



## **AGENDA**

### **TOWN OF DOLORES COLORADO**

### **BOARD OF TRUSTEES MEETING**

**FEBRUARY 14TH, 2022 6:30 P.M.**

**THE MEETING WILL BE HELD AT TOWN HALL 420 CENTRAL AVENUE. A MASK WILL BE REQUIRED.**

**IF YOU WISH TO ATTEND VIRTUALLY, PLEASE VISIT THE TOWN WEBSITE UNDER GOVERNMENT TOWN BOARD MEETING FOR THE ZOOM LINK**

<https://townofdolores.colorado.gov>

#### **1. CALL TO ORDER**

#### **2. PLEDGE OF ALLEGIANCE**

#### **3. ROLL CALL**

#### **4. ACTION/APPROVAL OF THE AGENDA**

#### **5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**

**6. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting.

#### **7. ACTION/APPROVAL OF THE CONSENT AGENDA:**

**7.1 Minutes from the January 10<sup>th</sup>, 2022, Board meeting.**

**7.2 Minutes from the January 24<sup>th</sup>, 2022, Board meeting.**

**7.3 Notes from the January 17<sup>th</sup>, 2022, Board Workshop.**

**7.4 Proceedings.**

#### **8. REMOVED CONSENT AGENDA ITEMS:**

## **9. SPECIAL LICENSES/PERMITS**

### **10. STAFF REPORTS/PRESENTATIONS:**

(For the record The Clerk, Building Official, and Public Works have submitted reports to the packet).

**10.1 Sheriff's Report:** Sheriff Steve Nowlin

**10.2 Managers Report:** Manager Ken Charles

**10.3 Attorney's Report:** Attorney Jon Kelly-Executive Session Instructions

**10.4 Treasurer's Report:** Treasurer Tricia Gibson

### **11. BOARD/COMMISSIONS:**

**11.1 Parks/Playground Advisory Committee**

**11.2 Planning and Zoning Committee**

### **12. OUTSIDE ORGANIZATIONS:**

**12.1 Chamber of Commerce:** Susan Lisak

**12.2 Montezuma County Commissioner:** Jim Candelaria

### **13. PUBLIC HEARINGS:**

**13.1 Liquor License Application:** Spirits in The Sky Wine and Beer LLC/Connie Ryman

**13.2 Ordinance 557 Series 2022 Second/Final Reading:** Repealing and Reenacting Portions of the Dolores Land Use Code.

**13.3 Ordinance 558 Series 2022 Second/Final Reading:** Annexing certain Town owned Property to the Town and Zoning such Lands.

### **14. ACTION/APPROVAL ORDINANCES/RESOLUTIONS:**

**14.1 Action/Approval for Spirits in the Sky Wine & Beer LLC,** a new retail liquor store located at 18398 Highway 145, Dolores Colorado.

**14.2 Action/Approval** of the second and final reading for Ordinance 557 Series 2022, Repealing and Reenacting portions of the Dolores Land Use Code.

**14.3 Action/Approval** of the second and final reading for Ordinance 558 Series 2022, Annexing certain Town owned property to the Town and Zoning such lands.

**14.4 Action/Approval** Resolution R470 Series 2022 Approving the IGA of participating local Governments and Authorizing the Mayor to Execute the amended agreement on behalf of the Town, pertaining to the OPIOD settlement.

### **15. ADMINISTRATIVE BOARD BUSINESS:**

**15.1 Update on Conservation Easement Process:** Resolution R471 Series 2022 (Draft) Declaring Intention to Pursue a Conservation Easement with the Montezuma Land Conservancy.

**15.1 Discussion regarding resuming in person meetings.**

**15.2 Discussion Community Survey and Strategic Plan.**

**15.3 Discussion/Possible Action:** Boundary line adjustment for Ruby Gonzales/Joanna Smith

**16. EXECUTIVE SESSION:** Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S Section 24-6-402(4)(b). Legal action to enforce the Town of Dolores building codes.

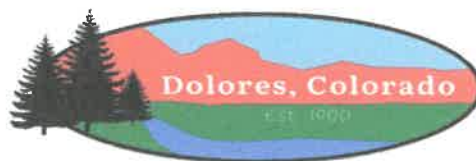
**17. TRUSTEES REPORTS AND ACTIONS:**

**18. ITEMS FOR FEBRUARY 28TH 2022, UPCOMING MEETING:**

**18.1 Discussion:** With Montezuma Land Conservancy on the Conservation Easement.

**18.2 Discussion:** Iconergy EPC

**19. ADJOURNMENT:**



## AGENDA

### TOWN OF DOLORES COLORADO

### BOARD OF TRUSTEES MEETING

JANUARY 10<sup>TH</sup>, 2022 6:30 P.M.

THE MEETING WILL BE HELD AT TOWN HALL 420 CENTRAL AVENUE. A MASK WILL BE REQUIRED.

IF YOU WISH TO ATTEND VIRTUALLY, PLEASE VISIT THE TOWN WEBSITE UNDER GOVERNMENT TOWN BOARD MEETING FOR THE ZOOM LINK

<https://townofdolores.colorado.gov>

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ROLL CALL

#### 4. ACTION/APPROVAL OF THE AGENDA

#### 5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.

**6. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting.

#### 7. ACTION/APPROVAL OF THE CONSENT AGENDA:

**7.1 Minutes** from the December 13<sup>th</sup>, 2021, meeting

**7.2 Proceedings** for the month of December 2021.

#### 8. REMOVED CONSENT AGENDA ITEMS:

#### 9. SPECIAL LICENSES/PERMITS

#### 10. STAFF REPORTS/PRESENTATIONS:

(For the record The Clerk, Building Official, and Public Works have submitted reports to the packet).

**10.1 Discussion/Action:** Appointment of Municipal Court Judge

**10.2 Sheriff's Report:** Sheriff Steve Nowlin

**10.3 Managers Report:** Manager Ken Charles

**10.4 Attorney's Report:** Attorney Jon Kelly

**10.5 Treasurer's Report:** Treasurer Tricia Gibson

**11. BOARD/COMMISSIONS:**

**11.1 Parks/Playground Advisory Committee**

**11.2 Planning and Zoning Committee**

**12. OUTSIDE ORGANIZATIONS:**

**12.1 Chamber of Commerce:** Susan Lisak

**12.2 Montezuma County Commissioner:** Jim Candelaria

**13. PUBLIC HEARINGS:**

**14. ACTION/APPROVAL ORDINANCES/RESOLUTIONS:**

**14.1 Action/Approval Resolution R466 Series 2022:** A Resolution approving the IGA of participating Local Governments and Authorizing the Mayor to execute the agreement on behalf of the Town.

**14.2 Action/Approval Resolution R467 Series 2022:** A Resolution designating Public Place for Posting Public Notices in compliance with the Colorado Sunshine Act of 1972.

**15. ADMINISTRATIVE BOARD BUSINESS:**

**15.1 Discussion/Review the RFP for Joe Rowell Park**

**15.2 Discussion** of annexation and zoning designation of Town owned property.

**16. TRUSTEES REPORTS AND ACTIONS:**

**16.1 Comments/Discussion** on Land Use Code update.

**17. ITEMS FOR JANUARY UPCOMING MEETINGS:**

**17.1** Workshop for Strategic Planning on January 17<sup>th</sup>, 2022, at 6:30 p.m.

**17.2** Board Meeting January 24<sup>th</sup> at 6:30 p.m.

**A.** Possible Public Hearing for Spirit in the Sky Retail Liquor Store License

**18. ADJOURNMENT:**



## MINUTES

### DOLORES COLORADO

#### TOWN BOARD OF TRUSTEES

JANUARY 10<sup>TH</sup>, 2022 6:30 P.M.

FOR THE RECORD, THE MEETING WAS HELD BOTH LIVE AND VIRTUALLY. THE RECORDING MAY BE SEEN ON THE TOWNS WEBSITE.

<https://townofdolores.colorado.gov>

**1. CALL TO ORDER:** Mayor Pro Tem Trustee Duvall "Val" Truelsen called the meeting to order at 6:30 p.m.

#### **2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL:** Attending the meeting at Town Hall was Trustee Duvall "Val" Truelsen. Attending virtually: Mayor Chad Wheelus, Trustees Jennifer Stark, Tracy Murphy, Melissa Watters, Andy Lewis, and Sheila Wheeler.

**3.1 Staff Present:** Manager Ken Charles, Clerk Tammy Neely, Building Official David Doudy, and Sheriff Steve Nowlin. Attending virtually: Attorney Jon Kelly, Treasurer Tricia Gibson, and Public Works Director Randy McGuire.

**4. ACTION/APPROVAL OF THE AGENDA:** *Trustee Lewis moved to approve the agenda, seconded by Trustee Wheeler. Motion carried unanimously.*

**5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST:** None given

**6. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting. No comments were made.

**7. ACTION/APPROVAL OF THE CONSENT AGENDA ITEMS:**

**7.1 Minutes** from the December 13<sup>th</sup>, 2021, meeting.

**7.2 Proceedings** for the month of December 2021.

*Trustee Stark moved to approve the consent agenda, seconded by Trustee Murphy. Motion was approved unanimously.*

**8. REMOVED ITEMS FROM THE CONSENT AGENDA:** No items were removed

**9. SPECIAL LICENSES/PERMITS:**

**10. STAFF REPORTS/PRESENTATION:**

(For the record, the reports from the Clerk, Building Official, and Public Works was submitted to the packet for Board review)

**10.1 Discussion/Action:** Appointment for Municipal Court Judge. Manager Ken Charles introduced the procedure for the Board to choose the candidate of their choice. Also provided in the packet was the application and qualification documents. Manager Charles requested that the Board appoint a municipal court judge. Beth Padilla and Will Furse introduced themselves and answered questions from the Board members. *Trustee Stark moved to approve Beth Padilla as the Town of Dolores Municipal Court Judge, seconded by Trustee Murphy. Motion passed by six yes votes and 1 no.*

**10.2 Sheriff's Report:** Sheriff Steve Nowlin reported to the Board the calls for service for the month of December also provided Year end totals for 2021.

**10.3 Manager's Report:** Manager Ken Charles gave general updates on events that will be taking place:

- Energy Performance Contract consultant Iconergy met with staff member to discuss their initial findings. Iconergy will be on the Agenda for the January 24<sup>th</sup>, 2022, meeting.
- The Town held two open houses on January 6<sup>th</sup> & 7<sup>th</sup> to allow members of the public to participate in a presentation on the Draft LUC, presented by Town Consultant Elizabeth Garvin. The LUC is available on the Towns website.

Manager Charles also gave a schedule for upcoming events for the month of January, as well as Staff Administrative projects.

**10.4 Attorney's Report:** Attorney Jon Kelly presented three options for zoning the Harris property.

- Option # 1 The Town designates the property as "Public" under the LUC restricting the allowed uses.
- Option #2 The Town adopts an ordinance restricting the use of the property.
- Option #3 The Town partners with a private entity for a conservation easement on the property that restricts use and development.

Attorney Kelly gave examples of Towns in the State that have at least one of the options in place. He also discussed the advantages and disadvantages on the three options.

**10.5 Treasurer's Report:** Treasurer Tricia Gibson reported on the sales tax.

**11. BOARDS/COMMISSIONS:**

**11.1 Parks/Playground Advisory Board:** Manager Charles presented photos of the new playground sign.

**11.2 Planning & Zoning:** Linda Robinson reported a meeting has not been held since her last report. Upcoming will be a public hearing on the LUC Code Draft.

## **12. OUTSIDE ORGANIZATIONS:**

**12.1 Chamber of Commerce:** Director Susan Lisak updated the Board on upcoming events and meetings.

**12.2 Montezuma County Commissioner** Jim Candelaria reported to the Board that Montezuma County Commission met with Dolores and San Miguel County Commissioners and have discussed to move forward to join in part of the discussion on the NCAA the National Conservation area on the Dolores River. He explained that the river is managed as wild and scenic. The Counties have voiced their opinions as to how the area/river will be taken care of. Commissioner Candelaria touched on issues concerning land use, and drug use in the County and surrounding areas.

**13. PUBLIC HEARINGS:** None scheduled

## **14. ACTION/APPROVAL ORDINANCES/RESOLUTIONS:**

**14.1 Action/Approval Resolution R466 Series 2022 and OPIOD IGA:** A resolution approving the OPIOD IGA of participating local governments and authorizing the mayor to execute the agreement on behalf of the Town. *Trustee Murphy moved to approve Resolution R466 Series 2022 and OPIOD IGA, seconded by Trustee Watters. The motion was approved unanimously.*

**14.2 Action/Approval Resolution R467 Series 2022:** A resolution designating a public place for posting public notices in compliance with the Colorado Sunshine Act 1972. *Trustee Murphy moved to approve Resolution R467 Series 2022, seconded by Trustee Lewis. Motion was approved unanimously.*

## **15. ADMINISTRATIVE BOARD BUSINESS:**

**15.1 Discussion/Review on the RFP for Joe Rowell Park:** Manager Charles introduced the RFP. The Parks/Playground Advisory Committee and Staff have been working on an RFP. The Town budgeted \$15,000.00 for the plan. Manager Charles presented a scope of events to get the RFP started. The services will be provided by a consultant team which will include but not be limited to project programming, development, and evaluation conceptual designs for the public engagement process, and final designs for JRP. The Town reserves the right to negotiate any and all elements of any Consultant proposal. A draft was prepared for Board review. Manager Charles requested the Board to allow to get the RFP out and move forward. The Board asked about discussing it with the strategic plan on January 17<sup>th</sup>, 2022, Workshop. The discussion will continue at the January workshop on the 17<sup>th</sup>.

**15.2 Discussion of Annexation and Zoning designation of Town owned Property:** This was discussed in the Attorney's report item 10.4.

## **16. TRUSTEE REPORTS AND ACTIONS:**

**16.1 Comments/Discussion** on Land Use Code. No comments were given from the Board.

## **17. ITEMS FOR THE UPCOMING JANUARY UPCOMING MEETINGS**



**17.1** Workshop for the Strategic Planning on January 17<sup>th</sup>, 2022, at 6:30 p.m.

**17.2** Board meeting January 24<sup>th</sup> at 6:30 p.m.

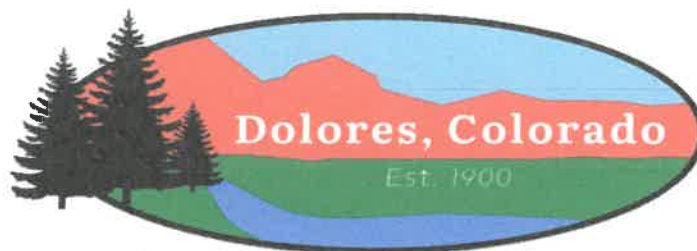
**18 ADJOURNMENTS:** Trustee Truelsen adjourned the meeting at 8:40 p.m.

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Mayor Chad Wheelus

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Town Clerk Tammy Neely



## **WORKSHOP**

### **TOWN OF DOLORES**

### **BOARD OF TRUSTEES**

**JANUARY 17<sup>TH</sup>, 2022 6:30 P.M.**

**FOR THE RECORD, THE MEETING WAS HELD BOTH LIVE AND VIRTUALLY. THE RECORDING MAY BE SEEN ON THE TOWNS WEBSITE.**

<https://townofdolores.colorado.gov>

A workshop is an informal Board meeting. It is for discussion of certain events. No action is taken during the meeting. The purpose of this workshop is to discuss a Strategic Plan for the Town of Dolores.

Manager Charles opened the discussion explaining the visions, goals, and objectives for the Strategic Plan. Staff has been working with DOLA/Patrick Rondinelli to develop the visions and goals, Manager Charles has developed the Objectives. It is the intent to develop a plan in steps by Objectives. Presented was a spreadsheet of objectives, concerning the Town government body. There were two speakers for the workshop:

- Paul Major of the Telluride Foundation: He touched on affordable housing and the local government involvement. Mr. Major presented slides of different types of housing that is cost effective for low-income families.
- Laura Lewis-Marchino executive director of the Region 9 Economic Development District of Southwest Colorado. She discussed economic, business, and community development. She stressed that housing is needed for teachers, law enforcement, and retail.

The Board discussed the topics of the mission statement for the town, affordable housing, and economic development.

Several Trustees voiced opinions on the mission statement. Some wanted short and simple others, were stating that it should be based on the Towns events, businesses, and parks. Public participation is very important. The Board decided to more workshops to cover the Strategic Plan.

**Adjournment:** Mayor Wheelus adjourned the workshop at 8:05 p.m.



## **AGENDA**

### **TOWN OF DOLORES COLORADO**

### **BOARD OF TRUSTEES MEETING**

**JANUARY 24<sup>TH</sup>, 2022 6:30 P.M.**

THE MEETING WILL BE HELD AT TOWN HALL 420 CENTRAL AVENUE.

IF YOU WISH TO ATTEND VIRTUALLY, PLEASE VISIT THE TOWN WEBSITE UNDER GOVERNMENT TOWN BOARD MEETING FOR THE ZOOM LINK

<https://townofdolores.colorado.gov>

#### **1. CALL TO ORDER**

#### **2. PLEDGE OF ALLEGIANCE**

#### **3. ROLL CALL**

#### **4. ACTION/APPROVAL OF THE AGENDA**

#### **5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**

**6. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting.

#### **7. SPECIAL LICENSES/PERMITS**

#### **8. STAFF REPORTS/PRESENTATIONS:**

**8.1 Managers Report:** Manager Ken Charles

**8.2 Attorney's Report:** Attorney Jon Kelly

#### **9. OTHER ORGANIZATIONS:**

**9.1 Montezuma County Commissioner** Jim Candelaria

**10. ADMINISTRATIVE BOARD BUSINESS:**

**10.1 Presentation/Possible Action:** Shirley Powell (Historic Preservation Board) Scott Darling and Pete Eschallier (Kokopelli Bike & Board). Rehabilitation of the Exon Mercantile Building, on 315 Central Avenue. A proposal of grant funds.

**10.2 Update/Discussion on Flanders Park** restroom project.

**11. PUBLIC HEARINGS:** None at this time.

**12. ACTION/APPROVAL ORDINANCES/RESOLUTIONS:**

**12.1 Ordinance 557 Series 2022: First Reading** Repealing and reenacting portions of the Dolores Land Use Code.

**12.2 Resolution R 468 Series 2022:** Approving the contract for Municipal Judge.

**12.3 Resolution R469 Series 2022:** Ratifying the appointment of Trustees to the Dolores Library District.

**12.4 Ordinance 556 Series 2022, First Reading:** Annexing certain town owned property to the Town and Zoning such lands.

**13. TRUSTEES REPORTS AND ACTIONS:****14. ITEMS FOR UPCOMING MEETINGS:****15. ADJOURNMENT:**



## MINUTES

### TOWN OF DOLORES COLORADO

### BOARD OF TRUSTEES

JANUARY 24TH, 2022 6:30 P.M.

FOR THE RECORD, THE MEETING WAS HELD BOTH LIVE AND VIRTUALLY. THE RECORDING MAY BE SEEN ON THE TOWNS WEBSITE.

<https://townofdolores.colorado.gov>

#### 1. CALL TO ORDER:

#### 2. PLEDGE OF ALLEGIANCE

**3. ROLL CALL:** Board Members that attended live: Mayor Chad Wheelus, and Trustee Duvall "Val" Truelsen. Virtual: Trustees Jennifer Stark, Tracy Murphy, Melissa Watters, Andy Lewis, and Sheila Wheeler.

**3.1 Staff Present:** **Attending live:** Manager Ken Charles, Clerk Tammy Neely, Building Official David Doudy, Attending virtual Treasurer Tricia Gibson, and Public Works Director Randy McGuire.

**4. ACTION/APPROVAL OF THE AGENDA:** *Trustee Stark moved to approve the agenda, with the amendment of adding item 10.3 Fishing is fun proposal, seconded by Trustee Truelsen. Motion approved unanimously.*

**5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST:** None stated.

**6. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting.

**6.1 Lisa Roche 104 N 7<sup>th</sup>:** Addressed the Board concerning zoning P1, (pertaining to the ordinance ~~556~~/558) stating that construction should be discouraged, and that the hillside needs to be preserved for conservation.

**6.2 Joyce Porter 222 9<sup>th</sup>:** Addressed the Board on annexation of the Harris property. She asked that Board conserve it. She commented that construction could damage the area. She also asked that the Board consider the safety.

**6.3 Ira "Todd" Andrews:** Announced that he was running for Trustee in the Town of Dolores. He remarked that if you do not get involved you cannot be effective.

