

MEETING MINUTES
Dolores County
Board of County Commissioners
May 6, 2024

A regular meeting of the Dolores County Board of County Commissioners was held at the Dolores County Courthouse in Dove Creek, Colorado on May 6, 2024. 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

Steve Davis, Road & Bridge Supervisor, Malynda Evans, Social Services Director, Tracey Beanland, Public Health Director, Julie Kibel, Environmental Specialist, & Don Wilson, County Sheriff. By zoom: Paula Stewart, Dave Kimmet & Mark Mihnot with JUWI, Sarah Rockwell with Tri State.

Agenda

Commissioner Cook made a motion to accept the agenda.
Commissioner Yellowman seconded the motion.
All three Commissioners voted in favor of the motion.

Expenditures

Commissioner Cook made a motion to accept the Expenditures.
Commissioner Yellowman seconded the motion.
All three Commissioners voted in favor of the motion.

Minutes

The March 4, 2024, Regular Meeting Minutes, March 6, 2024, Expenditure Meeting Minutes and the March 18, 2024, Regular Meeting Minutes were presented for approval.

Commissioner Cook made a motion to approve the above-mentioned minutes.
Commissioner Yellowman seconded the motion.
All three Commissioners voted in favor of the motion.

Road & Bridge Update/Steve Davis

Road and Bridge Supervisor Steve Davis was in attendance for the monthly meeting update. Mag applications are almost complete. There was some discussion on Dolores/Norwood Road and the use and possible placement of cameras. County Road 9.9 still needs to be worked on from being used as a detour road earlier this year. Mr. Davis said they will do more maintenance on it once they complete the Mag Chloride application. There was a recent fire within the Town of Dove and Road & Bridge sent a water truck.

Courthouse Landscape Bid

There was one bid received for the removal of the boulders in front of the Courthouse. Kelsaw Ranches was the bidder for a price of \$8,962.24. There was no insurance attached so we will get ahold of Kelshaw and discuss insurance with him and put this on for the next meeting.

Social Services Update/Malynda Evans

Social Services Director Malynda Evans presented for approval the Record of Proceedings for April 1, 2024, as well as the financials through the end of February 2024. Commissioner Garchar made a motion approving the above-mentioned documents. Commissioner Yellowman seconded the motion. All three Commissioners voted yes.

Mrs. Evans told the Commissioners they have their sign put up in the front of the building now. It is a rock that has the name and address on it. She said they will be working on the privacy fence very soon. She told the commissioners of some changes they are making within their office, and they do have an open position. Their Medicaid audit is finalized, and they will be under state review for six months. They met their CSTAT measures again. There was some discussion on the ADA accessibility with Social Services. Mrs. Evans said that the state will be handling theirs, except for the county web site information on Social Services.

New Business

Resolution 5-24-01: A resolution to transfer funds from the Underfunded Court grant to the General fund in the amount of \$52,452.20.

Commissioner Cook made a motion to approve resolution 5-24-01. Commissioner Yellowman seconded the motion. All three Commissioners voted yes.

The Farmers Telephone ballot was presented, Commissioner Cook made his recommendation and the other two Commissioners agreed.

Board of Health

Possible determination of fines and Nuisance Ordinance discussion

Commissioner Cook made a motion to close the regular meeting and open as the Board of Health at 9:50a.m. Commissioner Yellowman seconded the motion, all three Commissioners voted yes.

Attorney Golbricht gave some background information for the reason this is on the agenda. On March 13, 2024, the BOH issued a Cease-and-Desist order regarding an Onsite Wastewater System to Aaron Gibbs and Nicole Smith of 51778 Hwy 491 Cahone, CO. The Order requires the parties to obtain an Onsite Wastewater Treatment System repair permit from Dolores County within 48 hours, and they were directed to retain a licensed engineer to assist in assessing the system and determine appropriate remedial measures and to fix the system. They were ordered to complete repairs or Cease and Desist using it within 30 days. The letter sent on March 13 was hand delivered to Mr. Gibbs and Ms. Smith. It is now past 30 days. We did receive a letter from Mr. Gibbs dated April 4,

2024. To summarize the letter, it states the building is no longer being occupied, therefore the OWTS is in compliance with the Cease-and-Desist Order. The concern of Public Health is that Ms. Smith appears to be still occupying the RV that is on the property. This is the same RV that upon previous inspection, had buckets with feces being transported from the RV to the septic tank and being dumped into the top of tank. The Board has a decision to make pursuant to CRS 25-10-113. They can assess up to a \$50 per day penalty for the time they are not in compliance. If that happens, they will be notified that they will have 30 days to request a public hearing.

