

**Dolores County
Board of County Commissioners**

June 7, 2021

A regular meeting of the Dolores County Board of County Commissioners was held at the Courthouse in Dove Creek, Colorado on June 7, 2021. Present for the meeting were Commission Chairperson Floyd Cook, Vice Chair Julie Kibel and Commissioner Steve Garchar, Attorney Dennis Golbricht, County Administrator Margret Daves and Deputy Clerk to the Board Jody Gardner.

The meeting began with everyone reciting the Pledge of Allegiance.

Guests

Residents Ray Smith, Patrick Thielen and Dan Fernandez, CSU Extension Agent Gus Westerman, 22nd Judicial Court District Attorney Matt Margeson, DCTV Manager Kendra Cook, Farmers Telephone Manager Terry Hinds, CDHS Representatives Laura Mills, Clairx MA, Elmer, Ian McMahaon, Jeremy Backal, Kara Harvey, Karla Maraccini, Kathleen Caldreon, Michael Martinez, Leslie Raffleson, Stephanie SO, and Nicole Drake

Payroll for May 28, 2021

The following is a list of total payrolls by Department:

County Commissioners:	\$7,761.93	7 Employees		
Commissioner Other	\$451.38		1 Part Time	
County Clerk:	\$3,100.20	3 Employees		
County Treasurer:	\$2,769.84	2 Employees		
County Assessor:	\$4,050.18	4 Employees		
GIS:	\$1,206.83	1 Employee		
County Maintenance:	\$1,414.98	1 Employee		
County Sheriff:	\$13,150.79	10 Employees	1 Part Time	
County Coroner:	\$371.30	1 Employee		
EMA:	\$1,724.29	1 Employee		
Extension:	\$1,242.90	2 Employees		
DCTV:	\$1,749.40		5 Part Time	
Veterans Office:	\$480.22		1 Part Time	
Senior Services:	\$9,025.76	3 Employees	12 Part Time	
Health & Nurse:	\$3,131.36	2 Employees		1 Temp
Mandatory Weed:	\$2,058.41	2 Employees	1 Part Time	
R&B Administration Other:	\$23,716.71	18 Employees	1 Part Time	
Social Services:	\$7,249.00	6 Employees	1 Part Time	
TOTAL:	\$84,655.48	63 Employees	23 Part Time	1 Temp

Agenda

Commissioner Kibel made a motion to accept the agenda with the approval of an Executive Session.
Commissioner Garchar seconded the motion.
All three Commissioners voted in favor of the motion.

Minutes

Presented for approval were the End of the Month minutes from May 27, 2021 and the Special Meeting minutes from May 10, 2021.

Commissioner Kibel made a motion approving the above-mentioned minutes.
Commissioner Garchar seconded the motion.
All three Commissioners voted in favor of the motion.

Expenditures

Commissioner Kibel made a motion approving the expenditures.
Commissioner Garchar seconded the motion.
Both Commissioners voted in favor of the motion.

Tower Maintenance and Upgrade Discussion with Farmers Telephone Company

Farmers Telephone Manager Terry Hinds was present to discuss the lightning strike to the tower and significant damage caused. According to Hinds, the lack of upgraded grounding of the tower was possibly a major factor in the damage that was received to equipment and phone lines. Farmers Telephone has been fixing their equipment and helping restore service to the County. The Courthouse tower appears to have four ground rods with crimp on connectors, which possibly have oxidized over time creating a poor ground. The modern preferred grounding method would have rods placed in a wagon wheel pattern around the tower with CAD welded connectors providing a sealed bond around each connection point on the tower, according to Mr. Hinds. Moist ground is better for grounding, with the rocks around the tower moisture is only accrued via weather. An electrician will be contacted to possibly provide CAD welded grounding.

The Sheriff's Departments tower does not appear to have any ground wires unless it is through the concrete and therefore not visible.

Attorney Golbricht asked about the status of equipment on the tower as well as the condition of the tower itself. Mr. Hinds will provide the tower inspection report conducted earlier this year. Farmers Telephone will absorb costs for tower maintenance. The tower was installed 23 years ago. The DCTV equipment on the tower may not all be necessary. Unnecessary equipment was not removed by Farmers per Montelores/Dolores Metropolitan Rec District Representative Wayne Johnson's directive. Pursuant to Golbricht, Johnson stated that he will have a qualified tower climber trained to perform those services independent of Farmers.

District Attorney Update

The 22nd Judicial Court District Attorney Matt Margeson was present to update the Board to personnel changes due to Assistant District Attorney Sheena Goldsborough taking another job.

Social Services Update

Social Services Director Malynda Evans presented for approval the Record of Proceedings for June 7, 2021, as well as the Reconciliation Statement and Budget verses Expenditures for April 2021.