**6.4 Jerry Whited:** 100 N 19<sup>th</sup> street. Thanked the Board for their work. And announced that he will be running for the office of Mayor on the Town Board.

## **7. SPECIAL LICENSES/PERMITS**

## **8. STAFF REPORTS/PRESENTATIONS:**

**8.1 Manager Report:** Manager Ken Charles, reported to the Board items of importance:

- **Energy Performance:** Staff met with Iconergy (energy performance consultants). An energy audit was conducted and included an analysis of the towns water meters, improvement to the blower system at the Wastewater Treatment Plant, town hall, and streetlights. A brief report was provided for Board review.
- **Chamber/Board meeting,** Manager Charles asked the Board for dates to meet. Mayor Wheelus asked if there could be a workshop after a meeting. It was agreed that the Town Board meet with the Chamber of Commerce in the form of a workshop on February 28<sup>th</sup>, 2022.
- **Manager Charles reported** on two open houses were conducted on January 6<sup>th</sup> and 7<sup>th</sup> for citizens of the town to review the Land Use Code draft.
- **Elections:** Clerk Neely reported the final results candidates; running for Mayor will be Leigh Reeves and Jerry Whited. There will be no Trustees race as there were three candidates that petitioned: Ira "Tod" Andrews, Jeff Sand, and Mark Youngquist. They will be filling the seats for the outgoing Jen Stark, Tracy Murphy, and Melissa Watters.
- **A letter to DOLA requesting planning grant funds** for the next design phase of the water system improvements. This will be for replacing and looping pipelines in the west part of town and locating a site and sizing for a new water tank. The town is requesting a planning grant of \$24,833.00 for Phase II Water System Improvements. Affordable Housing Planning Grant, the town is requesting a planning grant of \$10,000.00. The town owns several properties that are suitable for affordable housing. There is a need for workforce housing and a planning grant was budgeted for 2022.

Manager Charles also provided the Board updates on Covid-19 vaccinations, water dock consumption, revenue for 2021, and usage of the charging station.

**8.2 Attorney's Report:** Attorney Jon Kelly, addressed the Board concerning email safety and proper communication amongst Board Members. He touched on the Sunshine Laws for communication through emails.

## **9. OTHER ORGANIZATIONS:**

**9.1 Montezuma County Commissioner:** Jim Candelaria reported precinct redistricting. Currently there are eleven precincts. There will now be twelve precincts. He announced Commissioner Stevenson's services will be held at the fairgrounds January 31<sup>st</sup>, 2022, 11:00 am.

## **10. ADMINISTRATIVE BOARD BUSINESS:**

**10.1 Presentation/Possible Action:** Scott Darling, of Kokpelli Bike and Board, and Shirley Powell of the Historical Preservation Board (HPB) introduced a grant proposal for the rehabilitation of the Exon Building located on 315 Central Avenue. He proposed a grant for funds for the rehabilitation of the building. Shirley Powell addressed the Board concerning the eligibility of the grant. In 1999 the Board passed an ordinance and historic register. The Town would be required to apply for the grant on behalf of the historical building rehabilitation. There would be additional amenities as in tax credits, no matching costs, and benefits to residents as well. The Board would need to make a formal decision as the eligible applicant to submit a proposal to the History Colorado/State Historical Fund in support of the exterior rehabilitation of the Exon Building. The Town will not be providing any funds. *Trustee Truelsen moved to approve the Town be the applicant for the Exon Building Historic Grant, seconded by Trustee Murphy. Motion passed unanimously.*

**10.2 Discussion Flanders Park Restrooms:** Building Official David Doudy described to the Board the type of building and requirements for water and sewer lines for the restrooms. The building is to be designed with little maintenance. A scale drawing of the proposed building was provided to the Board. The materials that will be used is block, concrete, and stainless steel. Trustee Stark asked if there is way it could be used year around and also since the Town Building has solar if there was some way to tie into that source. Manager Charles will research cost and options. The Board directed Manager Charles to move ahead with the project.

**10.3 Fishing is fun proposal:** The Parks/Playground Advisory Committee discussed with the Board on the proposal to create fish habitat and river repair. AquaHab/Corey Sue Hutchinson along with the Parks/Playground Advisory Committee and Manager Charles have been working on the project, a grant called Fishing is Fun is available for the source of funding. Chairman Kalin Grigg went through the proposal with the Board. He also talked about the possible costs of the project and equipment requirements. The projected cost is estimated at \$71,000.00. The grant would be 75/25 meaning the Town would need to provide 25% of the funding. The project would start in the year 2023. The Parks/Playground Advisory committee recommends to the Board to move ahead with the project. Manager Charles informed the Board that heavy equipment will be required. Mayor Wheelus reminded the Board that this project is an upgrade as it has been done

in recent years. *Trustee Truelsen moved to approve the Fishing is Fun Grant, seconded by Trustee Murphy. Motion was approved unanimously.*

**11. PUBLIC HEARINGS:** no hearing was scheduled

**12. ACTION/APPROVAL OF ORDINANCES/RESOLUTIONS:**

**12.1 Ordinance 557 Series 2022: First Reading,** Repealing and reenacting portions of the Dolores Land Use Code. Manager Charles introduced the ordinance as the entire LUC. There was two years of work to get the code completed. The Planning Commission is making a recommendation to forward to the Board for first reading approval. *Trustee Truelsen moved to accept Ordinance 557 Series 2022 on first reading, and to set it for Public Hearing February 14<sup>th</sup>, 2022, seconded by Trustee Lewis. Motion carried unanimously.*

**12.2 Resolution R468 Series 2022:** Approving the contract for Municipal Judge. Attorney Jon Kelly introduced the resolution. The Resolution is to provide a contract for Beth Padilla, the Boards choice for Municipal Judge. Attorney Kelly informed the Board the Judge serves as an independent contractor; therefore, a contract was drawn, and presented to the Board with the resolution. *Trustee Murphy moved to approve Resolution R468 Series 2022, and contract for the appointment of Beth Padilla as The Town of Dolores Municipal Court Judge, seconded by Trustee Watters. Motion carried unanimously.*

**12.3 Resolution R469 Series 2022:** Ratifying the appointment of Trustees to the Dolores Library District. Manager Charles introduced the resolution. He explained that the Library District was created by the Town Board. The Library Board of Directors has two vacancies, and the Library Board requests the Town Board to appoint Tamara Woodbury and Beth Mitchell to replace the two outgoing members. *Trustee Stark moved to approve Resolution R469 Series 2022 appointing two members to the Library District Board, seconded by Trustee Watters. Motion carried unanimously.*

**12.4 Ordinance 556 Series 2022** (Ordinance 556 number was found to be incorrect, the correct number should be 558, all supporting documents and notices were corrected for the record). An Ordinance Annexing Certain Town owned property to the Town and zoning such land. Manager Charles introduced the need for the annexation. The Town of Dolores over the years acquired much of the Hillside properties and owns from north of the water dock east above 18<sup>th</sup> street. Some of the parcels are located out of the city limits. In 2021 the Town acquired the Harris property which is a 37-acre parcel. The parcels and descriptions are as follows:

LEGAL DESCRIPTIONS – Tracts to be incorporated into the Town of Dolores town limits

Tract 1

All that portion of the N/2 NW/4 SW/4 of Section 10, T.37 N., R.15 W., NMPM, Montezuma County, Colorado, conveyed to the Town of Dolores in Reception #497817 and Reception



#497820 abutting the existing town limits of the Town of Dolores established in court order by Judge O.J. Scharnhorst on July 10th, 1900.

#### Tract 2

All that portion of the E/2 SW/4 of Section 10, T.37 N., R.15 W., NMPM, Montezuma County, Colorado, conveyed to the Town of Dolores in Bk. 547 Pg. 377 abutting the existing town limits of the Town of Dolores established in court order by Judge O.J. Scharnhorst on July 10th, 1900 and abutting the North line of that property described in Bk. 85 Pg. 199 also described as the North line of the Dolores School Tract No. 4 of the Eastern Addition to the Town of Dolores recorded Plat Bk. 8 at Page 37.

#### Tract 3

All that part of the NW/2 SE/4 of Section 10, T.37 N., R.15 W., NMPM, Montezuma County, Colorado, conveyed to the Town of Dolores in Bk. 547 Pg. 377 abutting the existing town limits of the Town of Dolores whose North line is the North line of those properties conveyed by deeds recorded in Bk. 218 Pg. 225, also described as Block 38 of Taylor-Brumley Addition to the Town of Dolores, and Bk. 386 Pg. 369, also described by metes and bounds in Reception #466833, less and except that property recorded Bk. 303 Pg. 183 (Bk. 235 Pg. 39 of said deed recorded Bk. 547 Pg. 377) and that property recorded Reception #563768.

Manager Charles proposed a conservation easement which is an agreement made between a landowner and a qualified conservation organization such as Montezuma Land Conservancy. He explained that landowners enter into a conservation agreement for financial incentives and community benefits. The cost to develop a conservation easement would range from \$30,000.00 to \$50,000.00. A letter of intent would be required from the Town to the Montezuma Land Conservancy. Trustee Truelsen questioned the location for a water tank. Trustee Wheeler questioned the letter of intent and stated that she needed clarification the difference between conservation and preservation. Conservation landowner gives up the right to manage the property. Attorney Kelly stated that there would need to be a meeting with Montezuma Land Conservancy. The cost would be minimal as MLC would apply for the grant. He stated that this will be months of work. He verified that the entire 37-acre parcel known as the Harris property is entirely in the town limits. The purpose of the ordinance is to zone the three tracts. The Harris property was left out the ordinance because the surveyor had not completed the survey for the Harris property. Other topics discussed was the location and fit of the water tank. Trustee Stark inquired as to why all tracts need to have a conservation easement and suggested the three

parcels be zoned P-1. Trustee Truelsen moved to adopt Ordinance 558 (corrected) and annex the three parcels, zoning them P-1, seconded by Trustee Watters. Trustee Wheeler commented that she was not in favor of the property being zoned P-1, and it needed more discussion. The motion was carried by five yes votes, and two no votes. Truselsen moved to zone the Harris property, and the other three properties be zoned P-1. Motion failed for lack of a second. Mayor Wheelus asked the Staff to bring back the letter of intent with the Montezuma Land Conservancy, and zoning clarification. Manager Charles clarified that a public hearing will be scheduled for the February 14<sup>th</sup> Board meeting.

**13. TRUSTEES REPORTS AND ACTIONS:** No reports

**14. Adjournment:** Mayor Wheelus adjourned the meeting at 9:05

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Mayor Chad Wheelus

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Town Clerk Tammy Neely

TOWN OF DOLORES  
Check Register  
Reporting All Cash Accounts  
From: 1/1/2022  
To: 1/31/2022

Number	Seq	Date	Void	Vendor Name	Invoice Number	Comments	Amount	Manual Chk
26408		01/02/2022		CIRSA	W22064	2022 WORKERS' COMPENSATION	\$9,113.65	
26409		01/02/2022		UTILITY NOTIFICATION CENTER	221120428		\$17.16	
26410		01/08/2022		AQUA HAB	1140	FISH HABITAT & PEDESTRIAN IMPROVEMENTS	\$1,500.00	
26411		01/08/2022		CIRSA	220320	2022 VAMP POLICY	\$9.92	
26412		01/08/2022		DOLORES STATE BANK	JANUARY262022		\$2,034.14	
26413		01/08/2022		MOUNTAINLAND SUPPLY COMPANY	JANUARY22022		\$521.65	
26414		01/08/2022		NETFORCE PC, INC.	19847		\$1,817.86	
26415		01/08/2022		STATEWIDE INTERNET PORTAL AUTHORI	00002531		\$924.00	
26416		01/14/2022		AT&T MOBILITY	28729/557507X12282021		\$207.85	
26417		01/14/2022		CATERPILLAR FINANCIAL SERVICES COR	31851091		\$3,669.70	
26418		01/14/2022		FASTTRACK COMMUNICATIONS, INC.	JANUARY12022		\$827.50	
26419		01/14/2022		GRAINGER	9156467368		\$1,688.25	
26420		01/14/2022		INTERMOUNTAIN FARMERS	1016414275		\$407.96	
26421		01/14/2022		JON LEWIS KELLY, P.C.	JANUARY32021		\$1,925.00	
26422		01/14/2022		WATER SOLUTIONS LLC	DOL-12/31/21		\$473.52	
26423		01/14/2022		LEPEW PORTA JOHNS, INC	2021-12-008		\$522.65	
26424		01/14/2022		PARTNERS IN PARTS	571104		\$114.48	
26425		01/14/2022		PIONEER PRINTING	7486	LAND USE CODE BOOKS	\$172.50	
26426		01/14/2022		SAN JUAN BASIN PUBLIC HEALTH DEPAR	2021-6021		\$106.00	
26427		01/14/2022		TOWN OF MANCOS	2021-5	VAC TRUCK REPAIR	\$470.91	
26428		01/14/2022		USA BLUEBOOK	829434	EFFLUENT CONTROLLER	\$1,760.89	
26429		01/21/2022		CIRSA	212129	COVERAGE ADJUSTMENT 2021 EXPENSE	\$423.26	
26430		01/21/2022		COMMUNITY RECODE	1102	CODE DRAFTING 10/2021 - 11/2021	\$4,200.00	
26431		01/21/2022		DOLORES GENERAL STORE	JANUARY12022	2021 EXPENSE	\$68.15	
26432		01/21/2022		BALLENTINE COMMUNICATIONS	17438	2021 EXPENSE	\$315.57	
26433		01/21/2022		EMPIRE ELECTRIC ASSOCIATION	JANUARY242022	2022 GROUP SOLAR BILL	\$823.95	
26434		01/21/2022		EMPIRE ELECTRIC ASSOCIATION	JANUARY24A2022	2022 GROUP BILL	\$4,023.58	
26435		01/21/2022		FUN CENTER, INC.	JANUARY42022	2021 EXPENSE	\$39.99	
26436		01/21/2022		GREEN ANALYTICAL LABORATORIES	GAL2201-014		\$100.00	
26437		01/21/2022		Kenneth Charles	JANUARY2022RENT		\$800.00	

\* Indicates Out Of Sequence Check Number

## TOWN OF DOLORES

## Check Register

## Reporting All Cash Accounts

From: 1/1/2022

To: 1/31/2022

Number	Seq	Date	Void	Vendor Name	Invoice Number	Comments	Amount	Manual Chk
26438		01/21/2022		PARKERS WORKPLACE SOLUTIONS	12/31/21	2021 EXPENSE	\$755.40	
26439		01/21/2022		SUPERIOR AUTO SUPPLY CO	DECEMBER282021	2021 EXPENSE	\$588.59	
26440		01/21/2022		SOUTHWEST COLORADO CYCLING ASSO	2021 CONTRIBUTION	2021 CONTRIBUTION FOR TRAIL WORK	\$500.00	
26441		01/21/2022		CEBT PAYMENTS	INV 0046717	2022 EXPENSE	\$8,870.60	
26442		01/21/2022		CEBT PAYMENTS	INV 0046071	2021 EXPENSE	\$17,443.60	
26443		01/22/2022		BANKCARD CENTER	DECEMBER242021		\$1,147.72	
26444		01/26/2022		CENTURYLINK	JANUARY82022		\$144.88	
26445		01/26/2022		CRUZAN IRRIGATION, INC	21022		\$41.71	
26446		01/26/2022		FLYERS ENERGY, LLC	CFS-2882235	2022 EXPENSE	\$727.57	
26447		01/26/2022		FLYERS ENERGY, LLC	CFS-2863685	2021 EXPENSE	\$795.33	
26448		01/26/2022		IMAGENET CONSULTING LLC	INV78081		\$32.94	
26449		01/26/2022		IMAGENET CONSULTING LLC	INV82433		\$35.76	
26450		01/26/2022		MONTEZUMA COUNTY SHERIFFS OFFICE	JANUARY112022		\$12,795.95	

EFT Check Count: 0 Amount: \$0.00

Regular Check Count: 43 Amount: \$82,960.14

Voided Check Count: 0 Amount: \$0.00

Signature

These invoices are approved for payment.

\* Indicates Out Of Sequence Check Number

## TOWN OF DOLORES

## Billing Period Report

For 1 1/1/2022 - 1/31/2022

Include Write Off Accounts: True

Account Active Hold	Location Hold End	Transaction Type	Amount*	Transaction Date	EID	Last Reading	New Reading	Usage
<b>Billing Period Totals</b>								
		Balance Forward	36,151.08	559				
		<b>Payments &amp; Credits</b>						
		Payment Cash	-2,782.05	33				
		Payment Check	-35,047.47	432				
		<b>Payments &amp; Credits</b>	-37,829.52	465				
		<b>SEWER</b>						
		SEWER	15,904.06	482				
		<b>SEWER</b>	15,904.06	482				
		<b>WATER</b>						
		WATER	18,690.00	551				
		<b>WATER</b>	18,690.00	551				
		Ending Balance	\$32,915.62	2,057				

## Rate Code Totals

Rate Code	Amount	Usage	Count
<b>SEWER</b>			
CS1 COMM IN TOWN	\$2,056.17	270,000	62
S01 RESIDENT IN TOWN	\$10,345.12	833,700	332
S02 RESIDENT OUT OF TOWN	\$674.31	48,200	13
S03 RESIDENT IN TOWN 1K	\$249.28	56,000	8
S1K COMMSEWER1KMETER	\$1,714.49	596,000	30
S90 SENIOR LI DISCOUNT	\$864.69	108,700	37
<b>WATER</b>			
C05 COMM.TAP IN TOWN	\$92.52	942,700	3
CW1 COMM IN TOWN	\$2,290.98	288,700	63
CW2 COMM 1K OUT TOWN	\$44.35	1,000	1
CW3 CM1K IN TOWN	\$1,061.07	230,000	24
MF1 100 GAL MULTI FAMILY INTOWN	\$643.52	71,000	20
MF2 1K MULTI FAMILY INTOWN	\$975.63	380,000	11
MF3 1K OUT OF TOWN MULTI FAMILY	\$165.94	15,000	3
MF4 100 GAL MULTI FAMILY OUT OF TOV	\$444.00	12,900	10
R01 RESIDENT IN TOWN	\$9,982.98	752,300	318
R02 RES. TOWN TAP	\$246.72	0	8
R03 RESIDENT OUT TOWN	\$1,633.18	107,800	35
RK1 RESIDENT 1K METER	\$173.86	41,000	4
TW1 TOWN WATER	\$0.00	11,900	10
TW2 TOWN WATER 1 K	\$0.00	0	2
W90 SENIOR LI DISCOUNT	\$935.25	108,600	38
WD WATER DOCK 1K	\$0.00	119,000	1

## Usage Totals

## TOWN OF DOLORES

## Billing Period Report

For 1 1/1/2022 - 1/31/2022

Include Write Off Accounts: True

Account Active Hold	Location Hold End	Transaction Type	Amount*	Transaction Date	EID	Last Reading	New Reading	Usage
<b>SEWER</b>								
			0					
		Commercial	882,100					
		MultiFamily	300					
		Other	0					
		PublicGovt	1,000					
		Residential	1,029,200					
			1,912,600					
<b>WATER</b>								
			0					
		Commercial	897,900					
		MultiFamily	300					
		Other	0					
		PublicGovt	131,900					
		Residential	2,051,800					
			3,081,900					
		Total Usage	4,994,500					

## Negative Usage

No customers were billed for negative usage in this period.

## Other Receipts

Description	Amount
ATMOS FRANCHISE	\$15,649.18
ATMOS TOWER LEASE	\$2,087.61
BUILDING PERMIT	\$2,861.99
BUSINESS LICENSE	\$1,225.00
COMNET FRANCHISE	\$718.34
DOG LICENSE	\$200.00
EMPIRE FRANCHISE	\$3,808.62
INSTALLATION FEES-WATER	\$650.00
MISC-STREETS	\$1,344.62
PARKS AND REC REVENUE	\$50.00
PROP TAX-OWNERSHIP	\$1,188.75
TAP FEE-SEWER	\$4,500.00
TAP FEE-WATER	\$4,500.00
WATER DOCK	\$1,310.00
	\$40,094.11
Payment Type	Amount
Cash	\$-1,445.00
Check	\$-38,649.11
	\$-40,094.11

\* Indicates non-finalized charge

**Town board February 14, 2022**

**Building Official/Building Inspector report**

**Current projects:**

1. 102 Railroad – Fire line installed, waiting for the request for an above ground hydro test of suppression system, installation of fire/burglar alarm. Walk through with State of Colorado planned for 2-9-2022.
2. Del Rio work being conducted on the eastern section of the stabilization.
3. 110 N 16<sup>th</sup> Street – Framing complete, wiring, and plumbing being completed.
4. 201 S 2<sup>nd</sup> Street – insulation and drywall completed.