Public Health Environmental Specialist Julie Kibel said she believes they are not in compliance at this time as Ms. Smith is still occupying the RV. She said the system has been red flagged and should not be in use at all. There was some discussion on if this system is a cesspool or an actual tank. Attorney Golbricht said he has spoken with Craig Wikstrom who had accompanied Public Health on the inspection of this property, and he believes it is a tank with a lagoon. The lagoon has now been filled with mounds of dirt. This system was inspected in 2019, and according to our inspector at that time it was functioning. There was no paperwork to substantiate that information. County Sheriff Don Wilson said he can write citations through the court. He said he had seen Ms. Smith at the premises. He said there is still a bucket under drain from the RV.

A fine and a citation can be assessed. If the system is stopped being used there would be no reason to assess the fines. Sheriff Wilson said it would be a Class one petty offense, which is a \$500 fine and up to 6 months in jail.

Commissioner Cook made the motion to impose the \$50 a day fine beginning today May 6th, on Mr. Gibbs and Ms. Smith, and have Sheriff Willson issue the citation. Commissioner Yellowman seconded the motion, all three Commissioners voted yes.

Mr. Gibbs and Ms. Smith have 30 days to request a Public Hearing. The letters will be hand delivered by the Sheriff's Office today.

Nuisance Ordinance discussion: Attorney Golbricht had given the Commissioners a draft of a nuisance ordinance for discussion. Commissioner Yellowman would like more time to look at it. Commissioner Garchar didn't like several things proposed in the draft. Public Health Director Tracey Beanland said we have to think about the safety aspect of this and gave the example of the recent incident in the Town of Dove Creek with the fire, and there being so much debris in the way of the fire trucks it was hard for them to get to the fire. We will schedule a workshop to discuss this further. Attorney Golbricht said we need to define refuse and a process of how this will be enforced.

Ms. Kibel said an ordinance, or a policy would be very beneficial for them, because sometimes there are not policies in place. There was more discussion on this and Mr. Golbricht said he will work on something more streamlined for our County.

Commissioner Cook made a motion to adjourn out of the Board of Health and back to the regular board meeting. Commissioner Yellowman seconded the motion, all three Commissioners voted yes.

Dolores Canyon Solar LLC. LDA revisions

Attorney Golbricht said he has been working with the Council for JUWI on some revisions to several documents pertaining to the Solar Farm. He said the first one is the Assignment of Agreement. According to our Land Use Code, the BOCC has to approve Tri State in order for

JUWI to assign the project. He said one of the main points he added is that if there is a dispute over anything it must be heard in Dolores County. We had originally required JUWI to provide a bond or qualifying corporate guarantee for decommissioning. Tri State has a very high credit rating and they had previously asked us at a workshop to use the corporate guarantee for as long as Tri State owns the project.

He said the second amendment was to the road impact mitigation. Because of the delay in the construction, the cost of gravel has gone up. They are increasing the payment for the cost of gravel to \$170,000. The Mag Chloride applications will be paid for in 2024, 2025 and any subsequent year(s) if construction or heavy traffic continues. The Mag cost is not to exceed \$35,000.00 per application. JUWI has already paid us for two years of Mag Chloride treatments. Tri State will not record the road use plan and the road mitigation agreement because they only pertain to the construction portion. The LDA is a more permanent document, and the others will not be. These documents are part of the application.

Attorney Golbricht asked if Tri State has received a copy of the entire application, as the LDA provides that they must comply with the terms as set forth in the Application. Sarah Rockwell, Attorney for JUWI, said they have. We will receive an email from Tri State confirming that.

Commissioner Cook made a motion to approve the Amendment to the Road Impact Mitigation Agreement, the Assignment Agreement to Tri State, and the Amendment to the Land Development Agreement. Commissioner Yellowman seconded the motion, all three Commissioners voted yes.

Dave Kimmet with JUWI said the plan is to start construction later this summer in August or September.

Commissioner Garchar attended a BLM Resource Advisory Committee meeting last week in Delta. He said the State BLM Director was at this meeting. He said they are in the process of purchasing the Escalante Ranch near Delta County. There was much discussion about the process of this sale, and the grazing permits.

Commissioner Garchar adjourned the meeting.

Chair to the Board of County Commissioners

Deputy Clerk to the Board of County Commissioners