Commissioner Garchar made a motion approving the above-mentioned documents.
Commissioner Kibel seconded the motion.
All three Commissioners voted in favor of the motion.

Ms. Evans requested approval of the annual Colorado Works Memorandum of Understanding agreement upon review by Attorney Golbricht.

Commissioner Garchar made a motion approving the MOU.
Commissioner Kibel seconded the motion.
All three Commissioners voted in favor of the motion.

2020 Social Services Distinguished Performance Award

The Colorado Department of Human Services (CDHS) presented the Distinguished Performance Award for 2020 to the Dolores County Social Services Department for being the number one county in the state for services provided to the residents of Dolores County.

Evans thanked her dedicated staff for all their efforts throughout the year, including staff changes, the building of the new facility, her maternity leave and especially with the added difficulty of working from home through the COVID-19 pandemic. Everyone was complimented on their commitment to the community. The department's ability to promote child safety went above and beyond to serve children and families.

This is the 6th time that the award has been given to Dolores County.

Commissioner Kibel said Director Evans leadership has been remarkable. Commissioner Garchar thanked everyone for their efforts. Commissioner Cook complimented everyone on a job well done. Attorney Golbricht said Director Evans experience and leadership deserves recognition and he appreciates her team's efforts, they are a complete department. Extension Secretary Oma Fleming said she has enjoyed working with staff and will miss seeing them after they move.

Thielen Preliminary Sub-Division Exemption Approval

Patrick Thielen owns 180 acres and would like to sell 170 acres, with 10 acres retained. A completed application and the fee had been received as well as a copy of a plat recorded as a Lot Line Adjustment. Attorney Golbricht stated that a new plat titled as a Sub-Division Exemption Plat was needed.

Commissioner Kibel made a motion granting a Preliminary Sub-Division Exemption.
Commissioner Garchar seconded the motion.
All three Commissioners voted in favor of the motion.

The applicant was directed to schedule a second meeting with the BOCC upon receipt of the retitled plat to obtain final approval.

Rail Bar T Preliminary Sub- Division Exemption Approval

Rail Bar T Representative Ray Smith was present to request a preliminary Sub-Division exemption approval for approximately a 50-acre parcel that is naturally split in two parts by Highway 491. The completed application was submitted, the fee had yet to be paid.

Commissioner Garchar made a motion granting a Preliminary Sub-Division Exemption.
Commissioner Kibel seconded the motion.
All three Commissioners voted in favor of the motion.

The applicant was directed to schedule a second meeting with the BOCC upon receipt of the plat to obtain final approval.

Board of Health COVID Discussion

County Health Nurse Mary Randolph joined the Commissioners that were setting as the Board of Health for a discussion regarding COVID cases within the County. Commissioner Cook requested to be updated on cases prior to or at the same time as postings on social media as opposed to finding out through social media.

Ms. Randolph reported 500 vaccinations had been given in Dolores County. There have been 115 reported COVID cases (2 active) with 5 hospitalizations. Antigen blood tests are coming in showing that there have been more actual cases. The antigen test does not pick up the virus as well as the PCR test; the PCR test is 99% accurate, the antigen test has a 30% false negative rate.

Commissioner Kibel mentioned an issue brought before the BOCC earlier in the day by District Attorney Matt Margeson regarding the recent need for a jury trial in Dolores County. The trial was not held due to the number of COVID cases in the County at the time. Neighboring judicial jurisdictions are and have been holding jury trials. Commissioner Kibel mentioned the right to a speedy trial and the danger associated with not removing criminals from the streets verses the threat of spreading COVID.

Ms. Randolph mentioned the need for a workshop to work through some COVID issues. The BOH suggested a google poll with possible dates.

Lazy Rooster Ranch LDA Negotiation and Discussion

Attorney Golbricht drafted a Land Development Agreement (LDA) per criteria discussed at the Public Hearing and BOCC meeting on May 17th in Rico, Colorado. Upon review by the applicant, there are some issues that have come forth with maximum occupancy at the facility, as well as with the number of teepees on the site.

The original agreed upon occupancy max on the property was 27. The applicants failed to mention that they lease river access to Telluride Outside for fishing tours. The agreement allows river access and fishing opportunities with a rod fee payable to the landowner. At full rented capacity, the allowed occupancy could potentially be reached, therefore no outside fishing tours would be permitted. There was discussion regarding the failure by the applicant to have mentioned the lease agreement during the application process or the public hearing and the possible need for another public hearing. After discussion Attorney Golbricht said the fishing passes alone would not have come under the provisions of the LDA. Per the applicant's request, the LDA will reflect a maximum occupancy of 40 people total, including campers and the Telluride Outside fishing group. The maximum occupancy will not include users of the trail that pass through the property. The applicant confirmed that the campgrounds' total sites is 16; with 8 being dispersed tent sites, 4 teepees and 4 A-frames.