**New permits: One permit issued for a total of \$2,861.99**

1. #1038 – New single family detached residential structure

**Consultations - Phone and in person (This is a new section I have added to reflect this area of work)**

48 consultations in January

**Construction Inspections**

16 construction inspections of permits issued

**Future projects on the horizon:**

1. New subdivision for eight duplex units between 15<sup>th</sup> and 16<sup>th</sup> should be presented to the P&Z shortly.

**Business Inspections**

1. One
2. Working on the annual business inspection list to begin inspections.

**STR Inspections**

1. One re-inspection

**Internet Technology**

New computer for the Building Official office. This computer is replacing a used one that the town had purchased two years ago. This brings the town to current at all workstations and board computers.

**SPECIAL PROJECTS**

1. Park restroom
  - a. Work was completed to determine the depth of the existing sewer line. The depth will allow for the restroom to be located at the south side of the park between the parking lot and the water tower. This gives ample room for the train, the restroom and the accessible use of the facilities. This location will also eliminate any need for a pump station with grinder pump, which is not recommended for a public restroom.
  - b. Working on a cost estimate for the construction of the restroom to determine the projected costs.
2. Storage room
  - a. Purchased rack shelving for the records room to organize the records of the town. The first three of five shelving units are erected and in place. Town staff will go through the records and organize the filing of the remaining records and then the final two racks can be erected and installed.

**STR's**

No additional report on STR's this month

**Depot Fire 2-2-2022**

Sometime during the night of February 2, 2022 and the early morning of February 3, 2022, there was a fire in the Depot at 520 Railroad Avenue. The fire started in the char broiler after an employee had turned the gas to full on, rather than off. The char broiler continued to burn, until it built up sufficient heat to ignite the insipient grease on the char broiler, this then extended to the hood system grease build up causing the fire suppression system to activate. (Note: The grease build up was not significant, as the owner has been diligent on cleaning the hood) The fire suppression system operated as intended and extinguished the fire. The controls in the fire suppression system shut off the gas supply and turned on the vent system to the hood as designed.

The damage was limited to the char broiler and the cleanup of the liquid chemical suppression agent in the kitchen area. The vent operated all night removing all heat to the building resulting in frozen water pipes. The operation of the vent is designed to remove the smoke and other combustion elements during and after a fire.

The owner of the occupancy arrived in the early morning of February 3, 2022 to find the situation. Cleanup was begun and a fire suppression company was contacted to recharge the system. In addition, the owner placed temporary heating devices to heat the building to successfully thaw out the pipes.

This is a situation in which the business inspection program resulted in a successful outcome for the business owner and resulted in a single day of being out of business rather than several months, or possibly the closing of the business if there had been significant damage.



**PUBLIC WORKS REPORT**

**JANUARY 2022**

**1-1-22** Plants RJ- Call out for water dock

1-2-22 Plants-RJ

1-3-22 Plants, locates, haul snow

1-4-22 Plants, Quarterly WWTP samples, Bacti, cL2, turbidity report, energy audit meeting. Remove snow berm from intersections, and work on WWTP eff meter.

1-5-22 Plants, locate, check meter for leaks, finish setting up WWTP eff meter, haul snow.

1-6-22 Plants, Haul snow

1-7-22 Plants, haul snow, fill cL2 feed barrel at well, start replacing blower motor at WWTP

1-8-22 Plants-RJ

1-9-22 Plants RJ. Call out for water shut off.

1-10-22 Plants, locates, remove Christmas lights at Town Hall, finish replacing blower motor at WWTP, haul snow.

1-11-22 Plants, haul snow, check water dock

1-12-22 Plants, install new water meter at 202 N 21<sup>st</sup> street, move snow pile at 12<sup>th</sup> And Hillside, Pull cL2 samples.

1-13-22 Plants, replace blower at WWTP, DMT's, water shut off at 308 Riverside

1-14-22 Plants, start blower rebuild for WWTP

1-15-22 Plants-Randy

1-16-22 Plants-Randy

1-17-22 Plants-Randy

1-18-22 Plants, start WWTP blower rebuild, check sewer line on N 20<sup>th</sup>, water shutoff at 100 N 7<sup>th</sup>, meeting for sprinkler install on S2nd.

1-19-22 Plants, pull cL2 samples, locates, blade streets.

1-20-22 Plants, finish WWTP blower rebuild, locates

1-21-22 Plants, tune up for pickup, final meter read at Dolores RV Park.

1-22-22 Plants-Anthony

1-23-22 Plants Anthony

1-24-22 Plants, exercise valves on South 2<sup>nd</sup>, clean shop, lube backhoe.

1-25-22 Plants, read meters, inventory, jet rodded sewer main between N19th and N 20<sup>th</sup>.

1-26-22 Plants, pull cL2 samples, return jet rodder to Mancos, put gravel in alley's, WWTP BIO solids report, meeting for cabin build upriver.

1-27-22 Plants, open storm drains, blade streets.

1-28-22 Plants, Quarterly water tank inspection, water shutoff at 200 Central check storm drains.

1-29-22 Plants, call out for water dock\_ Wyatt

1-30-22 Plants Wyatt

1-31-22 Plants, lube backhoe, loader, and motor graders, remove rocks from road to water tank, service PH meter at water tank.



**TOWN OF DOLORES**

**JANUARY**

**2022**

COUNTY OF MONTEZUMA  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 12 MONTHS ENDING DECEMBER 31, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DOLORES CONTRACT</u>					
001.1650.1120 PERMANENT SALARIES	7,635.39	95,532.20	107,719.00	12,186.80	38.7
001.1650.1152 OVERTIME	292.01	2,751.55	4,000.00	1,248.45	68.8
001.1650.1160 FRINGE BENEFITS	2,503.66	31,534.39	37,281.00	5,746.61	84.6
001.1650.1220 OPERATING EXPENSES	3,150.70	7,988.84	10,000.00	2,011.16	79.9
001.1650.1221 MP MAINTENANCE	.00	.00	2,500.00	2,500.00	.0
001.1650.1310 PROFESSIONAL SERVICES	.00	3,000.00	3,000.00	.00	100.0
001.1650.1387 VEHICLE EXPENSES	.00	3,833.79	6,500.00	2,666.21	59.0
001.1650.1425 FLEET COSTS	.00	132.05	.00	132.05	.0
001.1650.1610 DISPATCH FEES	.00	29,000.00	29,000.00	.00	100.0
TOTAL DOLORES CONTRACT	13,581.75	173,772.82	200,000.00	26,227.18	86.9

10,1

1

Date	Journal	Payee or Description	Account Number	Debit Amount	Credit Amount	Balance
<b>DOLORES CONTRACT</b>						
		PERMANENT SALARIES	11/30/2021 (11/21) Balance 001.1650.1120			87,886.81
12/04/2021	PC	PAYROLL TRANS FOR 12/4/2021 PAY PERIO		4,152.96		
12/18/2021	PC	PAYROLL TRANS FOR 12/18/2021 PAY PERIO		3,482.43		
		12/31/2021 (12/21) Period Totals and Balance		7,635.39	.00	95,532.20
YTD Encumbrance	.00	YTD Actual	95,532.20 Total	95,532.20 YTD Budget	107,719.00 Unexpended	12,186.80
<b>OVERTIME</b>						
		OVERTIME	11/30/2021 (11/21) Balance 001.1650.1152			2,459.54
12/04/2021	PC	PAYROLL TRANS FOR 12/4/2021 PAY PERIO		292.01		
		12/31/2021 (12/21) Period Totals and Balance		292.01	.00	2,751.55
YTD Encumbrance	.00	YTD Actual	2,751.55 Total	2,751.55 YTD Budget	4,000.00 Unexpended	1,248.45
<b>FRINGE BENEFITS</b>						
		FRINGE BENEFITS	11/30/2021 (11/21) Balance 001.1650.1160			29,030.74
12/04/2021	PB	PAYROLL TRANS FOR 12/4/2021 PAY PERIO		533.58		
12/18/2021	PB	PAYROLL TRANS FOR 12/18/2021 PAY PERIO		1,970.07		
		12/31/2021 (12/21) Period Totals and Balance		2,503.65	.00	31,534.39
YTD Encumbrance	.00	YTD Actual	31,534.39 Total	31,534.39 YTD Budget	37,281.00 Unexpended	5,746.81
<b>OPERATING EXPENSES</b>						
		OPERATING EXPENSES	11/30/2021 (11/21) Balance 001.1650.1220			4,838.14
12/20/2021	AP	AT&T		98.00		
12/08/2021	AP	CENTURYLINK		52.70		
12/23/2021	AP	LEXIPOL LLC		3,000.00		
		12/31/2021 (12/21) Period Totals and Balance		3,150.70	.00	7,988.84
YTD Encumbrance	.00	YTD Actual	7,988.84 Total	7,988.84 YTD Budget	10,000.00 Unexpended	2,011.16
<b>MP MAINTENANCE</b>						
		MP MAINTENANCE	11/30/2021 (11/21) Balance 001.1650.1221			.00
		12/31/2021 (12/21) Period Totals and Balance		.00	.00	.00
YTD Encumbrance	.00	YTD Actual	.00 Total	.00 YTD Budget	2,500.00 Unexpended	2,500.00
<b>PROFESSIONAL SERVICES</b>						
		PROFESSIONAL SERVICES	11/30/2021 (11/21) Balance 001.1650.1310			3,000.00
		12/31/2021 (12/21) Period Totals and Balance		.00	.00	3,000.00
YTD Encumbrance	.00	YTD Actual	3,000.00 Total	3,000.00 YTD Budget	3,000.00 Unexpended	.00
<b>VEHICLE EXPENSES</b>						
		VEHICLE EXPENSES	11/30/2021 (11/21) Balance 001.1650.1387			3,833.79
		12/31/2021 (12/21) Period Totals and Balance		.00	.00	3,833.79
YTD Encumbrance	.00	YTD Actual	3,833.79 Total	3,833.79 YTD Budget	6,500.00 Unexpended	2,666.21
<b>FLEET COSTS</b>						
		FLEET COSTS	11/30/2021 (11/21) Balance 001.1650.1425			132.05
		12/31/2021 (12/21) Period Totals and Balance		.00	.00	132.05
YTD Encumbrance	.00	YTD Actual	132.05 Total	132.05 YTD Budget	.00 Unexpended	(132.05)
<b>TRAINING</b>						
		TRAINING	11/30/2021 (11/21) Balance 001.1650.1500			.00
		12/31/2021 (12/21) Period Totals and Balance		.00	.00	.00
YTD Encumbrance	.00	YTD Actual	.00 Total	.00 YTD Budget	.00 Unexpended	.00
<b>DISPATCH FEES</b>						
		DISPATCH FEES	11/30/2021 (11/21) Balance 001.1650.1610			29,000.00
		12/31/2021 (12/21) Period Totals and Balance		.00	.00	29,000.00
YTD Encumbrance	.00	YTD Actual	29,000.00 Total	29,000.00 YTD Budget	29,000.00 Unexpended	.00

10.1 3

County of Montezuma

Detail Ledger - expense ledger

Page: 23

Period: 12/21 - 12/21

Jan 25, 2022 01:14PM

Date	Journal	Payee or Description	Account Number	Debit Amount	Credit Amount	Balance
CONTRACT REFUND		11/30/2021 (11/21) Balance	001.1650.1675			.00
		12/31/2021 (12/21) Period Totals and Balance		.00	.00	.00
YTD Encumbrance	.00	YTD Actual	.00	Total	.00	YTD Budget
				.00	Unexpended	.00
Total DOLORES CONTRACT:				13,581.75	.00	160,191.07

10.1 4

# Detective Division

## Dolores Monthly

January 2022

	MONTHLY	YEAR TO DATE
NEW CASES ASSIGNED	0	0
CASES CLEARED / INACTIVE / CLOSED	0	0
CASES PENDING	0	0
VALUE OF STOLEN / DAMAGED PROPERTY	\$0.00	\$0.00
VALUE OF RECOVERED PROPERTY	\$0.00	\$0.00
HOURS WORKED	0	
OTHER - HOURS WORKED	0	0

### MONTEZUMA COUNTY DETECTIVE DIVISION HAD THE FOLLOWING:

CASE #	OFFENSE-VIOLATION	STATUS
--------	-------------------	--------

**Summons Written For the  
Town of Dolores  
JANUARY  
2022**



10.1 4

**Dolores Summons**

Total Records: 50

**MONTEZUMA COUNTY SHERIFF'S  
OFFICE**

730 EAST DRISCOLL STREET  
CORTEZ, CO 81321  
STEVE NOWLIN - SHERIFF  
970-565-8452  
970-564-3731



CITATION NUMBER	CHARGES	Count
C32038		1
Date Reported		Issuing Officer
1/2/2022		MANN, HEATHER
CITATION NUMBER	CHARGES	Count
C31878		1
Date Reported		Issuing Officer
1/3/2022		GUTTRIDGE, KOLTAN
CITATION NUMBER	CHARGES	Count
C29448		1
Date Reported		Issuing Officer
1/7/2022		GALLEGOS, MATTHEW
CITATION NUMBER	CHARGES	Count
C29777		1
Date Reported		Issuing Officer
1/11/2022		SMITH, STEVEN
CITATION NUMBER	CHARGES	Count
C29449		1
Date Reported		Issuing Officer
1/15/2022		GALLEGOS, MATTHEW
CITATION NUMBER	CHARGES	Count
C32351		1
Date Reported		Issuing Officer
1/21/2022		GUTTRIDGE, KOLTAN
CITATION NUMBER	CHARGES	Count
C32350		1
Date Reported		Issuing Officer
1/25/2022		MANN, HEATHER
CITATION NUMBER	CHARGES	Count
C32252	CRIMINAL VIOL - ASSAULT IN THE THIRD DEGREE	1
Date Reported		Issuing Officer
1/11/2022		SCHMALZ, PETER

CITATION NUMBER	CHARGES	Count
C32258	CRIMINAL VIOL - ASSAULT IN THE THIRD DEGREE	1
Date Reported		Issuing Officer
1/16/2022		SCHMALZ, PETER
CITATION NUMBER	CHARGES	Count
C32060	CRIMINAL VIOL - ASSAULT IN THE THIRD DEGREE	1
Date Reported		Issuing Officer
1/25/2022		HILL, BRYAN
CITATION NUMBER	CHARGES	Count
C29778	CRIMINAL VIOL - ASSAULT IN THE THIRD DEGREE, CRIMINAL VIOL - CRIMINAL MISCHIEF <\$500 (M3), CRIMINAL VIOL - DOMESTIC VIOLENCE, CRIMINAL VIOL - CHILD ABUSE (M3)	1
Date Reported		Issuing Officer
1/11/2022		SMITH, STEVEN
CITATION NUMBER	CHARGES	Count
C32253	CRIMINAL VIOL - ASSAULT IN THE THIRD DEGREE, CRIMINAL VIOL - DOMESTIC VIOLENCE	1
Date Reported		Issuing Officer
1/30/2022		SCHMALZ, PETER
CITATION NUMBER	CHARGES	Count
C32205	CRIMINAL VIOL - CRIME OF VIOLATION OF A PROTECTION ORDER (M1), CRIMINAL VIOL - CRIME OF VIOLATION OF A PROTECTION ORDER (M1), CRIMINAL VIOL - CRIME OF VIOLATION OF A PROTECTION ORDER (M1)	1
Date Reported		Issuing Officer
1/2/2022		PARKER, TOMAS
CITATION NUMBER	CHARGES	Count
C31879	CRIMINAL VIOL - CRIMINAL MISCHIEF <\$500 (M3)	1
Date Reported		Issuing Officer
1/3/2022		GUTTRIDGE, KOLTAN
CITATION NUMBER	CHARGES	Count
C32352	CRIMINAL VIOL - CRIMINAL MISCHIEF <\$500 (M3), CRIMINAL VIOL - DOMESTIC VIOLENCE	1
Date Reported		Issuing Officer
1/21/2022		GUTTRIDGE, KOLTAN
CITATION NUMBER	CHARGES	Count
C31530	CRIMINAL VIOL - DOG NOT UNDER CONTROL	1
Date Reported		Issuing Officer
1/6/2022		GOTHARD, PATRICK
CITATION NUMBER	CHARGES	Count
C31797	CRIMINAL VIOL - DOG NOT UNDER CONTROL	1

<b>Date Reported</b>		<b>Issuing Officer</b>
1/31/2022		FROST, THOMAS
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32135	CRIMINAL VIOL - DROVE VEHICLE DUI - ALCOHOL/DRUGS/OR BOTH	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/7/2022		WEST, MARC
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31799	CRIMINAL VIOL - DROVE VEHICLE W/BLOOD ALCOHOL CONTENT 0.08 PER SE	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/17/2022		FROST, THOMAS
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31820	CRIMINAL VIOL - DROVE VEHICLE WHILE ABILITY IMPAIRED - ALCOHOL/DRUGS/OR BOTH	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/22/2022		KENNEDY, ALEXANDER
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C29294	CRIMINAL VIOL - FALSE REPORTING TO AUTHORITIES	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/15/2022		HAYNES, JOHN
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31795	CRIMINAL VIOL - MENACING (PLACED ON THE PERSON IN FEAR)	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/12/2022		FROST, THOMAS
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31534	TRAFFIC VIOL-ORDINANCE - CARELESS DRIVING	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/18/2022		GOTHARD, PATRICK
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32151	TRAFFIC VIOL-ORDINANCE - DISREGARDED/FAILED TO STOP AT STOP SIGN	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/30/2022		AYBAR, HAKAN
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31531	TRAFFIC VIOL-ORDINANCE - OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/12/2022		GOTHARD, PATRICK
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31839	TRAFFIC VIOL-ORDINANCE - SPEEDING-	1

<b>Date Reported</b>		<b>Issuing Officer</b>
1/2/2022		LANYON, JACOB
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31840	TRAFFIC VIOL-ORDINANCE - SPEEDING-	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/5/2022		LANYON, JACOB
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31841	TRAFFIC VIOL-ORDINANCE - SPEEDING-	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/5/2022		LANYON, JACOB
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32150	TRAFFIC VIOL-ORDINANCE - SPEEDING-	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/28/2022		AYBAR, HAKAN
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31529	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/5/2022		GOTHARD, PATRICK
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32091	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/9/2022		GILBERTO, JACOB
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31532	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/17/2022		GOTHARD, PATRICK
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31533	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/18/2022		GOTHARD, PATRICK
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31535	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1
<b>Date Reported</b>		<b>Issuing Officer</b>
1/19/2022		GOTHARD, PATRICK
<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31339	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/19/2022	GREEN, KAYLEE

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32353	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/22/2022	GUTTRIDGE, KOLTAN

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C31536	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/24/2022	GOTHARD, PATRICK

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32139	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/26/2022	WEST, MARC

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32140	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/26/2022	WEST, MARC

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32141	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/27/2022	WEST, MARC

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32142	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/27/2022	WEST, MARC

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32092	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/28/2022	GILBERTO, JACOB

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32199	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/28/2022	AYBAR, HAKAN

<b>CITATION NUMBER</b>	<b>CHARGES</b>	<b>Count</b>
C32196	TRAFFIC VIOL-ORDINANCE - SPEEDING LIMITS	1

<b>Date Reported</b>	<b>Issuing Officer</b>
1/28/2022	AYBAR, HAKAN

10/11

CITATION NUMBER	CHARGES	Count
C31794	TRAFFIC VIOL-STATUTE - DROVE (MOTOR/OFF-HIGHWAY)VEHICLE WHEN LICENSED SUSPENDED	1

Date Reported	Issuing Officer
1/9/2022	FROST, THOMAS

CITATION NUMBER	CHARGES	Count
C32061	TRAFFIC VIOL-STATUTE - DROVE (MOTOR/OFF-HIGHWAY)VEHICLE WHEN LICENSED SUSPENDED	1

Date Reported	Issuing Officer
1/29/2022	HILL, BRYAN

CITATION NUMBER	CHARGES	Count
C31904	TRAFFIC VIOL-STATUTE - DROVE VEHICLE W/O VALID LICENSE	1

Date Reported	Issuing Officer
1/10/2022	COPELAND, JEFF

CITATION NUMBER	CHARGES	Count
C32198	TRAFFIC VIOL-STATUTE - DROVE VEHICLE W/O VALID LICENSE	1

Date Reported	Issuing Officer
1/27/2022	AYBAR, HAKAN

CITATION NUMBER	CHARGES	Count
C32137	TRAFFIC VIOL-STATUTE - SPEEDING > 10-19 MPH OVER PRIMA FACIE LIMIT , TRAFFIC VIOL-STATUTE - DISPLAYED EXPIRED NUMBER PLATES	1

Date Reported	Issuing Officer
1/8/2022	WEST, MARC

CITATION NUMBER	CHARGES	Count
C32138	TRAFFIC VIOL-STATUTE - SPEEDING > 40 MPH OVER PRIMA FACIE LIMIT , CRIMINAL VIOL - DROVE VEHICLE DUI - ALCOHOL/DRUGS/OR BOTH , CRIMINAL VIOL - DROVE VEHICLE W/BLOOD ALCOHOL CONTENT 0.08 PER SE, TRAFFIC VIOL-STATUTE - RECKLESS DRIVING	1

Date Reported	Issuing Officer
1/9/2022	WEST, MARC

## **Municipal Code/Traffic Citations and Reports**

**January 2022**

### **Hours worked for Detectives and patrol**

Detective Hours: 0

Patrol Hours: 37.5



## Dolores Colorado

**To: MAYOR AND TRUSTEES**  
**From: Ken Charles, Dolores Town Manager**  
**Dt: February 14, 2022**  
**RE: Meeting Information Update**

### **Monday/s Town Board Meeting**

On the agenda for our regular meeting Monday February 14:

There are three public hearings for Ordinances 557 to adopt the new LUC and 558 to annex and zone town owned properties and zone these properties and last for a new liquor license permit. The public hearings will be followed by action items on all three ordinances. There is also a resolution to approve the new and improved IGA regarding the regional Opioid agreement.

