCDC was to end there would have to be a plan that would take place within 30 days. Some of the agreement wasn't in writing but we knew what the plan was. Once DCDC started receiving rent money the county didn't have to contribute as much money. We know at one point the bank wanted to buy the land but the land could not be sold. The county wanted to buy the land but it couldn't be sold. Now we are questioning why all of a sudden the land can be sold. They county loaned the services of the county attorney to make sure the buildings could not be removed from the land. Whoever bought the buildings would need a lease agreement with DCDC and the buildings could not be moved. The county is involved with this in money as well as the partnership that started with the Weber's. He said he has a hard time approving anything without any solid answers.

Commissioner Kibel discussed the DCDC meeting that took place on April 14, 2015. She said the bank couldn't give immunity but if the county bought the property for \$70,000 and became a middle man and a shield, which would help cover the immunity issue. At that time the county wanted to buy the smaller building for a senior center and David Cressler was adamant that the park was not set up for a senior center. If the senior center was there more community members would be able to use the park.

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Dennis said to be clear the county wanted to purchase the south building for \$70,000 and the other building would go back to DCDC. They county wanted to purchase the land under the south building. Commissioner Kibel said she was shocked when David Cressler said during a commissioner meeting that he bought the building from the bank without DCDC knowing. She said that DCDC is a 501c3 and statutorily they cannot have self-gain within their entity or for their board members. This was set up to be an economic stimulus within our county.

Dennis asked if there was a contact in place for the sale of the land and the price for each acre.

Gus Westerman, DCDC said according to the vote during a DCDC meeting, David Cressler will be buying the land.

David Cressler said the price of the land is \$4,500 per acre. He said Kyle is buying a little over an acre from DCDC if this exemption goes through.

David Cressler said that the commissioners would only buy the building if they could buy the land.

Commissioner Kibel said if the county was to put a service out there that benefits the county, the county needs to own the land in case something happens to DCDC.

David Cressler said that is what got him thinking.

There was discussion on the taxes that the bank paid.

David Cressler said no one wanted to buy the buildings.

Commissioner Kibel said that the county made an offer to buy the buildings. She said anytime there is a 501c3 no members can have personal gain from being members on the board. Going over the Amended LDA, it says the county will be involved with any future amendments, performance standards and an resolutions and future amendments. During the last meeting, there was concern that we were being "a big government" but according to the LDA the county has to be involved. It says that we will follow all future state, federal and local laws, rules, regulations, resolutions and ordinances and that changes in her mind the status of the subdivision exemption.

Dennis said in the Amended LDA it reads that business and/or persons conduction land use activities within the Park are not intended third party beneficiaries of the Agreement. DCDC Shall be the sole party vested with rights as a result of the 2005 Land Development Agreement and the Amendment thereto. DCDC holds all the land use rights. He said in terms of this being a partnership, this was a unique situation where the county gave up a lot of control to DCDC. They trusted DCDC for all land use review with in the park. There clearly was a form of partnership between the entities regarding what would happen out there.

Commissioner Kibel said it goes away from the history and what that park was intended to become if the DCDC board subdivides the land off versus leasing.

Commissioner Stowe said the idea of the sale of the land goes against of the whole game plan. David and Kyle are board members and he asked how that stands in a nonprofit. He asked if they are getting involved in a criminal act from inside knowledge or ability to vote. He spoke with Mr. Weber and he will be at the meeting on the July 6, 2015. He said the Weber's are as confused as we are. The board and DCDC and Mr. Weber need to decide where we need to go. He is happy that David hasn't purchased the land yet. He doesn't know why DCDC wants to go through a subdivision exemption with property they own when they didn't want to sell it previously. He needs to know about criminal negligence and he feels at this point this board can't make a decision on the subdivision exemption. He can't vote for the subdivision exemption without more answers.

