

**MEETING MINUTES**  
**Dolores County**  
**Board of County Commissioners**

**April 3, 2023**

A regular meeting of the Dolores County Board of County Commissioners was held at the Dolores County Courthouse in Dove Creek, Colorado on April 3, 2023. Present for the meeting were Commission Chair Steve Garchar, Vice Chair Linda Yellowman, Commissioner Floyd Cook, Attorney Dennis Golbricht, County Administrator Margret Daves, and Deputy Clerk to the Board Shayla Oliver.

The meeting began with everyone reciting the Pledge of Allegiance.

**Guests**

Social Services Director Malynda Evans, Extension Gus Westerman, Region 9 Representative Shak Powers

**Agenda**

Commissioner Yellowman made a motion to accept the April 3, 2023 agenda with the addition of Region 9/Middle Mile Broadband Support Letter, The Town of Dove Creek Water Taps discussion, and Native Fish Monitoring Meeting reminder.

Commissioner Cook seconded the motion.

All three Commissioners voted in favor of the motion.

Attorney Golbricht requested an addition to the agenda; the discussion of Montrose Forest Products and Bradfield Bridge road/County Road S Agreement.

Commissioner Cook made a motion to approve the additional agenda item to discuss Bradfield Bridge Road repair.

Commissioner Yellowman seconded the motion.

All three Commissioners voted in favor of the motion.

**Expenditures**

Commissioner Yellowman made a motion approving payment of the expenditures.

Commissioner Cook seconded the motion.

All three Commissioners voted in favor of the motion.

**Social Services Update/Malynda Evans**

Social Services Director Malynda Evans presented for approval the Record of Proceedings for April 3, 2023 as well as the financial documents through February 2023.

Commissioner Garchar made a motion approving the above-mentioned documents.

Commissioner Yellowman seconded the motion.

All three Commissioners voted in favor of the motion.

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Social Services Director Malynda Evans presented to the BOCC an Ormiston Fund request.

Commissioner Cook made a motion to approve the Ormiston Fund request.

Commissioner Yellowman seconded the motion.

All three Commissioners voted in favor of the motion.

**CTSI Insurance Update and Loss Analysis**

Marilyn Wagner with CTSI attended the meeting via zoom to give the County's five-year loss analysis report. Ms. Wagner stated CTSI does offer safety workshops and training and would be willing to come in person or via zoom. She also recommended the county should look into a consultant that goes through each building and department to determine where safety improvements can be made.

**Cresto Ranch Liquor License Renewal Request**

Presented for approval was the Cresto Ranch Liquor License renewal application. Sheriff Don Wilson had previously been contacted and had no concerns with the renewal.

Commissioner Cook made a motion approving the license approval.

Commissioner Yellowman seconded the motion.

All three Commissioners voted in favor of the motion.

**Husky Subdivision Exemption Final Approval**

Jayce Husky and James and Pearl Fisher were present for final approval of the requested subdivision exemption application to subdivide a half-acre lot from the existing 8.48 acres owned by James and Pearl Fisher. Due to the location of the property the water and septic source will have to be the Dove Creek Town system. Further, the maximum number of dwellings on the newly created lot will be two. During the surveying process it was noted there was a small boundary adjustment to be added with the subdivision exemption. The plat map and Resolution #04-23-01 were reviewed by the BOCC. Attorney Golbright, the DC Treasurer's Office and DC Assessors Office have reviewed the documents with no concerns.

Commissioner Cook made a motion to approve the Husky/Fisher subdivision exemption and boundary adjustments.

Commissioner Yellowman seconded the motion.

All three Commissioners voted in favor of the motion.

**Meeting Times/Rico**

Commissioner Yellowman requested that the two meetings held in Rico could be evening meetings, starting at 6:00pm. There was discussion regarding the need for an actual meeting, or a workshop. It was decided that the BOCC would tentatively plan one of the June 2023 meetings for Rico, and they

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would start with a workshop, then move to a meeting. If there is a large attendance, then the second meeting may be an evening meeting also.

### **Middle Mile Broadband Letter of Support/Shak Powers Region 9**

Shak Powers with Region 9 asked the BOCC for a letter of support in requesting a waiver from the letter of credit requirement from the NTIA's Middle Mile Grant. One of the requirements of the grant is a letter of credit for 25% of the grant amount which would be \$16,500,000.00. Granting this waiver is essential for compliance with the Colorado Constitution and allowing us the opportunity to build much needed fiber middle mile infrastructure. Article 1, Section 11 of the Colorado constitution states that "Neither the state, nor any county, city, town, township or school district shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to, or in aid of, any person, company or corporation, public or private, for any amount, or for any purpose whatever; or become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the state." Requiring a letter of credit as a condition is a significant concern. Furthermore, the time requirements, costs, and administrative burden for creating multiple 63-20 corporations (another pursued option) are substantial. Region 9 believes that a performance bond is a more desirable alternative to a letter of credit. Performance bonds provide the same level of protection while also streamlining the process and reducing administrative burdens.

Commissioner Cook made a motion to sign the letter of support for Region 9/Middle Mile Grant letter of credit waiver.

Commissioner Yellowman seconded the motion.

All three Commissioners voted in favor of the motion.

### **County Road 8.2/Dollar General Road Discussion**

Commissioner Garchar requested Attorney Golbricht send a letter regarding road work that is not being done on CR 8.2 in regard to the Dollar General and contracted road requirements. A previous email had been sent, and an update during the March 30, 2023 meeting was given by Vaquero Ventures/Dollar General. They stated they do not want to do a "band-aid" repair and were waiting for CDOT permits. The BOCC has received emails from CDOT stating permits have been approved. Attorney Golbricht will send a letter reminding them they are in violation of their LDA.

### **Native Fish Monitoring Meeting**

Commissioner Garchar wanted to make sure everyone knew of the Native Fish Monitoring meeting that will be held at DWCD on March 10<sup>th</sup> at 9:00am to discuss the three of the four endangered fish in Dolores County.

### **Town of Dove Creek Water Taps**

Commissioner Garchar contacted the Town of Dove Creek about the water taps in Debbie Park. There are two, a north and south tap. The north tap is using under the minimum amount, and the south tap

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has no usage for over 5 years. Each tap is \$35.00 a month. The BOCC felt that they should just keep both taps.

**Montrose Forest Products/Bradfield Bridge Road Repair**

Attorney Golbricht drafted a Dolores County Road Repair Agreement. The agreement will require Montrose Forest Products to keep in place their insurance policy initially related to snow plowing. The current policy already names Dolores County as an additional insurer. It also states that any subcontractors need to have the same amount and type of insurance in place. The agreement also states that Road and Bridge supervisor Steve Davis will inspect and approve the work periodically and upon completion. Montrose Forest Products will be responsible for flagging and signage and will be required to keep one lane open during construction. Montrose Forest Products will have thirty days to finish the project.

Commissioner Cook made a motion to approve the Dolores County Road Repair Agreement with Montrose Forest Products.

Commissioner Yellowman seconded the motion.

All three Commissioners voted in favor of the motion.

Commissioner Garchar adjourned the meeting.

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Chair to the Board of County Commissioners

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Deputy Clerk to the Board of County Commissioners

Approved  
April 17, 2023