### **General Updates**

- I met with the Chamber board and discussed dates for a joint meeting. The board thought it would be more useful to meet when the new board members were sworn in.
- The town held two open houses on January 6 and 7 to allow members of the public to participate in a presentation on the Draft LUC by the town's consultant Elizabeth Garvin and staff. The public will have the opportunity to make comments. Tentative schedule to adopt the revised Land Use Code (LUC). Beginning in October 2019 the Dolores Planning and Zoning Commission and staff have diligently worked with the town's consultant Elizabeth Garvin to draft a revised LUC. The revisions are now complete, and we are prepared to move toward adopting the full revised code. The schedule, subject to change is:
  1. On January 11, 2022, the Planning and Zoning Commission held a public hearing followed by a motion to recommend to the town board approval of the code.
  2. On January 24, 2022, the mayor and trustees will review on First Reading adoption of the revised LUC
  3. On February 14, 2022, the mayor and trustees will hold a public hearing on the revised LUC followed by action to either approve the LUC, approve with changes or delay the approval pending further changes.

The entire draft LUC is posted online at the town's website and can be accessed from the Home Page. Also available is a Power Point prepared by Elizabeth Garvin that highlights the major changes in the LUC

As you review the code, please contact me with questions, clarifications or comments that you might have.





- Jon Kelly and I met with Travis Custer the Executive Director of the Montezuma Land Conservancy to discuss the creation of a conservation easement for the town owned properties. We will discuss that later in the meeting and the Mr. Custer will be able to attend the February 28<sup>th</sup> meeting to present and answer questions.
- The town sponsored a presentation for the public on February 9<sup>th</sup> to present materials and for fire mitigation options on private properties.
- Staff is organizing a Meet and Greet for the candidates for office. This will be an opportunity for the candidates to meet town employees, learn about town services, and put a face with names.

#### **Upcoming Events**

- February 17 Parks Committee Parks meeting.
- February 14 & 28 Town board meetings.
- April 13-15 Colorado City/County Managers Association Annual Conference.
- February 15 P&Z meeting
- March 1 Fishing is Fun grant deadline.

**Town of Dolores (TOD)****Infrastructure Needs List for DOLA****February 2022****Water, Sewer, Drainage****Source: Town of Dolores 2018 CIP Asset Inventory, Condition Assessment, and a Repair and Replacement Cost Estimate****Water**

1. The Town's water distribution system consists of 52,000 LF of various size pipeline. Much of that pipe needs to be replaced due to the pipe's age and that it is undersized and cannot meet fire flow protection standards. There is also the need to install 3,700 LF of new 8-inch pipe to connect all the dead-end segments of water line in town. The total LF of line that either needs replacement or new pipe to complete the dead-end loops is 24,500. There are also fire hydrants and valves that need replacement.

**Cost: \$3,800,000**

2. Water meters

The Town's 550 water meters are old and wearing out and all need to be replaced.

**Cost \$500,000**

3. Water Tank

The Town's water system requires an additional water tank to meet fire flow. The town does not yet know the size or expense. Cost estimate is based on recently built tanks in the region.

**Cost \$1,500,000****Total Water \$5,800,000****Wastewater**

1. The town's sewer collection system requires minor replacement of pipeline.

**Cost: \$ \$831,000**

2. Wastewater Treatment

Improvements include replacing diffused aerators, blowers, and new pond liners.

**Cost \$375,000****Total Sewer \$1,206,000****Stormwater**

1. The Town has installed much of the subsurface and above surface drainage infrastructure, but there remains sections of subsurface drainage to install. Most of these sections require crossing State Highway 145.

**Total Stormwater \$2,000,000**

**Jon Lewis Kelly, P.C.****ATTORNEY AT LAW**

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February 9, 2022

Mayor, Trustees and Manager, Town of Dolores

**RE: Executive session on February 14, 2022**

An executive session to discuss a legal matter will appear on the agenda on February 14, 2022.

It is imperative that executive sessions be kept confidential in compliance with Colorado law. Conducting an executive session by Zoom is by its nature problematic. While we have done so in the past during the declared public health emergency, that emergency has passed.

Therefore, if it all possible, it would be advisable for you to attend the meeting in person rather than virtually.

That said, I do understand that there may be those who cannot risk attending in person due to legitimate health concerns. And of course, if you are having symptoms of COVID19 or have been recently exposed, by all means follow recommended CDC guidelines. If you find that you must attend the executive session virtually, please adhere to the following rules:

1. Please ensure that no one else is present with you in the room where you are participating;
2. Take reasonable precautions to ensure that no one else can overhear what is said in the executive session. This might include giving consideration to whether others could eavesdrop, closing doors and instructing those in your household to respect the need for confidentiality and,
3. If for some reason the confidentiality of the executive session is interrupted at your location, please tell us at once so that we can pause the meeting , while you deal with the interruption.

Thank you.

Very Truly Yours,



Jon Lewis Kelly

10.4 1

TREASURER'S REPORT  
TOWN OF DOLORES  
February 9, 2022

Petty Cash	\$300.00
Hi-Fi Savings Account	\$1,049,239.75
Checking Account	\$128,319.95
Conservation Trust Fund	\$14,628.49
ColoTrust	\$859,515.75
Bonds	\$557,244.80
Business Account (AFLAC)	\$3,711.85
Regular Savings Account	\$5,208.33
Playground Account/Donatic	\$3,250.33
<b>Total</b>	<b>\$2,194,542.95</b>

## **Treasurer's Report**

**February 9, 2022**

This month, the Treasurer signed a Vendor Agreement with the State of Colorado Office of Economic Security to participate in the new Low-Income Household Water Assistance Program (LIHWAP) that is a part of the existing Low Income Energy Assistance Program (LEAP). This allows existing LEAP customers to receive one time assistance with water and sewer bills if they have a past due amount, service disconnect, or are about to be disconnected. Payments are made directly to the Town and credited to the applicant's account. The Treasurer has submitted all of the required paperwork and is waiting for the State to process it. The Town will reach out to eligible LEAP customers to determine if they may benefit from the LIHWAP program.

**From the Colorado Department of Human Services website:**

### **About LEAP**

The Colorado Low-income Energy Assistance Program (LEAP) is a federally funded program that helps eligible hard-working Colorado families, seniors and individuals pay a portion of their winter home heating costs. Our goal is to help bring warmth, comfort and safety to your home and family by assisting with heating costs.

The LEAP program works to keep our communities warm during the winter (November through April) by providing assistance with heating costs, equipment repair and/or replacement of inoperable heating tools. While the program is not intended to pay the entire cost of home heating, we aim to help alleviate some of the burdens that come with Colorado's colder months.

In most cases, the energy assistance benefit is paid directly to the household energy supplier. In most cases, if you are approved for LEAP, payments are made directly to your primary heating fuel vendor and a notice will be sent to you informing you of the benefit amount. Other benefits provided by LEAP include repair or replacement of a home's primary heating system, such as a furnace or wood-burning stove. The program does not provide financial assistance for any type of temporary or portable heating.

### **LEAP eligibility**

If your income is up to 60% of the state median income level, you may qualify for heating assistance through LEAP. The state median income level used for the 2021-22 LEAP season was released by the U.S. Department of Health and Human Services in July 2021. The amount of the energy assistance benefit varies depending on a variety of factors, including the primary heating fuel costs and income.

You may qualify for LEAP benefits if you:

- Pay home heating costs, either directly to a utility company or to a landlord as part of rent.
- Are a permanent legal resident of the United States and a Colorado resident or you have household members who are U.S. citizens.
- Earn a maximum family household income that does not exceed 60% of the state median income level.
- Provide proof of lawful presence in the U.S. Valid forms of identification include:
  - Colorado driver's license or Colorado Identification card
  - United States Military Identification Card or Military Dependent's Identification card
  - United States Coast Guard Merchant Mariner card
  - Native American Tribal document

Use the table below to determine your monthly gross income according to your household size. Household refers to all people living with you and for whom you are financially responsible. The table will be updated this fall with the updated income guidelines for the 2021-2022 season that begins November 1st, 2021.

Household Size	Maximum Gross Monthly Income
1	\$2,759
2	\$3,608
3	\$4,457
4	\$5,306
5	\$6,155
6	\$7,003
7	\$7,163
8	\$7,322
Each Additional Person	\$159

### Low Income Household Water Assistance Program (LIHWAP)

CDHS received additional funding from federal government to assist low income households with their water services. LIHWAP was created to provide a benefit to qualifying household to help reconnect their disconnected drinking water or waste/sewer services, or help the household if facing disconnection with their

drinking water and waste/sewer services, or if they have a past due amount with their drinking water and waste/sewer services. Funds are limited and are on a first come first serve basis.

**To qualify for this assistance, the household must meet these criteria:**

- Be approved for LEAP during November 1, 2021 - April 30, 2022
- Complete the [addendum](#) within the LEAP application and submit a copy of your water bill.
- Must pay drinking water services and/or waste/sewer services directly to a water vendor.
- Services must be in disconnected, facing disconnection, or have a past due amount on the bill.

For households whose water services are included in their rent, have group metering, or pay through their property management/landlord, please refer to the Emergency Rental Assistance Program (ERAP) <https://cdola.colorado.gov/rental-mortgage-assistance>

## COMPARISON OF ENERGY COSTS 2020 TO 2021 WITH SOLAR INSTALLATION

2020	Shop	Sewer Plant	Town Hall	2021	Shop	Sewer Plant	Town Hall
	Account 2352	Account 3739-007	Account 3739-001		Account 2352	Account 3739-007	Account 3739-001
January 2020	\$254.40	\$1,938.47	\$539.24	January 2021	\$362.33	\$1,859.52	\$466.89
February 2020	\$507.47	\$2,101.39	\$531.39	February 2021	\$350.60	\$1,905.09	\$412.92
March 2020	\$413.42	\$0.00	\$0.00	March 2021	\$0.00	\$0.00	\$0.00
April 2020	\$393.73	\$0.00	\$0.00	April 2021	\$0.00	\$0.00	\$0.00
May 2020	\$131.52	\$1,836.36	\$299.68	May 2021	\$88.22	\$1,669.02	\$189.14
June 2020	\$94.87	\$1,914.83	\$208.72	June 2021	\$54.46	\$1,993.15	\$33.60
July 2020	\$90.49	\$1,474.84	\$174.60	July 2021	\$54.46	\$1,429.27	\$33.60
August 2020	\$97.69	\$1,544.31	\$190.30	August 2021	\$54.46	\$986.51	\$33.60
September 2020	\$88.04	\$1,514.71	\$198.95	September 2021	\$111.82	-\$65.34	\$23.05
October 2020	\$99.36	\$1,504.42	\$187.83	October 2021	\$86.94	\$238.59	\$39.90
November 2020	\$114.42	\$1,629.21	\$249.25	November 2021	\$103.58	\$388.60	\$39.90
December 2020	\$254.91	\$1,710.27	\$338.73	December 2021	\$161.93	\$468.69	\$39.90
<b>ANNUAL TOTAL</b>	<b>\$2,540.32</b>	<b>\$17,168.81</b>	<b>\$2,918.69</b>	<b>ANNUAL TOTAL</b>	<b>\$1,428.80</b>	<b>\$10,873.10</b>	<b>\$1,312.50</b>

Town Hall went from \$2,919 in 2020 to \$1,313 in 2021, which is a **55%** decrease.

The sewer plant went from \$17,169 in 2020 to \$10,873 in 2021, which is a **37%** decrease.

The Town Shop went from \$2,540 in 2020 to \$1,429 in 2021, which is a **44%** decrease.

\* Solar was installed during the last half of 2021, first connected to Town Hall, then to the Town Shop and Wastewater Treatment Plant.

\*Cells with value 0 mean that capital credits were applied, so there was no bill that month for that account.



# SALES TAX REVENUE

Dollars posted in Month Received for Prior Month Sales Tax Revenue	2015	2016	2017	2018	2019	2020	2021	2022	DIFFERENCE BETWEEN 2021 AND 2022	AMOUNT REMAINING TO BE COLLECTED FOR 2022 BUDGET OF
JAN	\$ 28,285.73	\$ 27,922.23	\$ 22,550.25	\$ 28,558.84	\$ 26,893.34	\$ 41,649.04	\$ 62,845.40	\$ 64,745.75	\$ 1,900.35	\$ 585,254.25
FEB	\$ 27,893.80	\$ 19,974.91	\$ 18,023.25	\$ 24,527.71	\$ 26,910.26	\$ 35,747.85	\$ 66,319.00	\$ 63,231.49	\$ (3,087.51)	\$ 522,022.76
MAR	\$ 19,243.66	\$ 15,969.13	\$ 22,202.06	\$ 25,291.20	\$ 39,666.60	\$ 42,144.00	\$ 56,104.97			
APRIL	\$ 26,253.41	\$ 22,665.73	\$ 24,480.55	\$ 19,465.48	\$ 28,475.57	\$ 33,859.00	\$ 52,616.65			
MAY	\$ 20,251.10	\$ 27,079.51	\$ 23,991.10	\$ 30,825.91	\$ 25,319.02	\$ 43,955.00	\$ 64,868.45			
JUNE	\$ 23,547.85	\$ 27,616.73	\$ 31,642.71	\$ 37,850.76	\$ 35,276.82	\$ 37,854.00	\$ 54,217.11			
JULY	\$ 33,001.48	\$ 35,831.53	\$ 38,345.83	\$ 32,477.40	\$ 35,576.89	\$ 60,937.00	\$ 67,285.96			
AUG	\$ 33,317.24	\$ 42,266.02	\$ 35,863.59	\$ 47,341.55	\$ 50,486.09	\$ 59,114.63	\$ 80,278.60			
SEPT	\$ 29,679.48	\$ 30,837.36	\$ 40,062.38	\$ 33,750.20	\$ 49,228.25	\$ 71,267.72	\$ 81,307.43			
OCT	\$ 25,889.75	\$ 34,163.99	\$ 44,343.49	\$ 38,377.55	\$ 45,949.36	\$ 72,236.46	\$ 72,119.89			
NOV	\$ 24,820.61	\$ 35,515.27	\$ 36,044.46	\$ 31,593.39	\$ 54,063.52	\$ 66,899.98	\$ 84,376.18			
DEC	\$ 18,881.71	\$ 29,594.84	\$ 28,574.56	\$ 27,357.70	\$ 40,298.94	\$ 66,586.70	\$ 73,546.84			
TOTALS	\$ 292,184.11	\$ 321,842.41	\$ 337,549.67	\$ 350,049.99	\$ 458,144.66	\$ 632,251.38	\$ 815,876.48	\$ 127,977.24		

10.4

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**AGENDA**  
**TOWN OF DOLORES COLORADO**  
**PARKS/PLAYGROUND ADVISORY COMMITTEE**

**January 13<sup>th</sup>, 2022, 6:00 P.M.**

This meeting will be held live at Town Hall 420 Central Ave Dolores Colorado. A face Mask will be required. To attend virtually please visit the Town website: <https://townofdolores.colorado.gov> under the Government tab

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS IF INTEREST.**

**5. ACTION/APPROVAL OF THE AGENDA FOR THE January 13<sup>th</sup>, 2022 meeting.**

**6. ACTION/APPROVAL OF THE MINUTES FROM THE December 9<sup>TH</sup>, 2021 MEETING.**

**7.DISCUSSION OF CONTUING BUSINESS:**

- Fishing is Fun/Aquahab proposal: Review proposal with Corey Sue Hutchinson
- Community garden update
- JRP Master Plan

**8. NEW BUSINES**

No new business to discuss

**9. ADJOURNMENT**

**MINUTES**  
**TOWN OF DOLORES COLORADO**  
**PARKS/PLAYGROUND ADVISORY COMMITTEE**

**January 13th, 2022, 6:00 P.M.**

THE MEETING WAS HELD LIVE AND VIRTUALLY BY ZOOM SEE THE TOWN WEBSITE FOR RECORDING AT

<https://townofdolores.gov>

- 1. CALL TO ORDER:** Commissioner Grigg called the meeting to at 6:05 p.m.
- 2. ROLL CALL:** Committee Members present virtually: Kalin Grigg, Nikki Gillespie, Marianne Mate, and Hugh Robinson, and Ex-Officio Tracy Murphy
  - 2.1 Staff Present:** Town Manager Ken Charles and Town Clerk Tammy Neely appeared live.
- 3. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** None stated or given.
- 4. ACTION/APPROVAL OF THE AGENDA,** for the January 13<sup>th</sup>, 2022, meeting: Commissioner Mate moved to approve the agenda, seconded by Commissioner Gillespie. Motion carried unanimously.
- 5. Public Comment:** Commissioner Grigg opened the meeting for public comment. No comment was given.
- 6. ACTION/APPROVAL OF THE MINUTES** from December 9<sup>th</sup>, 2021, meeting. Commissioner Gillespie moved to approve the minutes for December 9<sup>th</sup>, 2021, seconded by Commissioner Mate. Motion approved.
- 7. DISCUSSION OF CONTINUING BUSINESS:**
  - **Fishing is Fun/AquaHab:** Consultant Corey Hutchinson was online to answer any questions the Committee had. Due to technical problems Corey was unable to stay online. The Committee decided to meet with Corey on January 20<sup>th</sup>, 2022, at 6:00 p.m. to discuss the proposal for the Dolores River Fishing Habitat improvements.
  - **Community Garden Update:** Manager Ken Charles and Attorney Jon Kelly are currently working on a MOU, to present to the Board.
  - **JRP Master Plan:** Manager Charles introduced a timeline and invitation for qualified persons or firms to provide required service to submit proposals for planning, conceptual design services for Joe Rowell Park (JRP). The plan is to develop an overall evaluation of JRP, for park/recreation amenities. Manager Charles explained to the Committee that projects proposed for the park would need to be prioritized and planned. Also, the consultant would need a detailed proposal with key requirements to be considered. A selection criterion will be implemented. Community involvement would be welcomed.

There is some concern that funds are appropriated for a plan and usually ends up on the shelf. Manager Charles stated that there will be future meeting on how to engage the public on the project.

- **Flanders Parks restroom update:** Manager Charles stated that Connie Giles is looking at a block style exterior with a pitched roof to look like the Goose Depot.

#### **8. NEW BUSINESS:**

- **Snow removal:** Commissioner Grigg requested that snow be removed on the west end of the river trail be removed, so there would be access to the trail. Also, a request for part of the river trail be left with snow on it for ski use.

**9 ADJOURNMENT:** Commissioner Grigg adjourned the meeting at 7:15 p.m.

Report to Dolores Board of Trustees, February 9, 2022  
From Dolores Planning and Zoning

During the regular meeting in the month on February 1, 2022, Planning and Zoning Commission attended to the following agenda items.