Confirmation was received from CDOT approving the driveway location change. County approval is still needed.

The BOCC approved the changes to the LDA and signing of the CDOT approval letter.

New Business

DCTV and IT Discussion: IT Technician Keith Keesling said new pieces of equipment are still needed to repair lightening damage. All of the fiber comes in through the system. The firewall was damaged from the strike. The switches were all full and a few ports were lost. The hardware portion is being upgraded from damage. DCTV is the only entity not fully functioning. DCTV may have some grounding issues. The Health Nurse has two phones on order. Close to half of the County is now running on Microsoft Office 365.

There was discussion regarding IT needs going forward that should be assessed and possibly mitigated through funds available to the County with COVID funds. Attorney Golbricht requested a 3-year plan for the County for updating and protecting departments and technology.

The BOCC decided to schedule a workshop to discuss the ongoing plan for DCTV.

Petition for Refund of Taxes x 2: Assessor Berna Ernst presented an issue where a parcel was partially within the Town of Dove Creek city limits and partially in the County. The property has been taxed for 30 years at the higher in town rate. Statutes were discussed involving the term for refunds. After review and discussion, the BOCC agreed that going beyond the two-year refund award per state statutes, would set a precedence that could potentially obligate the County and future boards. Attorney Golbricht was directed to draft letter of explanation to the taxpayers.

Proceedings to the Board of County Commissioners Meeting on June 7, 2021

Lottery Board Recommendations: Annually, \$7,500.00 of Lottery Funds is available for distribution to local non-profits to assist with community improvement projects. Three requests for funds were received. After review of the applications the Lottery Board recommended to the BOCC that the Dolores County Fairgrounds receive \$3,250.00 for improvements to the Crow's Nest, the Colorado Laureate Delta Beta receive \$1,000.00 for gravel at the Community Center and XI Delta Tau receive \$3,250.00 to cement a sidewalk path at the Cahone Park.

Commissioner Kibel made a motion approving the Lottery Boards recommendations.

Commissioner Garchar seconded the motion.

All three Commissioners voted in favor of the motion.

IGA for Dispatch Services: The discussion was postponed until more contractual information could be gathered.

SWCD Board Appointment: Dagan Chadd was nominated for the position of the SWCD board vacancy. Mr. Chadd was contacted and willing to fill in for the remainder of the term for Doug Stowe which will expire in January 2022.

Commissioner Kibel made a motion recommending Dagan Chadd for the Southwestern Water Conservation District board position.

Commissioner Garchar seconded the motion.

All three Commissioners voted in favor of the motion.

Empire Electric Board Proxy: The District 1 choice vote was in favor of Jerry Fetterman by Commissioners Kibel and Cook. Commissioner Garchar was in favor Allen Maez. The proxy was filled out reflecting the majority vote of the BOCC.

Old Business:

Pause Act Resolution Review and Possible Adoption: Attorney Golbricht read the PAUSE Act Resolution draft.

Commissioner Kibel made a motion approving Resolution #06-21-01.

Commissioner Garchar seconded the motion.

All three Commissioners voted in favor of the motion.

Ballot Measure/Possible Sales Tax Discussion: Attorney Golbricht reminded the BOCC of the need to make a decision on previously discussed potential ballot measures. Workshops would be held with the public and press to discuss and research rates for a sales tax. Ag related purchases would possibly be exempt. Two non-binding referendums to gauge public opinion on marijuana grows and sales as well as OHV travel on County roads was also rediscussed.

Proceedings to the Board of County Commissioners Meeting on June 7, 2021

Commissioner Kibel was fearful of implementing a sales tax with the current drought situation. Commissioner Cook did not feel there was adequate time to research a suitable rate. Attorney Golbricht suggested pursuing grant funds to supplement the steadily decreasing tax revenue. After further discussion, Commissioner Cook and Commissioner Kibel voiced their opinions in favor of pursuing the nonbinding referendums. No decision was made.

Board of Health Septic Reviews: The Groundhog Store septic system was discussed. Several issues came forward late last fall. The landowner and neighboring entities will be contacted to come before the Board of Health to help explain the systems in place.

The Young/Davis septic issue is quickly approaching the 90-day compliance deadline that was given on March 30. No action has been taken thus far by the landowner or the occupant. A cease-and-desist hearing will be set for the next meeting.

Commissioner Cook adjourned the meeting.



Julie L. Kibel
Vice Chair to the Board of County Commissioners



Joop Lardner
Deputy Clerk to the Board of County Commissioners



The seal is circular with a double-line border. The outer ring contains the text "DOLORES COUNTY" at the top and "COLORADO" at the bottom, separated by a small star on the right. In the center of the seal, the word "Seal" is written in a stylized, gothic font.