Dennis said he doesn't know why DCDC doesn't want to maximize the dollar value. He was at the auction for the buildings and it was clear that no one wanted to buy the buildings with a long term lease attached to it. He said when the county approached DCDC to purchase the south building only if they could buy the land. After that, the board decided to break off some land but the DCDC board then for whatever reason didn't want to sell to the county. He asked why DCDC wouldn't want to open that up

***Proceedings of the Board of County Commissioners, June 23, 2015*** to everyone to purchase the land and buildings. If there are no takers then board members might be able to recuse themselves and put in a bid. There are a lot of public funds used and the public and the county has been shut out.

David said DCDC didn't own the buildings, the bank owned them. There is about \$300,000 worth of lawsuits attached to the building.

Bryce said that he wasn't really prepared to talk on any of these issues.

Dennis said in fairness to DCDC, their attorney had a scheduling contract and couldn't make it to the meeting today. He said the reason this special meeting was called was because the board didn't want David or Kyle to spend any money until some things are cleared up.

Commissioner Williams said that the partnership with DCDC and the county has fallen apart. He said that whoever bought the buildings were supposed to do a lease with DCDC.

Dennis said that it was very clear at the auction the buildings could be sold subject to a lease with DCDC.

David Cressler said that no one wanted to buy the property.

Commissioner Williams said the county offered, so there was at least one offer on the table.

David Cressler and Bryce Capron agreed that the county did offer to buy the building.

There was discussion on this.

Bryce said these are good concerns and they would like to talk more during the July 6, 2015 meeting.

Commissioner Williams said there have been rumors that the Attorney General has been called about the DCDC 501c3. He said if that is the case, this board cannot even make a decision until that is cleared up. He asked if it was legal to table this issue for the time being.

Dennis said that is the board's decision. He said his main concern is with all the tax payer money that was spent out there. He said the county offer was so far above what was accepted that it raises some concerns.

Commissioner Stowe said that the county was disappointed because it would be a good deal for the new senior center but we were in support for a local business moving into the building so we decided to step back.

Commissioner Williams said the Park was set up to be an incubator for new businesses.

David Cressler said after 3 failed businesses and 15 years, no one wanted to move out there on rented land.

There was discussion on this.

Dennis said at the very least the public should have had some access to the property before knowing that a board member bought the land for \$4,500 per acre.

Commissioner Kibel said that David said he bought the buildings and then told the DCDC board.

Commissioner Williams asked about if a lease for David Cressler has been drawn up yet. He said legally a lease was a condition of the sale.

Dennis said that the buildings were supposed to be sold subject to a lease.

Bryce said they are having a meeting about the lease. He said he needed a lease and/or an agreement with DCDC.

Dennis asked if he owns the buildings and David agreed that he does own the buildings.

Bryce said we weren't able to come up with a lease at that time.

Commissioner Williams said that the buildings cannot be torn down or moved from the property.

Dennis said for the record, he will not advise DCDC.

Commissioner Kibel asked if the lease had been terminated.

Dennis said DCDC has the power to do a lease or choose not to do a lease. He was asked to help DCDC just to make sure the buildings couldn't be salvaged.

Bryce said DCDC is negotiating a lease until the subdivision exemption is approved. He said he needs more time to answer all of the questions.

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Commissioner Stowe made a motion to table this until at least the July 6, 2015 meeting.

Commissioners Williams said that he wants to amend the motion to include tabling the road, septic's and the subdivision exemption and to rescind any prior preliminary approvals.

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

Tommy Woods, Dolores County Resident said he wants to thank the county and the road crew because the mag chloride is going very well and we should be proud of Road and Bridge. If this is not any different than the Weber Park land, he would like to buy the land right now.

Dennis said just to be clear the county doesn't own the business park.

Tommy said he is in favor of a business going in but you don't sell something that was given to you.

Tim Huskey, Dolores County Resident said it was started as an industrial park to help the community. It needs to stay DCDC.

**Adjourned**

Commissioner Williams made the motion to Adjourn.

Commissioner Stowe seconded the motion. Both commissioners voted in favor.

The meeting ended at 4:18pm.

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Chairman of the Board of County Commissioners

Attest:

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Deputy Clerk to the  
Board of County Commissioners