1. P & Z reviewed a preliminary plat of the boundary adjustment application of Gonzales and Smith at 200 and 202 south 5<sup>th</sup> street. The Commission unanimously voted to approve the preliminary plat and send the request to the Board of Trustees with 3 conditions as recommended by town staff, that will be noted when it comes before the Trustees.
2. P & Z Received a verbal report from Shirley Powell on her work with the Town of Dolores and Kokopelli bike shop to make application from History Colorado for a grant to make specific repairs to the historic Exxon Building. The commission is excited to see restoration efforts of a really important historic building in town, one of only a few remaining from that period of the town of Dolores.
3. P & Z Discussed the state of the new proposed land use code. As it comes before the board of Trustees during the first meeting in February, we encourage you to approve this revised code, and keep in mind that it's a huge improvement over the current code. Additionally, we emphasize that it's a living document. The commission and town staff is committed to reviewing and revising the LUC as needed when issues become apparent. We trust that the Trustees will continue to participate and support such efforts. And we are thankful to all the expert assistance we received from Planner Elizabeth Garvin, from Attorney John Kelly, as well as other Town of Dolores Staff members.

Respectfully,  
Linda Robinson, Chair  
Planning and Zoning Commission



**Discussion and Possible Action**

**Meeting Date: February 14, 2022**  
**AGENDA DOCUMENTATION**  
**ITEM 13,1**

**TO: TOWN OF DOLORES MAYOR & TRUSTEES**

**FROM: TAMMY NEELY**  
**TOWN CLERK**

**SUBJECT: AN APPLICATION FOR A RETAIL LIQUOR LICENSE FOR SPIRITS IN THE SKY WINE & BEER LLC, LOCATED AT 18398 HWY 145 DOLORES COLORADO.**

**PURPOSE AND BACKGROUND**

Connie Ryman of 121 Greenwald Way Evergreen Colorado has leased what previously was the Montezuma Mexican Restaurant 18398 HWY 145 in Dolores. She originally applied for a retail liquor license on September 14<sup>th</sup>, 2021, due to some property closing issues it caused a delay in processing. The documentation in the packet shows correct possession of the property and intent for its use. A diagram is provided to show the display shelves and placement of the alcoholic products. Connie Ryman was fingerprinted, and background checked which reveals no pending criminal or traffic violations per Sheriff Nowlin's report.

Building Official David Doudy reviewed the premise, he has yet to report preliminary findings. He will be conducting a final inspection before Connie is opened for business.

**FISCAL IMPACT**

None

**RECOMMENDATIONS:**

It is the recommendation of Staff, the Board approve the license, and direct Staff to send the application on to the State Liquor Enforcement Division for final approval.

# Montezuma County Sheriff's Office

Steven D. Nowlin - Sheriff

730 East Driscoll  
Cortez, Colorado 81321

Telephone 970-565-8452  
FAX 970-565-3731  
www.montezumasheriff.org

January 3, 2022

To: Dolores Town Board

Subject: New Retail Liquor Store License Review, Sprit in the Sky Wine and Beer LLC

Dear Dolores Town Board,

On September 8, 2021, a Colorado Liquor License Application, was submitted to the Town of Dolores by applicant Spirit in the Sky Wine and Beer LLC by owner/operator Connie Sue Ryman [REDACTED] indicating ownership of the new business identified as Spirit in the Sky Wine and Beer, Limited Liability Corporation, requesting a retail liquor license at the business location of 18398 Highway 145 in Dolores, Colorado. The applicant indicates that she is the sole business owner, leasing the building and property listed in the Liquor License Application from Chris Hamilton, Manager of Puett SP, LLC.

The property lease agreement submitted with the Liquor License Application does not include the property or premises physical address or location. The lease agreement submitted also indicates that another party identified as a Matthew Nuss (no further information) guaranteed all obligations as to the lease of the premises and property along with the applicant Connie Sue Ryman [REDACTED]. The applicant has not identified Matthew Nuss as a financial investor or percentage holder of the business for which the Liquor License approval is being sought.

A search of the Colorado Secretary of State database revealed that the business registration for Spirit in the Sky Wine and Beer, Limited Liability Corporation was formed or registered on 09-13-21, indicating Connie Sue Ryman of 121 Greenwald Way in Evergreen, Colorado as registered agent.

A check for criminal history and/or current court actions in the State of Colorado and through the National Crime Information Center on applicant Connie Sue Ryman [REDACTED] revealed no pending criminal or traffic violation cases, and no criminal violation which would prohibit the issuance of the liquor license.

Submitted with the Colorado Liquor License Application is a floor plan for the proposed business premises, but as of this date an inspection of the proposed license premises to ensure compliance with the Colorado liquor Code has not been completed. A supplemental report will be provided upon completion of the premises inspection.

A neighborhood canvas was not conducted as this is designated as a commercial property lot and nothing surrounding the business location has changed since previous or past allowed liquor license applications at 18398 Highway 145, Dolores, Colorado. Further, the application does not indicate any outdoor alcohol consumption areas.

Respectfully submitted as appointed Dolores Town Marshal,



Steven D. Nowlin, Sheriff  
Montezuma County, Colorado



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## Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

**Notice:** This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business <b>WINE AND SPIRITS IN THE SKY BEER, LLC</b>		Home Phone Number	Cellular Number <b>720-810-4504</b>	
2. Your Full Name (last, first, middle) <b>RYMAN, CONNIE SUE</b>		3. List any other names you have used <b>CONNIE SUE HOLTCAMP / ZANGAR</b>		
4. Mailing address (if different from residence)		Email Address <b>BLUEVALEY151@Gmail.Com</b>		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From To
Current <b>121 GREENWALD WAY</b>		<b>EVERGREEN, CO 80439</b>		<b>7/17/2014 present</b>
Previous <b>134 BEAVER LANE</b>		<b>EVERGREEN, CO 80439</b>		<b>10/31/2010 7/17/2014</b>
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held From To
<b>EMPIRE LAKEWOOD NISSAN</b>		<b>14707 W. COLFAX LAKEWOOD, CO 80401</b>		<b>FLEET MANAGER 3/6/06 PRESENT</b>
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative	Relationship to You	Position Held	Name of Licensee	
<b>N/A</b>				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) ☐ Yes ☒ No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) ☐ Yes ☒ No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) ☐ Yes ☒ No

### Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth <b>01/11/1962</b>	b. Social Security Number [REDACTED]	c. Place of Birth <b>FORT COLLINS, COLORADO</b>	d. U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. If Naturalized, state where		f. When	g. Name of District Court
h. Naturalization Certificate Number		i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number
k. Permanent Residence Card Number			
l. Height <b>5'2"</b>	m. Weight <b>115</b>	n. Hair Color <b>BROWN</b>	o. Eye Color <b>BLUE</b>
p. Gender <b>F</b>	q. Do you have a current Driver's License/ID? If so, give number and state. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No # [REDACTED] State <b>COLORADO</b>		

### 14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other.  
\$ **140,000**

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ **2,136.46**

\* If corporate investment only please skip to and complete section (d)

\*\* Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
<b>FEES: LIQUOR LICENSE APPY, FINGERPRINTING, CHECKING</b>		<b>WELLS FARGO</b>	<b>2,136.46</b>
<b>BACKWASH CHECK, TRAVEL</b>		"	
<b>STORE SUPPLIES, ETC</b>			

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)


Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
<b>REGION 9 SBA LOAN</b>	<b>135 BURNETT DR #1 DURANGO, CO</b>	<b>PENDING</b>	<b>APPROVAL</b>	<b>\$140,000</b>

### Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature 	Print Signature <b>CONNIE S. RYMAN</b>	Title <b>OWNER/OPERATOR</b>	Date <b>9/14/2021</b>
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## Application Documents Checklist and Worksheet

**Instructions:** This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit:** [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor) for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
<b>I.</b>	<b>Applicant information</b> <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input type="checkbox"/> B. State sales tax license number listed or applied for at time of application ✎ <input checked="" type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority (additional items may be required by the local licensing authority) <input type="checkbox"/> E. All sections of the application need to be completed <input type="checkbox"/> F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
<b>II.</b>	<b>Diagram of the premises</b> <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
<b>III.</b>	<b>Proof of property possession (One Year Needed)</b> <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2)
<b>IV.</b>	<b>Background information (DR 8404-I) and financial documents</b> <input type="checkbox"/> A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. <b>Do not complete fingerprint cards prior to submitting your application.</b> The Vendors are as follows: ✓ <b>IdentoGO</b> – <a href="https://uenroll.identogo.com/">https://uenroll.identogo.com/</a> Phone: 844-539-5539 (toll-free) IdentoGO FAQs: <a href="https://www.colorado.gov/pacific/cbi/identification-faqs">https://www.colorado.gov/pacific/cbi/identification-faqs</a> ✓ <b>Colorado Fingerprinting</b> – <a href="http://www.coloradofingerprinting.com">http://www.coloradofingerprinting.com</a> Appointment Scheduling Website: <a href="http://www.coloradofingerprinting.com/cabs/">http://www.coloradofingerprinting.com/cabs/</a> Phone: 720-292-2722 Toll Free: 833-224-2227 <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
<b>V.</b>	<b>Sole proprietor/husband and wife partnership (if applicable)</b> <input checked="" type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
<b>VI.</b>	<b>Corporate applicant information (if applicable)</b> <input type="checkbox"/> A. Certificate of Incorporation <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)
<b>VII.</b>	<b>Partnership applicant information (if applicable)</b> <input type="checkbox"/> A. Partnership Agreement (general or limited). <input type="checkbox"/> B. Certificate of Good Standing
<b>VIII.</b>	<b>Limited Liability Company applicant information (if applicable)</b> <input type="checkbox"/> A. Copy of articles of organization <input checked="" type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of Operating Agreement (if applicable) <input type="checkbox"/> D. Certificate of Authority if foreign LLC (out of state applicants only)
<b>IX.</b>	<b>Manager registration for Hotel and Restaurant, Tavern, Lodging &amp; Entertainment, and Campus Liquor Complex licenses when included with this application</b> <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required



DR 8404 (01/22/20)

Name <b>SPIRITS IN THE SKY WINE AND BEER, LLC</b>		Type of License <b>LIQUOR</b>		Account Number	
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):					
a. Been denied an alcohol beverage license?					<input type="checkbox"/> <input checked="" type="checkbox"/>
b. Had an alcohol beverage license suspended or revoked?					<input type="checkbox"/> <input checked="" type="checkbox"/>
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?					<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered yes to 8a, b or c, explain in detail on a separate sheet.					
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.					<input type="checkbox"/> <input checked="" type="checkbox"/>
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?					<input type="checkbox"/> <input checked="" type="checkbox"/>
Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/>					
Other: _____					
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					<input type="checkbox"/> <input checked="" type="checkbox"/>
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					<input type="checkbox"/> <input checked="" type="checkbox"/>
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?					<input type="checkbox"/> <input checked="" type="checkbox"/>
13 b. Are you a Colorado resident?					<input checked="" type="checkbox"/> <input type="checkbox"/>
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.					<input type="checkbox"/> <input checked="" type="checkbox"/>
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?					<input checked="" type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____					
a. if leased, list name of landlord and tenant, and date of expiration, <b>exactly</b> as they appear on the lease:					
Landlord <b>CHRIS HAMILTON</b>		Tenant <b>CONNIE RYMAN</b>		Expires <b>8/25/2024</b>	
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.					<input type="checkbox"/> <input checked="" type="checkbox"/>
<b>c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".</b>					
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.					
Last Name		First Name		Date of Birth	FEIN or SSN
Last Name		First Name		Date of Birth	FEIN or SSN
					Interest/Percentage
					Interest/Percentage
<b>Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.</b>					
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:					
Has a local ordinance or resolution authorizing optional premises been adopted?					<input type="checkbox"/> <input checked="" type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart)					<input type="text"/>
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.					
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:					
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?					<input type="checkbox"/> <input checked="" type="checkbox"/>
If "yes" a copy of license must be attached.					

DR 8404 (01/22/20)

Name <b>SPRIT IN THE SKY BEER &amp; WINE LLC</b>	Type of License <b>RETAIL LIQUOR STORE</b>	Account Number
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**20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation**

a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?	Yes	No
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?	<input type="checkbox"/>	<input type="checkbox"/>
c. How long has the club been incorporated?	<input type="checkbox"/>	<input type="checkbox"/>
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?	<input type="checkbox"/>	<input type="checkbox"/>

**21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:**

a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

**22. Campus Liquor Complex applicants answer the following:**

a. Is the applicant an institution of higher education?	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

**23. For all on-premises applicants.**

a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record

- DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.

b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application

- DR 8000 and fingerprints.

Last Name of Manager	First Name of Manager
----------------------	-----------------------

**24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.**

	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

**25. Related Facility - Campus Liquor Complex applicants answer the following:**

a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

b. Designated Manager for Related Facility- Campus Liquor Complex

Last Name of Manager	First Name of Manager
----------------------	-----------------------

**26. Tax Information.**

a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist; Section IV, for details.**

Name	Home Address, City & State	DOB	Position	%Owned


**\*\* If applicant is owned 100% by a parent company, please list the designated principal officer on above.**

**\*\* Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)**

**\*\* If total ownership percentage disclosed here does not total 100%, applicant must check this box:**

☐ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

DR 8404 (01/22/20)

Name <b>SPIRITS IN THE SKY WINE BEER LLC</b>		Type of License <b>AND Retail LIQUOR STORE</b>	Account Number	
<b>Oath Of Applicant</b>				
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.				
Authorized Signature 		Printed Name and Title <b>CANNIE S RYMAN, OWNER - MANAGER</b>		Date <b>9/8/21</b>
<b>Report and Approval of Local Licensing Authority (City/County)</b>				
Date application filed with local authority <b>9-13-21</b>		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)		
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:				
<input checked="" type="checkbox"/> Fingerprinted <input checked="" type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants				
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license				
(Check One)				
<input type="checkbox"/> Date of inspection or anticipated date <b>9-10-21</b> <input type="checkbox"/> Will conduct inspection upon approval of state licensing authority				
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?				Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?				<input type="checkbox"/> <input checked="" type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?				<input type="checkbox"/> <input checked="" type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.				
Local Licensing Authority for		Telephone Number		<input type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title	Date	
Signature	Print	Title	Date	

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**SPIRITS IN THE SKY WINE AND BEER LLC**

is a

Limited Liability Company

formed or registered on 08/06/2021 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20211729304 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/09/2021 that have been posted, and by documents delivered to this office electronically through 09/13/2021 @ 10:05:23 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 09/13/2021 @ 10:05:23 in accordance with applicable law. This certificate is assigned Confirmation Number 13434721



*Jena Griswold*

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*  
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



**Articles of Organization for a Limited Liability Company**  
filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

**The domestic entity name of the limited liability company is** SPIRITS IN THE SKY WINE AND BEER LLC

**The principal office street address is** 18398 HIGHWAY 145 UNIT B  
DOLORES CO 81323  
US

**The principal office mailing address is** 18398 HIGHWAY 145 UNIT B  
DOLORES CO 81323  
US

**The name of the registered agent is** CONNIE SUE RYMAN

**The registered agent's street address is** 121 GREEN WALD WAY  
EVERGREEN CO 80439  
US

**The registered agent's mailing address is** 121 GREEN WALD WAY  
EVERGREEN CO 80439  
US

The person above has agreed to be appointed as the registered agent for this limited liability company.

**The management of the limited liability company is vested in** Members

There is at least one member of the limited liability company.

**Person(s) forming the limited liability company**

CONNIE SUE RYMAN  
121 Greenwald Way  
Evergreen CO 80439  
US

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the

applicable, the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

**Name(s) and address(es) of the individual(s) causing the document to be delivered for filing**

CONNIE SUE RYMAN  
121 Greenwald Way  
Evergreen CO 80439  
US

THIS LEASE AGREEMENT is entered into this 1<sup>st</sup> day of December, 2021 between Puett SP, LLC, hereinafter referred to as Lessor, and Spirits in the Sky Wine & Beer, LLC, hereinafter referred to as Lessee.

#### RECITALS

- A. Lessor owns Lot A DRI subdivision, as described on the Plat of record, recorded in Book 19 at Page 38 in the records of the Clerk and Recorder of Montezuma County, in the town of Dolores, County of Montezuma (hereafter referred to as the "Premises").
- B. The building on the Premises was originally used as a convenience store, then a restaurant. It contains fixtures and personal property, like refrigeration equipment, including multiple walk-in coolers, several doors, shelving, and the like that Lessee plans to use in its business (hereafter the "Personal Property").
- C. The Lessee plans to open and run a liquor store and a novelty/convenience store in the Premises. It is in the interest of both parties that the new concept succeed so while this lease begins with the parties' signatures, the obligation to pay rent does not begin until business opens or April 1, 2021 whichever is first.

NOW THEREFORE, in consideration of the covenants and agreements of the parties, and subject to the terms and conditions hereinafter set forth, Lessor leases to Lessee the Premises and the Personal Property.

1. Term. The lease shall commence on December 1, 2021. The initial term shall be five years, ending December 1, 2026. Beginning December 1, 2026, the Lease shall automatically renew for four (4) successive 3-year terms unless terminated by either party in accordance with paragraphs below.

2. Rental. Beginning the first month during which Lessee is open for business to the public or April 1, 2022 whichever is earlier, Lessee shall pay rent of \$2,000 per month as base rent. As additional rental, Lessee shall pay all expenses associated with the Premises, including but not limited to all property taxes or other taxes assessed against the Premises together with the costs of casualty insurance, and all maintenance associated with the Premises other than maintenance of the roof and exterior walls. The parties intend this to be a triple net lease with the exception of Lessor's maintenance obligations for roof and exterior walls. At the time of each renewal, beginning in December of 2026, the rental shall be changed up or down to market. Within 30 days of Lessee informing Lessor of its intent to renew the lease the parties shall attempt to negotiate a new rent. If they are not able to agree, the parties shall agree on an appraiser, who shall determine market rent for the space. The costs of the appraiser, if needed, shall be split between the parties. Each succeeding year, rental shall be increased or decreased in proportion to any increase or decrease in the cost-of-living, as measured by the United States Department of Labor's Urban Consumer Index, all items, or the most nearly comparable index. The months for comparison shall be April of each year. If the figures are not then available, the amount of change may be estimated and corrected by either

party when the figures become available. A charge of \$50 will be assessed for each payment received after the 10<sup>th</sup> of any month. A charge of \$25 will be assessed for any check returned for insufficient payment.

3. Improvements and Maintenance. The space shall be leased in an "as-is" condition. During the first twelve months of this lease, Lessor shall pay one half of the cost of repairs to cooling equipment. During the remaining term of this lease, Lessee shall maintain the Premises and Personal Property in good condition at Lessee's sole expense.

4 Mechanics liens and Plans. Prior to commencing any construction or remodel, rough plans shall be submitted to Lessor for approval, which shall not be unreasonably withheld. Prior to commencement of construction, Lessees shall post notice of Lessor's non-liability for mechanic's liens, in compliance with the Colorado statutes. No structural changes are being made or will be made. No mechanic's liens will be permitted as a result of this or other construction unless there is a good faith dispute by Lessees of the amounts claimed, in which case, Lessee shall post a bond to protect Lessor's interest.

5. Utilities. Lessee shall pay the costs of all utilities provided to the Premises, including but not limited to electricity, telephone, water, trash removal, and gas, commencing with the start date of this lease.

6. Triple Net. This shall be a triple net lease with the exception of Lessor's obligation to maintain the roof and exterior walls and cooling system repairs set forth above. Lessee shall pay all costs of taxes, casualty and liability insurance, maintenance, and any other expenses related to the Premises. Lessee shall keep the Premises in good condition, maintaining all systems, interior spaces, and exterior spaces.

7. Compliance with laws. Lessees will comply with all ordinances of the Town of Dolores and all statutes of the State of Colorado, pertaining to Lessees' occupancy and use of the Premises. All sales taxes shall be promptly paid.

8. Assignment. This lease may be assigned, in whole or in part, only with the written permission of Lessor, which will not be unreasonably withheld. If Lessee's business model isn't viable, Lessor will work with Lessee to find a new tenant to take over the space and will not unreasonably withhold consent to the assignment of this lease to the new tenant.

9. Termination. Lessee may terminate this lease at the end of the initial term and at the end of any extended term by providing written notice of termination at least thirty days before the end of the term. On termination of the lease, unless Lessor agrees in writing otherwise, all Personal Property and all interior walls and flooring shall be repaired and restored to rentable condition. Improvements installed by Lessee and permanent trade fixtures, such as bathrooms, showers, lighting fixtures, flooring and walls, shall not be removed unless they would be an impediment to the next likely tenant, and then, only upon request by Lessor.

10. Default. In the event Lessee defaults in any of the obligations herein undertaken, Lessor shall give Lessees written notice specifying the nature of the default. The notice shall be delivered to Lessees or one of their employees or agents on the Premises, or if none, shall be posted on the front door. If the default is not cured within a 15-day period, the lease shall terminate. Lessees shall surrender possession forthwith, and shall be liable for future rentals, subject to Lessor's obligation to use reasonable efforts to re-lease the Premises. This lease shall automatically terminate should Lessee or their successor file bankruptcy.

11. Insurance. Lessee shall maintain appropriate casualty and liability insurance policies on the Premises and shall cause Lessor to be named as an additional insured. In case of casualty, proceeds related to the structure, fixtures or property owned by Lessor shall be paid to Lessor. Proceeds related to Lessee's personal property shall be paid to Lessee. If the insurance proceeds are sufficient to repair any damage, Lessor will repair the damage, with rentals to abate during any period Lessees are unable to use the Premises. If repairs are not practicable, then the lease shall terminate at the option of either party, with the rentals to be prorated to the date of the fire or casualty.

12. Lessor's Liability Lessor shall not be liable for any loss of damage occasioned by the acts or omissions of other owners or tenants occupying the surrounding premises, or for loss resulting from leaking water, gas, sewer, sprinkler, or other systems, or from any failure or defect in any utility line or facility.

13. Maintenance. Lessees shall keep the leased Premises, including windows and exterior areas appurtenant to the space, in clean, safe, and sanitary condition. Lessees will maintain, in good repair, the interior of the building, including lighting fixtures, wall finishes, flooring, heating and cooling equipment (whether installed on the interior or exterior), plate glass and doors, whether interior or exterior, and Lessees agree to repair all damage to the interior of the building which may occur from time to time, excepting loss by fire or other risk paid for by the insurance policy purchased by Lessee.

14. Quiet Enjoyment If reasonably requested by Lessor, Lessee shall provide Lessor with a key to the Premises, which shall be marked "Do Not Duplicate." It shall not be a violation of the covenant of quiet enjoyment for Lessor or Lessor's agents to access the premises to perform needed maintenance tasks. In case of any such access Lessor shall make reasonable efforts to contact Lessee beforehand. All obligations of either party in this Lease are contingent on Lessor closing on the purchase of the Premises. If the closing does not happen for any reason, this agreement shall be null and void and of no further effect.

15. Security Interest. Lessee hereby grants Lessor a security interest in and to the equipment and fixtures used by Lessee on the premises. The security interest shall secure all of Lessee's obligations in this lease. Lessor shall be entitled to perfect the security interest at any time.


16. Construction The terms and conditions of this Agreement shall be construed, interpreted and enforced in accordance with the applicable laws of the State of Colorado. If any legal action is necessary to enforce the terms and conditions of this Agreement the parties agree that the jurisdiction and venue for bringing such action shall be in the appropriate court in La Plata County, Colorado. In case of any litigation, the prevailing party shall be entitled to reasonable attorney's fees and costs, such fees and costs to include charges by Chris Hamilton if he represents Lessor. This Agreement's final form resulted from review and negotiations among the parties and their attorneys, and no part of this Agreement shall be construed against any party on the basis of authorship.

17. Waiver. No failure by either party to exercise any right it may have shall be deemed to be a waiver of that right or of the right to demand exact compliance with the terms of this Agreement.

Executed this 31<sup>st</sup> day of December, 2021.



Chris Hamilton, as Manager  
Of Puett SP, LLC



Connie S Ryman,  
As Owner/Manager of Spirits in the Sky, LLC

I hereby unconditionally guaranty all obligations of Spirits in the Sky related to this Lease



Matthew A Nuss



Connie S Ryman

## SPECIAL WARRANTY DEED

**THIS DEED** is dated October 25, 2021, and is made between Dolores River Investors, LLC, a Colorado Limited Liability Company (whether one, or more than one), the "Grantor", of the County of Montezuma and State of Colorado, and Puett SP, LLC (whether one, or more than one), the "Grantee," whose legal address is 178 Canyon Creek Trail, Durango, Colorado 81303 County of La Plata State of Colorado

**WITNESS**, that the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration (\$10.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, not in Tenancy in Common, but in Joint Tenancy, all the real property, together with any improvements thereon, located in the County of Montezuma and State of Colorado, described as follows:

Lots A and B, DRI Subdivision, Town of Dolores, as per the plat thereof filed for record July 20, 2017 in Book 19 at Page 38 and Affidavit of Correction recorded August 4, 2017 under Reception Number 612591 in the office of the Clerk and Recorder.


County of Montezuma  
State of Colorado.

also known by street address as: 18398 and 18400 HWY 145 Dolores, CO 81323  
and assessor's schedule or parcel number: 535911301001

**TOGETHER** with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever. The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant and agree that the Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises, *but not any adjoining vacated street or alley*, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor except and subject the following matters: Reservations by prior grantors of all oil, gas and minerals; Taxes and assessments for the year 2021, a lien not yet due or payable; Distribution utility easements, including cable T.V.; Those specifically described rights of third parties not shown by the public record of which buyer has actual knowledge; Inclusion of the property within any special taxing district; and special assessments if the improvements were not installed as of the date of purchase agreement, whether assessed prior to closing or not; Subject to Statutory Exceptions as defined in CRS 38-30-113(5)

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

  
John D. Yauger, Member

  
Carol A. Stepe, Member

  
Patricia Yauger, Member

COUNTY OF Montezuma )  
STATE OF Colorado ) ss.

The foregoing instrument was acknowledged before me this 36<sup>th</sup> day of August, 2021

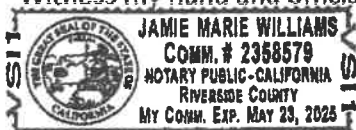
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Riverside

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of November, 2021

By John D. Yauger and Patricia Yauger, Members of Dolores River Investors, LLC

Witness my hand and official seal



Jamie Marie Williams  
Notary Public

My commission expires: May 23, 2025







**Discussion and Possible Action**

**Meeting Date: February 14, 2022**  
**AGENDA DOCUMENTATION**  
**ITEM 13.2**

**TO: TOWN OF DOLORES MAYOR & TRUSTEES**

**FROM: KEN CHARLES**  
**INTERIM TOWN MANAGER**

**SUBJECT: DISCUSSION AND POSSIBLE ACTION CONCERNING SECOND READING OF ORDINANCE 557 SERIES 2022 REPEALING AND REENACTING ARTICLES OF THE DOLORES LAND USE CODE (LUC) AND MUNICIPAL CODE**

**PURPOSE AND BACKGROUND**

Ordinance 557 repeals and reenacts the current Land Use Code except for those articles reenacted by Ordinance 556.

The action tonight will be the Second Reading to adopt the full LUC. First Reading was unanimously approved at the January 24, 2022 meeting. In previous action in December of 2021 the town board approved Ordinance 556 Articles V.J pertaining to ridgeline hazard standards of the Dolores LUC and is replaced with the revised Article V.1, Hazardous and Environmentally Sensitive Areas and Article VI pertaining to procedures of the Dolores LUC is repealed and reenacted with the revised Article VI Procedures. Ordinance 557 repeals and reenacts the remaining articles of the current LUC.

This is the culmination of a two-year effort to update the current code. There have been over fifty public meetings during the update process beginning with the kick-off meetings held in 2019. The town held two open houses for the public on January 6<sup>th</sup> and 7<sup>th</sup>. Full copies of the draft LUC were also made available to the public at town hall and at the Dolores Library. Articles and/or notices were made in the Cortez Journal and the Dolores Gazette.

Comments and questions by the public and from trustees have been addressed by staff. The town has received no new comments since the January 24 meeting.

At the regular scheduled meeting on January 11, 2022, the Dolores Town Planning and Zoning Commission took the following action:

Motion for recommending adoption of the Revised Land Use Code:

**Chairperson Robinson moved and Commissioner Truelsen** seconded that Planning and Zoning Commission has held a public hearing for adoption of the Revised Land Use Code, which notice for the hearing was published as required, comments were submitted, and response was made, and no comments were made at this hearing. Therefore, the Planning Commission recommends the current draft be forwarded to the Board of Trustees to be considered for adoption.

The roll call vote was:

Yes: Truelsen, Powell, Robinson, Heeney and Tucker

No: none

**FISCAL IMPACT**

None

**RECOMMENDATIONS**

Unless there are issues developed from the public hearing, it is the recommendation of the Town Manager and the Planning and Zoning Commission that the mayor and board of trustees approve Ordinance 557 on Second Reading.

Attachments: Link to Draft LUC: <https://townofdolores.colorado.gov/projects>

**TOWN OF DOLORES  
BOARD OF TRUSTEES  
PUBLIC HEARING FOR**

**Ordinance #557 Series 2022, An Ordinance Repealing and Reenacting Portions of The Dolores Land Use Code**

NOW, THEREFORE, BE IT KNOWN, that notice is hereby given of a Public Hearing before the Dolores Board of Trustees at 6:30 P.M. on Monday February 14, 2022 In person at 420 Central Ave or by virtual link provided on the town website <https://townofdolores.colorado.gov/government> tab.

**Whereas** section pursuant to C.R.S. 31-23-301 the Town of Dolores possesses the authority to zone rezone change supplement and revise the zoning classifications or designation of property and to regulate land uses within the town. And

**Whereas** the town has previously adopted a land use code addressing zoning and land use within the Towns boundaries as set forth in Article 17 of the Dolores Municipal Code. And previously amended said land use code by Ordinance 556 on December 13 2021 with the adoption of repeal and replacement of Article V. I article VI and Article IX

**Whereas** the ordinance will provide a complete updated Land Use Code which will provide standards and guidance for development and uses within the corporate limits of the Town of Dolores that reflect the common interests and values of the community.

A Draft of this ordinance is available to view on the Town Website <https://townofdolores.colorado.gov/> If you cannot attend the public hearing, all comments shall be in writing to

Town of Dolores, P.O. Box 630, Dolores, CO  
or 420 Central Avenue, Dolores, CO 81323  
or by email to [Tammy@townofdolores.com](mailto:Tammy@townofdolores.com)

Done this 26<sup>th</sup> day of January 2022

/s/ Tammy Neely, Town Clerk Publish in the-Journal Wednesday  
February 2, 2022

**TOWN OF DOLORES, COLORADO****ORDINANCE NO. 557 SERIES 2022****AN ORDINANCE REPEALING AND REENACTING PORTIONS OF THE DOLORES LAND USE CODE**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Dolores ("Town") possesses the authority to zone, rezone, change, supplement, and revise the zoning classifications or designation of property and to regulate land uses within the Town.

WHEREAS, the Town is authorized by C.R.S. § 31-23-301 to regulate zoning and land use within the Town's boundaries, and the Town has in fact adopted a comprehensive zoning scheme.

WHEREAS, the Town has previously adopted a Land Use Code addressing zoning and land use within the Town's boundaries as set forth in Article 17 of the Dolores Municipal Code.

WHEREAS, the Town is currently undergoing a comprehensive review and revision of its adopted Land Use Code.

WHEREAS, on December 13, 2021, the Town adopted Ordinance 556, amending parts of the Dolores Land Use Code as follows: (1) repealing and reenacting Article VJ as Article V.1, (2) repealing and reenacting Article VI exception for Section VI.O, (3) renumbering Section VI.O as Article IX, and (4) repealing Article I.I and relocating the same in the amended Article VI.

WHEREAS, the revisions to the Dolores Land Use Code attached hereto, and those adopted by Ordinance 556 on December 13, 2021, represent the product of many hours of hard work by the Planning and Zoning Commission with the assistance of Elizabeth Garvin, a consultant funded by a grant for this purpose, over the course of nearly 18 months with numerous opportunities for public input and comment.

WHEREAS, after public notice and final public hearing on January 11, 2022, as required by the Dolores Land Use Code and applicable law and regulations, the Town of Dolores Planning and Zoning Commission has recommended approval of proposed changes to of the remaining provisions of the Dolores Land Use Code as attached hereto.

WHEREAS after public notice and public hearing, the Town of Dolores Board of Trustees finds that the proposed amendments to the remaining provisions of the Town of Dolores Land Use Code promote the health, safety and welfare and are in the best interests of the citizens of the Town of Dolores and should be adopted.

WHEREAS, the Board of Trustees wish to exercise its express statutory authority to amend the Town of Dolores Land Use Code as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:**

**SECTION 1.** Except as previously modified by Ordinance 556 on December 13, 2021, the Dolores Land Use Code is repealed and reenacted as set forth in the revised Land Use Code attached hereto and incorporated herein.

SECTION 2. Article V.I, Article VI and Article IX amended by Ordinance 558 on December 13, 2021 shall remain in full force and effect.

SECTION 3. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. This Ordinance shall take effect \_\_\_\_\_ or thirty (30) days after final publication whichever is later.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading this January 24, 2022.

DOLORES BOARD OF TRUSTEES:

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Passed adopted and approved on the second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

DOLORES BOARD OF TRUSTEES:

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_



## Discussion and Possible Action

Meeting Date: February 14, 2022  
 AGENDA DOCUMENTATION  
 ITEM 13.3

**TO: TOWN OF DOLORES MAYOR & TRUSTEES**

**FROM: KEN CHARLES  
 INTERIM TOWN MANAGER**

**SUBJECT: DISCUSSION AND POSSIBLE ACTION CONCERNING SECOND READING OF ORDINANCE 558 SERIES 2022 ANNEXING CERTAIN TOWN OWNED PROPERTY TO THE TOWN AND ZONING SUCH LANDS.**

### PURPOSE AND BACKGROUND

When the town began working on the purchase of the Harris property in 2021, the plan was to acquire the 37-acre parcel and annex it to the town along with three parcels to the north and east of the Harris property that the town has owned for several years, but is presently outside of the town's boundary. Once the Harris property was surveyed it was found to already be inside the town's boundary. This still leaves these parcels identified on the map provided in your packet to be annexed and receive a zoning designation. The properties were acquired at various times in the past beginning in 1982 and later in 2001. Total acreage is 52.3 acres. The total town owned land inside the new town boundary and primarily consisting of the steep cliffs with the 52.3 acres and the 37-acre Harris property is approximately 140 acres.

According to state statute the minimum required contiguous area of the annexed land to be a minimum one-sixth contiguity. According to the town's surveyor the property exceeds the one-sixth contiguity test. This brief analysis is also in your packet.

This annexation will bring into the town limits an additional 52.3 acres that the town can now move forward to preserve and make open space, which was likely the motivation to acquire the properties. It also gives the town the ability to add a portion of County Road 31 to the town street and road system, which in turn allows the town to designate speed and noise control on this section CR 31. Additionally, the annexation will correct a past survey that left out a narrow strip of property when those properties were previously annexed to the town.

The Planning and Zoning Commission reviewed the zoning designation options at their January 11, 2022 meeting and passed this motion:

**Chairperson Robinson moved and Commissioner Powell seconded** to recommend P 1 zoning designation for all public properties on the attached map and to permit major municipal infrastructure facilities in that zone.

Roll call vote:

Yes: Truelsen, Powell, Tucker, Heeney and Robinson

No: none

P1 zoning is the most restrictive zone designation in the new Land Use Code.

### FISCAL IMPACT

None

### RECOMMENDATIONS

Unless there are issues developed from the public hearing, it is the recommendation of the Town Manager and the Planning and Zoning Commission that the mayor and board of trustees approve Ordinance 557 on Second Reading.

Attachments: Link to Draft LUC: <https://townofdolores.colorado.gov/projects>

**TOWN OF DOLORES  
BOARD OF TRUSTEES  
PUBLIC HEARING FOR**

**Ordinance #558 Series 2022, An Ordinance Annexing Certain Town  
Owned Property To The Town And Zoning Such Lands**

NOW, THEREFORE, BE IT KNOWN, that notice is hereby given of a Public Hearing before the Dolores Board of Trustees at 6:30 P.M. on Monday February 14, 2022 In person at 420 Central Ave or by virtual link provided on the town website <https://townofdolores.colorado.gov/> government tab.

**Whereas** section 17.04.070 of the Dolores Municipal Code and section 6.6 of the Dolores Land Use Code reserves to the town all statutory authority over annexation. And

**Whereas** Article II Section 30 of the Colorado Constitution and Colorado Revised Statutes section 31-12-106 authorizes the municipality to annex any unincorporated area owned by said municipality. And

**Whereas** the effect of this ordinance authorizes the municipality to Annex the unincorporated area on the norther boundary of the corporate limits and record such to the Montezuma County Recorder.

A Draft of this ordinance is available to view on the Town Website <https://townofdolores.colorado.gov/> If you cannot attend the public hearing, all comments shall be in writing to

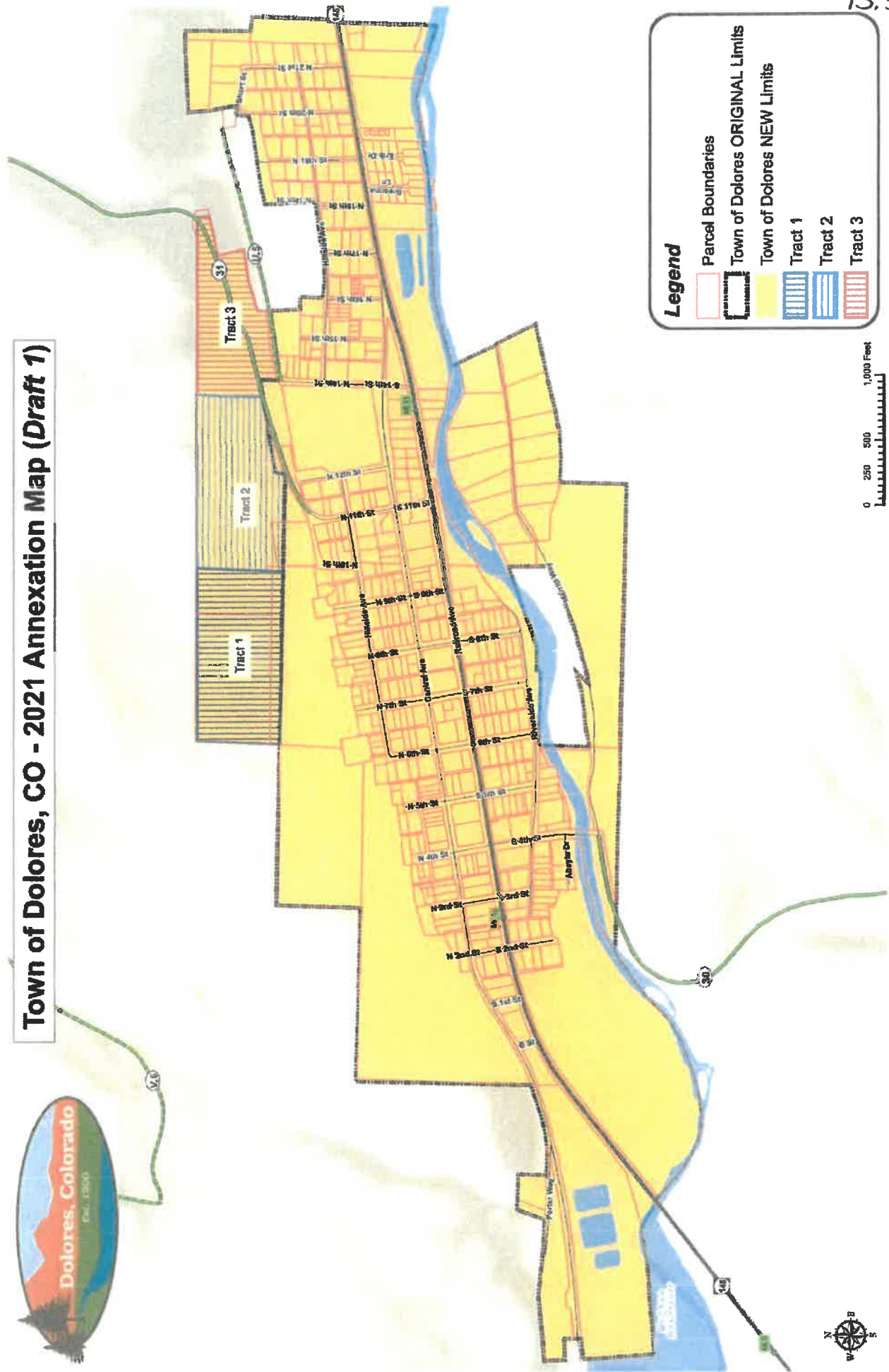
Town of Dolores, P.O. Box 630, Dolores, CO  
or 420 Central Avenue, Dolores, CO 81323  
or by email to [Tammy@townofdolores.com](mailto:Tammy@townofdolores.com)

Done this 26<sup>th</sup> day of January 2022

/s/ Tammy Neely, Town Clerk Publish in the-Journal Wednesday  
February 2, 2022



# Town of Dolores, CO - 2021 Annexation Map (Draft 1)



Gerald G. Huddleston  
Registered Land Surveyor

RE: Proposed Town of Dolores land to be annexed into the Town of Dolores

The total perimeter of the area proposed to be annexed into the Town of Dolores is approximately 8,871 linear feet.

The existing annexed property in the Town of Dolores that will be contiguous with the proposed tract to be annexed is approximately 3,274 linear feet.

The ratio of existing area to the proposed perimeter is  $3,274 \div 8,871 = 0.369$ , expressed in decimal format.

According to C.R.S. 31-12-104 the minimum required contiguous area with the existing annexed property is  $1/6$  of the total perimeter of the area to be annexed, or 0.1667 expressed in a decimal format.

$0.369 \div 0.1667 = 2.21$  or  $2.21/6$

Therefore, the contiguous area of the proposed tract meets and exceeds the minimum requirements.

**TOWN OF DOLORES****ORDINANCE NO. 558****SERIES 2022****AN ORDINANCE ANNEXING CERTAIN TOWN OWNED PROPERTY TO THE TOWN AND ZONING SUCH LANDS**

WHEREAS, the Town Trustees of the Town of Dolores, Colorado, pursuant to Colorado statute and the Dolores Municipal Code and Dolores Land Use Code, is vested with the authority of administering the affairs of the Town of Dolores, Colorado, including annexation; and

WHEREAS, Section 17.04.070 and Dolores Municipal Code and Section 6.6 of the Dolores Land Use Code reserves to the Town all statutory authority over annexation.

WHEREAS Article II, Section 30 of the Colorado Constitution and Colorado Revised Statutes Section 31-12-106 permits a municipality to annex any unincorporated area owned by said municipality; and

WHEREAS, under C.R.S. Section 31-12-106 when the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with section 30(1)(c) of article II of the state constitution and sections 31-12-104(1)(a) and 31-12-105, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109; and

WHEREAS, at various times in the past, the Town of Dolores acquired fee simple title to certain tracts of real property described in Exhibit A to this ordinance ("the Property"); and

WHEREAS, portions of these tracts of real property are outside of the current corporate boundaries of the Town; and,

WHEREAS the Property is owned by the Town and are not solely a public street or right-of-way; and

WHEREAS the perimeter of the area to be annexed is more than one-sixth contiguous with the Town of Dolores; and

WHEREAS, the Town Trustees have considered that the proposed annexation complies with Article II, Section 30 of the Colorado Constitution, and has otherwise determined that such annexation complies with Colorado state law and the Ordinances of the Town of Town of Dolores; and

WHEREAS, pursuant to the provisions of the Dolores Land Use Code, the matter was referred to the Planning Commission to obtain a recommendation as to the appropriate zoning of the Property if it is annexed to the Town; and

WHEREAS the criteria to be considered by the Planning Commission and the Town Trustees in zoning property, as set forth in Section 6.6 of the Land Use Code; and,

WHEREAS, at its meeting on \_\_\_\_\_, 2022, the Planning Commission considered the appropriate zoning of the Property; and

WHEREAS, based on the criteria set forth above, the matters presented to the Planning Commission by the City, and the comments of staff and the public, the Planning Commission has recommended that the Property be zoned as Public (P); and

WHEREAS, following proper notice, the matter was presented to the Town Trustees at its regular meeting on \_\_\_\_\_ 2022; and

WHEREAS, based on the matters presented to it, including comments from staff and the public, and all applicable criteria and requirements, the Town Trustees conclude that it is in the best interest of the Town to annex the Property to the Town of Dolores; and

WHEREAS, based on the recommendation of the Planning Commission, comments from staff and the public, and applying the criteria set forth above, the Trustees conclude that, the Property should be zoned Public.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN TRUSTEES OF THE TOWN OF DOLORES, COLORADO AS FOLLOWS:**

Section 1. The Property described in Exhibit A, attached hereto, and incorporated herein by reference, shall be and hereby is annexed to, incorporated in and made a part of the Town of Dolores, Colorado.

Section 2. The annexation of the Property to the Town of Dolores shall be complete and effective on the effective date of this ordinance, except for purposes of General Property Taxes, and shall be effective as to General Property Taxes on and after the first day of January 2023.

Section 3. The Property shall be zoned Public, and the zoning map for the Town of Dolores shall be amended to reflect such zoning.

Section 4. The Town Clerk is hereby directed to record this Ordinance with the Montezuma County Clerk and Recorder.

Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Trustees hereby declare that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent

with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**PUBLIC HEARING.** This ordinance shall be considered for second or final reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**DOLORS BOARD OF TRUSTEES:**

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Passed adopted and approved on the second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**DOLORS BOARD OF TRUSTEES:**

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

**Town of Dolores  
Resolution No R470  
Series 2022**

**A RESOLUTION APPROVING THE INTERGOVERNMENTAL  
AGREEMENT OF PARTICIPATING LOCAL GOVERNMENTS  
AND AUTHORIZING THE MAYOR TO EXECUTE THE  
AMENDED AGREEMENT ON BEHALF OF THE TOWN**

WHEREAS many Colorado communities have been devastated by opioid overdoses and addiction, the reach of which has affected the citizens of the Town of Dolores.

WHEREAS the state of Colorado office of Attorney General has negotiated a settlement with major opioid drug manufacturers, including Johnson & Johnson, Purdue Pharma and the Sackler family, Mallinckrodt, and McKinsey & Company.

WHEREAS, the Town executed a Memorandum of Understanding, settlement participation forms, and an escrow agreement, on forms prescribed by the Colorado Attorney General to accept the terms of the settlement. Among them was the Colorado Opioids Summary Memorandum of Understanding (the "Colorado MOU").

WHEREAS, pursuant to the Terms of the Colorado MOU, Participating Local Governments must organize themselves into Regions, as further depicted in Exhibit E to the Colorado MOU. The SWORD (Region 17) is composed of Participating Local Governments in Montezuma, Dolores, San Juan, La Plata, and Archuleta Counties including the Southern Ute and Ute Mountain Ute Indian Tribes.

WHEREAS, pursuant to the terms of the Colorado MOU, these local governments and Native American nations are proposing to enter into an Agreement to create the "SouthWEST Opioid Response District (SWORD)" to allocate and oversee settlement funds. A copy of the Agreement creating the SWORD is attached hereto as Exhibit A and is herein referred to as the "Agreement."

WHEREAS, the Town of Dolores, Colorado is a statutory town incorporated under the laws of the state of Colorado.

WHEREAS, the Board of Trustees is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

WHEREAS Colorado Revised Statutes, § 31-15-401 grants general police powers to the Board of Trustees to promulgate ordinances for the health, safety, and welfare of the public.

WHEREAS, the Board of Trustees determines that it is in the best interests of the health, safety and welfare of the inhabitants of the Town to exercise its express statutory authority to enter into the Agreement.

WHEREAS, the Board of Trustees previously passed a resolution on January 11, 2022 approving a similar version of the agreement which was subsequently amended by partnering governments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Dolores:

1. The Town of Dolores elects to enter into the SouthWEST Opioid Response District (SWORD) Agreement and amended and attached hereto as Exhibit A as a participating municipality and to be bound by its terms.
2. The Board of Trustees designate and authorize the mayor of the Town of Dolores, to execute the Agreement on the Town's behalf.

Passed, adopted and approved this 14<sup>th</sup> Day of February, 2022.

THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:

By: \_\_\_\_\_, Mayor

Attest: \_\_\_\_\_, Town Clerk

SouthWEST Opioid Response District (SWORD)  
**INTERGOVERNMENTAL AGREEMENT OF PARTICIPATING LOCAL  
 GOVERNMENTS**

**THIS** SouthWEST Opioid Response District (SWORD) **INTERGOVERNMENTAL AGREEMENT** (the "Agreement") is made between Archuleta County, Dolores County, La Plata County, Montezuma County, San Juan County and the included municipalities as undersigned below, individually herein as "Participating Local Governments" or "Party" or collectively as the "Parties").

**RECITALS**

**WHEREAS**, the State of Colorado and the Participating Local Governments executed the Colorado Opioids Summary Memorandum of Understanding (the "Colorado MOU"), establishing the manner in which Opioid Funds shall be divided and distributed within the State of Colorado;

**WHEREAS**, the Agreement assumes and incorporates the definitions and provisions contained in the Colorado MOU, and the Agreement shall be construed in conformity with the Colorado MOU;

**WHEREAS**, all Opioid Funds, regardless of allocation, shall be used for Approved Purposes;

**WHEREAS**, pursuant to the Terms of the Colorado MOU, Participating Local Governments must organize themselves into Regions, as further depicted in Exhibit E to the Colorado MOU. The SWORD (Region 17) is composed of Participating Local Governments in Montezuma, Dolores, San Juan, La Plata, and Archuleta Counties ~~including the Southern Ute and Ute Mountain Ute Indian Tribes~~;

**WHEREAS**, there shall be a 60% direct allocation of Opioid Funds to Regions through a Regional Share and each Region shall be eligible to receive a Regional Share according to Exhibit C to the Colorado MOU;

**WHEREAS**, the Colorado MOU establishes the procedures by which each Region shall be entitled to Opioid Funds and shall administer its Regional Share allocation;

**WHEREAS**, the procedures established by the Colorado MOU include a requirement that each Region shall create its own Regional Council;

**WHEREAS**, all aspects of the creation, administration, and operation of the Regional Council shall proceed in accordance with the provisions of the Colorado MOU;

**WHEREAS**, each such Regional Council shall designate a fiscal agent from a participating county or municipal government within that Region;



**WHEREAS**, each such Regional Council shall submit an initial two-year plan to the Abatement Council that identifies the Approved Purposes for which the requested funds will be used, and the Regional Council's fiscal agent shall provide data and a certification to the Abatement Council regarding compliance with its two-year plan on an annual basis; and

**WHEREAS**, the Agreement pertains to the procedures for the Parties to establish a Regional Council, designate a fiscal agent, and request and administer Opioid Funds in a manner consistent with the Colorado MOU.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements hereinafter set forth and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties incorporate the recitals set forth above and agree as follows:

1. **DEFINITIONS.** The defined terms used in this Agreement shall have the same meanings as in the Colorado MOU. Capitalized terms used herein and not otherwise defined within the Agreement or in the Colorado MOU shall have the meanings ascribed to them in the body of the Agreement.
2. **OBLIGATIONS OF THE PARTIES.** The Parties shall perform their respective obligations as set forth in the Agreement, the Colorado MOU, and the accompanying exhibits to the Colorado MOU, as incorporated herein by reference.

3. **REGIONAL COUNCIL.**

**3.1. Purpose:** In accordance with the Colorado MOU, a Regional Council, consisting of representatives appointed by the Parties (Participating Local Governments), shall be created to oversee the procedures by which a Region may request Opioid Funds from the Abatement Council and the procedures by which the allocation of its Region's Share of Opioid Funds are administered. This may also include settlement funds from individual communities that chose to designate to the regional pool.

**3.2. Membership:** The Parties agree that the Regional Council for the Southwest Region (Region 17) shall be called the **SouthWEST Opioid Response District (SWORD)** and consist of at least seven (7) members from the following:

- a. **Voting Members.** **Initial** Voting Members shall be appointed by the Parties as set forth below. The Parties shall collaborate to appoint Local Government Members and at least one Voting Member shall be appointed from each county. No single county or city/town should dominate the make-up of the Regional Council, and to the extent practicable, each Voting Member shall reside, or be employed by, a different city/town within the counties. **After initial membership is determined, the SWORD Bylaws will guide the appointment process for Voting Members.**
  - i. 1 representative appointed by each county (can be commissioners).
  - ii. 1 representative appointed from a rotating city within each county (or other city agreed upon) (can be councilmembers and mayors). A rotating city member shall be selected by majority vote of the cities within each

county who do not have a Voting Member currently sitting on the Regional Council.

- iii. At least 1 representative from each public health department within the region.
- iv. At least 1 representative from a county human services department.
- v. At least 1 representative appointed from law enforcement within the region (sheriff, police, local city or town, district attorney, etc.).
- vi. At least 1 representative from a municipal or county court system within the region.

b. **Non-Voting Members.** Non-voting members shall serve in an advisory capacity with the **SWORD** Bylaws outlining terms and selection criteria. Any Non-Voting Members shall be appointed by the **Voting Members** and comprised of, but not limited to the following, and shall not to include providers who may be recipients of funds:

- i. Representatives from behavioral health providers.
- ii. Representatives from health care providers.
- iii. Recovery/treatment experts.
- iv. Other county or city representatives.
- v. Tribal representatives.
- vi. A representative from the Attorney General's Office as desired.
- vii. Community representative(s), preferably those with lived experience with the opioid crisis.

c. **Chair:** The Voting Members of the **SWORD** Council shall appoint one member to serve as Chair of the Regional Council. The Chair's primary responsibilities shall be to schedule periodic meetings and votes of the **SWORD** Council as needed and to serve as the point of contact for disputes within the Region. The Acting Chair must be a Voting Member.

**3.3. Non-Participation:** A Local Government that chooses not to become a Participating Local Government in the Colorado MOU shall not receive any Opioid Funds from the Regional Share or participate in the Regional Council.

**3.4. Terms:** The **SWORD** Council will establish terms and procedures through its Bylaws, that will be consistent with this IGA and the Colorado MOU. A copy of the Bylaws, will be attached as Exhibit A of this Agreement.

- a. If a Voting Member resigns or is otherwise removed from the SWORD Council prior to the expiration of their term, a replacement Voting Member shall be appointed within sixty (60) days in accordance with Section 3.2 (a) to serve the remainder of the term. If the Parties are unable to fill a Voting Member vacancy within sixty (60) days, the existing Voting Members of the SWORD Council at the time of the vacancy shall work collectively to appoint a replacement Voting Member in accordance with Section 3.2 (a).
- b. SWORD Council members may be appointed more than once and may serve consecutive terms if appointed to do so by the Regional Council.

**3.5. Duties:** The Regional Council ~~shall be the entity that is responsible and~~ has the authority to engage with the Abatement Council on behalf of the Region and follow the procedures outlined in the Colorado MOU for requesting Opioid Funds from the Regional Share, which shall include developing 2-year plans, amending those plans as appropriate, and providing the Abatement Council with data through its fiscal agent regarding Opioid Fund expenditures. Upon request from the Abatement Council, the Regional Council may also be subject to an accounting from the Abatement Council.

**3.6. Governance:** The SWORD Council will establish its own procedures through adoption of bylaws but is not a separate legal entity. Any governing documents must be consistent with the other provisions in this Agreement, and the Colorado MOU.

Should the SWORD Council require legal assistance, the Regional Council will either hire its own legal counsel or utilize the legal counsel from one of the county or municipal governments within the regional area. The Regional Council will determine the method for compensating legal counsel, if needed; provided, however, that if the reason for employing legal counsel is to resolve a dispute within the Regional Council or among the Local Governments that make up the Regional Council, the parties involved in the dispute will recuse themselves from the decision regarding utilizing legal counsel.

**3.7. Collaboration:** The Regional Council should work to facilitate collaboration between the Colorado Attorney's General's Office, Participating Local Governments within its Region, the Abatement Council, and other stakeholders within its Region for the purposes of sharing data, outcomes, strategies, and other relevant information related to abating the opioid crisis in Colorado.

**3.8. Transparency:** The Regional Council shall operate with all reasonable transparency and abide by all Colorado laws relating to open records and meetings. To the extent the Abatement Council requests outcome-related data from the Regional Council, the Regional Council shall provide such data in an effort to determine best methods for abating the opioid crisis in Colorado.

**3.9. Conflicts of Interest:** All Members of the Council, voting and non-voting, shall abide by the conflict-of-interest rules applicable to local government officials under state law.

**3.10. Ethics Laws:** Members of the Council shall abide by their local ethics laws or, if no such ethics laws exist, by applicable state ethics laws.

**3.11. Decision Making:** The Regional Council shall seek to make all decisions by consensus. In the event consensus cannot be achieved, the Regional Council shall make decisions by a majority vote of its Members.

#### **4. REGIONAL FISCAL AGENT**

**4.1. Purpose:** According to the Colorado MOU, the Regional Council must designate a fiscal agent for the Region prior to the Region receiving any Opioid Funds from the Regional Share. All funds from the Regional Share shall be distributed to the Regional Council's fiscal agent for the benefit of the entire Region. This may also include settlement funds from individual communities that chose to designate to the regional pool.

**4.2. Designation and Term:** The Parties agree that **La Plata County** shall act as the initial fiscal agent for the Region for a period of one-year from the date this Agreement becomes effective, ~~or until a replacement fiscal agent has been appointed~~ by the Regional Council, unless the fiscal agent resigns as set forth in this Agreement. Thereafter, the Regional Council shall nominate and designate a fiscal agent for the Region by majority vote on an annual basis. Regional fiscal agents must be one of the Participating Local Governments.

**4.3. Duties:** The Regional fiscal agent shall receive, deposit, and make available Opioid Funds distributed from the Abatement Council and provide expenditure reporting data to the Abatement Council on an annual basis. In addition, the Regional fiscal agent shall perform certain recordkeeping duties outlined below.

- a. **Opioid Funds:** The Regional fiscal agent shall receive all Opioid Funds as distributed by the Abatement Council. Upon direction by the Regional Council, the Regional fiscal agent shall make any such Opioid Funds available to the Regional Council; provided, that nothing shall require the fiscal agent to make funds available or expend them when the fiscal agent has a reasonable basis to believe that use or expenditure of Opioid Funds would violate the terms of the MOU or any settlement agreement. Additionally, to the extent that the Regional fiscal agent is responsible for contracting with third-parties for goods and services approved by the Regional Council, the fiscal agent will procure goods or services, and award contracts, in the manner that is consistent with its own procurement code and/or policies and will only enter into agreements on terms that are agreeable to the fiscal agent.

- b. **Reporting to Abatement Council:** On an annual basis, as determined by the Abatement Council, the Regional fiscal agent shall provide to the Abatement Council the Regional Council's expenditure data from their allocation of the Regional Share and certify to the Abatement Council that the Regional Council's expenditures were for Approved Purposes and complied with its 2-year plan.
- c. **Recordkeeping:** The Regional fiscal agent shall maintain necessary records with regard the Regional Council's meetings, decisions, plans, and expenditure data.

**4.4. Authority:** The fiscal agent serves at the direction of the Regional Council and in service to the entire Region, subject to the limitations set forth in this Section 4. The terms of the Colorado MOU control the authority of the Regional Council, and by extension, the Regional fiscal agent. The Regional fiscal agent shall not stray outside the bounds of the authority and power vested by the Colorado MOU.

**4.5. Administrative Fee:** According to the Colorado MOU, the total administrative fee paid by the Regional Council for all administrative costs shall not exceed actual costs or 10% of the Region's allocation of the Regional Share, whichever is less.

This Parties agree that the Regional fiscal agent shall receive an administrative fee of 10%, or its actual costs if less, annually including but not limited to in-kind expenses for staff services. The rates, fees, or the cost of staff and employee services provided by the fiscal agent shall be based upon each Party's organization-wide cost allocation plan that allocates indirect costs across operations prepared in accordance with the cost principles found in the Office of Management and Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments".

The Parties further agree that if the fiscal agent becomes involved in litigation or is required to take any action to enforce or defend any contract or agreement entered into on behalf of the Regional Council, the fiscal agent shall be entitled to reimbursement of all costs and expenses, as well as attorneys' fees, incurred in prosecuting, defending, or settling such matter. Such costs shall be paid for first from the then-current or future administrative costs the Regional Council is allowed to collect from the Opioid Funds and then equally by the Parties themselves, to the extent permitted by law. Provided, however, that the Regional Council shall have no duty to reimburse the fiscal agent if the litigation is as a result of the fiscal agent's gross negligence or willful conduct.

**4.6. Resignation of Fiscal Agent:** If the fiscal agent has a reasonable basis to believe that any proposed use or expenditure of Opioid Funds would violate the terms of the MOU or any settlement agreement, if procurement of goods or services would be inconsistent with its own procurement code and/or policies, or if the proposed terms and conditions any proposed contract or agreement contain terms that are not agreeable to the fiscal agent, the fiscal agent shall inform the Regional Council that it will not expend funds as directed by the Council. Moreover, in such an event or if the fiscal agent incurs any costs, expenses,

or other liability in prosecuting, defending, or settling any claims related to a contract entered into on behalf of the Regional Council that are not reimbursed by the Regional Council, the fiscal agent shall have the authority and right to resign as the Regional fiscal agent. Upon such resignation, if no other Party agrees to act as fiscal agent and accept transfer of unexpended Opioid Funds within thirty (30) days of receipt of notice from the resigning fiscal agent, the resigning fiscal agent shall have the right to return unexpended Opioid Funds to the Abatement Council.

Resignation as the fiscal agent shall not otherwise affect any Participating Local Government's participation in the Regional Council and shall not be deemed as a termination of the Agreement or withdrawal from participation in the Regional Council.

## **5. REGIONAL TWO-YEAR PLAN**

**5.1. Purpose:** According to the Colorado MOU, as part of the Regional Council's request to the Abatement Council for Opioid Funds from its Regional Share, the Regional Council must submit a 2-year plan identifying the Approved Purposes for which the requested funds will be used.

**5.2 Development of 2-Year Plan:** In developing a 2-year plan, the Regional Council will solicit recommendations and information from all Parties and other stakeholders within its Region for the purposes of sharing data, outcomes, strategies, and other relevant information related to abating the opioid crisis in Colorado. At its discretion, the Regional Council may seek assistance from the Abatement Council for purposes of developing a 2-year plan.

**5.3 Amendment:** At any point, the Regional Council's 2-year plan may be amended so long as such amendments comply with the terms of the Colorado MOU and any Settlement.

## **6. DISPUTES WITHIN REGION.**

In the event that any Party disagrees with a decision of the Regional Council, or there is a dispute regarding the appointment of Voting or Non-Voting Members to the Regional Council, that Party shall inform the Acting Chair of its dispute at the earliest possible opportunity. In Response, the Regional Council shall gather any information necessary to resolve the dispute. Within fourteen (14) days of the Party informing the Acting Chair of its dispute, the Regional Council shall issue a decision with respect to the dispute. In reaching its decision, the Regional Council may hold a vote of Voting Members, with the Acting Chair serving as the tie-breaker. However, in any disputes regarding the appointment of a Voting Member, that Voting Member will be recused from voting on the dispute. The decision of the Regional Council is a final decision. Notwithstanding the foregoing, the Regional fiscal agent has the right and authority to refrain from taking actions as set forth in Section 4 above.

## **7. DISPUTES WITH ABATEMENT COUNCIL.**

If the Regional Council disputes the amount of Opioid Funds it receives from its allocation of the Regional Share, the Regional Council shall alert the Abatement Council within sixty (60)



days of discovering the information underlying the dispute. However, the failure to alert the Abatement Council within this time frame shall not constitute a waiver of the Regional Council's right to seek recoupment of any deficiency in its Regional Share.

**8. RECORDKEEPING.**

The acting Regional fiscal agent shall be responsible for maintaining records consistent with the Agreement.

**9. TERM.**

The Agreement will commence on the date it is fully executed by all Parties, and shall expire on the date the last action is taken by the Region, consistent with the terms of the Colorado MOU and any Settlement (the "Term").

**10. INFORMATIONAL OBLIGATIONS.**

Each Party hereto will meet its obligations as set forth in C.R.S. § 29-1-205, as amended, to include information about this Agreement in a filing with the Colorado Division of Local Government; however, failure to do so shall in no way affect the validity of this Agreement or any remedies available to the Parties hereunder.

**11. CONFIDENTIALITY.**

The Parties, for themselves, their agents, employees and representatives, agree that they will not divulge any confidential or proprietary information they receive from another Party or otherwise have access to, except as may be required by law. Nothing in this Agreement shall in any way limit the ability of the Parties to comply with any laws or legal process concerning disclosures by public entities. The Parties understand that all materials exchanged under this Agreement, including confidential information or proprietary information, may be subject to subpoena, discovery or the Colorado Open Records Act., § 24-72-201, *et seq.*, C.R.S., (the "Act"). In the event of a request to a Party for disclosure of confidential materials, that Party shall advise the other Parties of such request in order to give the Parties the opportunity to object to the disclosure of any of its materials which it marked as, or otherwise asserts is, proprietary or confidential. If any Party objects to disclosure of any of its material, the objecting Party shall identify the legal basis under the Act for any right to withhold. In the event of any administrative or legal action where a subpoena or discovery request is served or the filing of a lawsuit to compel disclosure under the Act or otherwise, the objecting Party agrees to intervene in such action or lawsuit to protect and assert its claims of privilege against disclosure of such material or waive the same. If the matter is not resolved or the objecting Party fails to intervene in the timeframe required by law for production of documents, the Parties may tender all material to the party that submitted the request.

**12. GOVERNING LAW; VENUE.**

This Agreement shall be governed by the laws of the State of Colorado. Venue for any legal action relating solely to the Agreement will be in any District Court in the defined region. Venue for any legal action relating to the Colorado MOU shall be in a court of competent jurisdiction where a Settlement or consent decree was entered, as those terms are described or defined in the Colorado MOU. If a legal action relates to both this Agreement and the Colorado

MOU, venue shall also be in a court of competent jurisdiction where a Settlement or consent decree was entered.

**13. TERMINATION.**

The Parties enter into this Agreement to serve the public interest. If this Agreement ceases to further the public interest, any Party, in its discretion, may terminate its participation in the Agreement, in whole or in part, upon written notice to the other Parties. Each Party also has the right to terminate the Agreement with cause upon written notice effective immediately, and without cause upon thirty (30) days prior written notice to the Parties. A Party's decision to terminate this Agreement, with or without cause, shall have no impact on the other Parties' present or future administration of its Opioid Funds and the other procedures outlined in this Agreement. Rather, any Party's decision to terminate their participation in this Agreement shall have the same effect as non-participation, as outlined in Section 3.3.

**14. NOTICES.**

"Key Notices" under this Agreement are notices regarding default, disputes, or termination of the Agreement. Key Notices shall be given in writing and shall be deemed received if given by: (1) certified mail, return receipt requested, postage prepaid, three business days after being deposited in the United States mail; or (2) overnight carrier service or personal delivery, when received. All other communications or notices between the Parties that are not Key Notices may be done via electronic transmission. The Parties agree that any notice or communication transmitted by electronic transmission shall be treated in all manner and respects as an original written document; any such notice or communication shall be considered to have the same binding and legal effect as an original document. All Key Notices shall include a reference to the Agreement, and Key Notices shall be given to the Parties at the following addresses:

Archuleta County - PO Box 1507 Pagosa Springs, CO 81147

Town of Pagosa Springs - PO Box 1859 Pagosa Springs, CO 81147

Dolores County - Dolores County PO Box 608 Dove Creek, CO 81324

Town of Dove Creek - PO Box 508 Dove Creek, CO 81324

Town of Rico - PO Box 9 Rico, CO 81332

La Plata County - 1101 E. 2<sup>nd</sup> Avenue Durango, CO 81301

Town of Bayfield - PO Box 80 Bayfield, CO 81122

City of Durango - 949 E. 2<sup>nd</sup> Avenue Durango, CO 81301

Town of Ignacio - PO Box 459 Ignacio, CO 81137



Montezuma County - 109 W. Main Street #260 Cortez, CO 81321

City of Cortez - 123 Roger Smith Avenue Cortez, CO 81321

Town of Dolores - PO Box 630 Dolores, CO 81323

Town of Mancos - PO Box 487 Mancos, CO 81328

San Juan County- PO Box 466 Silverton, CO 81433

Town of Silverton - PO Box 250 Silverton, CO 81433

Any Party may update their notice address by providing a Key Notice to the other parties in the manner set forth in this Agreement.

## 15. **GENERAL TERMS AND CONDITIONS**

**15.1. Independent Entities.** The Parties enter into this Agreement as separate, independent governmental entities and shall maintain such status throughout.

**15.2. Assignment.** This Agreement shall not be assigned by any Party without the prior written consent of all Parties. Any assignment or subcontracting without such consent will be ineffective and void and will be cause for termination of this Agreement.

**15.3. Integration and Amendment.** This Agreement represents the entire agreement between the Parties and terminates any oral or collateral agreement or understandings. This Agreement may be amended only by a writing signed by the Parties. If any provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and the remaining provision of this Agreement shall continue in full force and effect.

**15.4. No Construction Against Drafting Party.** The Parties and their respective counsel have had the opportunity to review the Agreement, and the Agreement will not be construed against any Party merely because any provisions of the Agreement were prepared by a particular Party.

**15.5. Captions and References.** The captions and headings in this Agreement are for convenience of reference only and shall not be used to interpret, define, or limit its provisions. All references in this Agreement to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

**15.6. Statutes, Regulations, and Other Authority.** Any reference in this Agreement to a statute, regulation, policy or other authority shall be interpreted to refer to such

authority then current, as may have been changed or amended since the execution of this Agreement.

- 15.7. Conflict of Interest.** No Party shall knowingly perform any act that would conflict in any manner with said Party's obligations hereunder. Each Party certifies that it is not engaged in any current project or business transaction, directly or indirectly, nor has it any interest, direct or indirect, with any person or business that might result in a conflict of interest in the performance of its obligations hereunder. No elected or employed member of any Party shall be paid or receive, directly or indirectly, any share or part of this Agreement or any benefit that may arise therefrom.
- 15.8. Inurement.** The rights and obligations of the Parties to the Agreement inure to the benefit of and shall be binding upon the Parties and their respective successors and assigns, provided assignments are consented to in accordance with the terms of the Agreement.
- 15.9. Survival.** Notwithstanding anything to the contrary, the Parties understand and agree that all terms and conditions of this Agreement and any exhibits that require continued performance or compliance beyond the termination or expiration of this Agreement shall survive such termination or expiration and shall be enforceable against a Party if such Party fails to perform or comply with such term or condition.
- 15.10. Waiver of Rights and Remedies.** This Agreement or any of its provisions may not be waived except in writing by a Party's authorized representative. The failure of a Party to enforce any right arising under this Agreement on one or more occasions will not operate as a waiver of that or any other right on that or any other occasion.
- 15.11. No Third-Party Beneficiaries.** Enforcement of the terms of the Agreement and all rights of action relating to enforcement are strictly reserved to the Parties. Nothing contained in the Agreement gives or allows any claim or right of action to any third person or entity. Any person or entity other than the Parties receiving services or benefits pursuant to the Agreement is an incidental beneficiary only.
- 15.12. Records Retention.** The Parties shall maintain all records, including working papers, notes, and financial records in accordance with their applicable record retention schedules and policies. Copies of such records shall be furnished to the Parties request. Provided, however, that any records related to the receipt and expenditure of Opioid Funds shall be maintained for at least five (5) years, in the manner as set forth in the Colorado MOU.
- 15.13. Execution by Counterparts; Electronic Signatures and Records.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Parties approve the use of electronic signatures for execution of this Agreement. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, C.R.S. §§ 24-71.3-101, *et seq.* The Parties agree not to deny the legal effect or

enforceability of the Agreement solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

**15.14. Authority to Execute.** Each Party represents that all procedures necessary to authorize such Party's execution of this Agreement have been performed and that the person signing for such Party has been authorized to execute the Agreement.

**Attached Exhibits**

**Exhibit A Proposed Bylaws**

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

**Therefore the Parties hereto have executed this agreement on the date shown below:**

**ARCHULETA COUNTY, COLORADO**

by and through its Board of Commissioners

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**DOLORES COUNTY, COLORADO**

by and through its Board of Commissioners

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**La PLATA COUNTY, COLORADO**

by and through its Board of Commissioners

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**MONTEZUMA COUNTY, COLORADO**

by and through its Board of Commissioners

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**SAN JUAN COUNTY, COLORADO**

by and through its Board of Commissioners

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF PAGOSA SPRINGS, COLORADO**

by and through its Board of Trustees

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF DOVE CREEK, COLORADO**

by and through its Board of Trustees

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF RICO, COLORADO**

by and through its Board of Trustees

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF BAYFIELD, COLORADO**

by and through its Board of Trustees

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF IGNACIO, COLORADO**

by and through its Board of Trustees

By (Signature): \_\_\_\_\_

Name & Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF DOLORES, COLORADO**

by and through its Board of Trustees

By (Signature): \_\_\_\_\_

Name &amp; Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF MANCOS, COLORADO**

by and through its Board of Trustees

By (Signature): \_\_\_\_\_

Name &amp; Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF CORTEZ, COLORADO**

by and through its Council

By (Signature): \_\_\_\_\_

Name &amp; Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF DURANGO, COLORADO**

by and through its Council

By (Signature): \_\_\_\_\_

Name &amp; Title: \_\_\_\_\_

Date: \_\_\_\_\_

**PHIL WEISER**  
Attorney General

**NATALIE HANLON LEH**  
Chief Deputy Attorney General

**ERIC R. OLSON**  
Solicitor General

**ERIC T. MEYER**  
Chief Operating Officer



**RALPH L. CARR**  
**COLORADO JUDICIAL CENTER**  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000

## STATE OF COLORADO DEPARTMENT OF LAW

January 18, 2022

### COLORADO ATTORNEY GENERAL'S INTERPRETATION OF SECTION F(5)(a) OF THE COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF UNDERSTANDING

This statement of Colorado Attorney General Philip J. Weiser on behalf of the State of Colorado provides an interpretation of Section F(5)(a) of the Colorado Opioids Settlement Memorandum of Understanding, negotiated between the State of Colorado and Colorado's Local Governments and signed by Attorney General Weiser on behalf of the State of Colorado on August 26, 2021 (the "MOU").

Related to the formation of Regional Councils, Section F(5)(a) of the MOU states in pertinent part: "Subject to this Section F(5), each Region may draft its own intra-regional agreements, bylaws, or other governing documents to determine how the Regional Council will operate. However, each voting member of a Regional Council shall be an employee or elected official of a Participating Local Government within the applicable Region." The MOU defines "Participating Local Government" as "all Local Governments that sign this MOU. . . ." (MOU, Section A, Para. 9). The MOU defines "Local Governments" as "all counties in the State of Colorado and the [Colorado] municipalities, towns, and county and city municipal corporations that are listed in Exhibit B [to the MOU]." (MOU, Section A, Para. 5).

It is possible that a narrow reading of Section F(5)(a) could be construed as restricting voting members of a Regional Council to only those persons who are employees or elected officials of the Colorado counties, municipalities, towns, or county and city municipal corporations that signed the MOU (*i.e.* "Participating Local Government(s)"). Because such a narrow reading of Section F(5)(a) does not reflect the operational intent of Section F(5) of the MOU, as evidenced by the reference to Exhibit G in the preamble of Section F(5) ("Each Region must create its own Regional Council while giving consideration to the regional governance models illustrated in Exhibit G."), this statement of interpretation clarifies that it is permissible for Regions to select as voting members of their Regional Council government officials that work closely with Participating Local Governments in the Region who may not be employees or elected officials of their Participating Local Governments, such as District Attorneys and municipal/county court officials.

Exhibit G to the MOU provides suggested governance models for the Regions to utilize when forming their respective Regional Councils. The governance models in Exhibit G expressly permit each Region to include law enforcement representatives, such as District Attorneys or municipal or county court representatives, as voting members on their Regional Council. However, we are aware that some law enforcement and municipal/county court officials who work closely with Local Governments, and who provide services on a local or regional level, may not also be employees or elected officials of a Region's Local Governments (*e.g.* District Attorneys).

Thus, when the language of Section F(5)(a) and Exhibit G of the MOU are read together, an ambiguity may be created. This statement of interpretation clarifies the intent of the MOU in order to eliminate any such ambiguity.

Section F(5)(a), as drafted, was intended to restrict voting members on Regional Councils to employees and elected officials of Participating Local Governments in order to minimize conflicts of interest, to allow Local Government attorneys (*e.g.* County Attorneys) to provide legal counsel to individual voting members, and to ensure that Regional Councils abide by the terms of the MOU. Section F(5)(a) was not intended to exclude government employees or elected officials who work closely with Local Governments but who are not technically Local Government employees or elected officials (*e.g.* District Attorneys) from serving as voting members on any Regional Council.

Further, permitting government officials who work closely with Participating Local Governments but who are not employees or elected officials of those Participating Local Governments to serve as voting members on Regional Councils does not conflict with or undermine the intent of Section F(5)(a). A government official, such as a District Attorney, who serves as a voting member on a Regional Council does not create a conflict of interest that Section F(5)(a) was intended to address; the government official may seek legal counsel from his/her respective governmental agency; and the government official may still be held accountable to comply with the MOU as a member of the Regional Council. It is important that public officials like District Attorneys and municipal/county court officials be permitted to serve on Regional Councils because these public officials are integral to the process of deciding how to best spend opioid settlement funds to abate the opioid crisis in their communities.

While Exhibit G's governance models are merely suggestions, they reflect the operational intent of Section F(5) of the MOU. A narrow reading of Section F(5)(a) as excluding certain government officials, like District Attorneys or municipal/county court officials, from serving as voting members on their Regional Councils does not reflect the intent of Section F(5)(a). It is not a violation of the MOU for Regions to select to serve on their Regional Council government officials



who work closely with Participating Local Governments in the Region, but who may not be employees or elected officials of their Participating Local Governments, such as District Attorneys and municipal/county court officials.

To further clarify the intent of Section F(5)(a) of the MOU, persons who are neither governmental representatives nor elected officials may not serve as voting members on a Regional Council. Such non-governmental representatives may serve only in a non-voting advisory capacity on any Regional Council.



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COLORADO ATTORNEY GENERAL, PHILIP J. WEISER

**SWORD Representatives****Voting Members**

	<b>Archuleta</b>	<b>Dolores</b>	<b>La Plata</b>	<b>Montezuma</b>	<b>San Juan</b>
County rep (govt employee or elected)	Ronnie Maez - Commissioner		Marsha P-Norton - Commissioner	Shak Powers-Administrator	
City rep (at least 1 per county)	Andrea Phillips -Pagosa Mgr		Erin Hyder - Durango	Chief Knuckles -Cortez?	
Health Dept Rep					
Human Services Rep			Martha Johnson	Jessica Thurman	
Law enforcement rep/District Attorney			Chief Brammer- Dgo		
Municipal or county court					

OFFICIAL BYLAWS OF  
"SouthWEST Opioid Response District (SWORD)."

ARTICLE I - NAME AND STATUS

The name of this organization shall be the SouthWEST Opioid Response District (SWORD) (hereinafter known as the "Council") is comprised of five counties in the State of Colorado, Montezuma, La Plata, Archuleta, San Juan, and Dolores, two sovereign nations, and several municipalities therein.

ARTICLE II - PURPOSE

The purpose of this Regional Council is to receive, manage, and report on the use of Opioid Funds from the State of Colorado pursuant to the Colorado Opioids Settlement Memorandum of Understanding dated August 26, 2021 ("Colorado MOU") and the SouthWEST Opioid Response District Intergovernmental Agreement ("IGA"). The defined terms used in these Bylaws shall have the same meanings as in the Colorado MOU. Each Region must create its own Regional Council while following the procedures established by the Colorado MOU and the IGA. The Regional Council must be formed by the Participating Local Governments within the Region and designate a county fiscal agent for the Region. All funds from the Regional Share shall be distributed to the Regional Council's identified fiscal agent, for the benefit of the entire Region. This may also include settlement funds from individual communities that chose to designate to the regional pool.

The Council is constituted for the purpose to formulate and submit an initial 2-year plan, implement and track the plan as well as the opioid settlement funds by reporting the usage of funds to the Abatement Council, with management of funds by the identified fiscal agent.

The Council is not formed for any pecuniary or financial gain and no part of the assets, income, or profit of the Council shall be distributed to or for the benefit of the directors, officers, committee members or staff of the organization.

ARTICLE III - MEMBERSHIP

The organization's membership shall consist of at least seven members made up of the following:

A. Voting Members

- One representative appointed by each county (can be a county commissioner or employee)
- One representative appointed from a rotating city/town within each county. The counties with more than one city/town can choose a rotating member selected by

majority vote of the cities/towns that do not have a voting member sitting on the Council.

- One representative from each public health department within the region.
- One representative from a county human services department (can be included as county rep if a county employee).
- At least 1 representative from law enforcement and District Attorney office
- One representative from a municipal or county court system with the region

B. Non-voting Members

Non-voting members serve in an advisory capacity and may consist of the following:

- Representatives from behavioral health providers.
- Representatives from health care providers.
- Recovery/treatment experts.
- Representatives from each tribal nation.
- Other county, or city representatives.
- A representative from the Attorney General's Office.
- Community representative(s), preferably those with lived experience with the opioid crisis.

C. Appointments to the Board

- The Council will annually review the make-up of the members to assure the required positions above are met.
- The Council shall also formally recognize resignations and request new candidates for membership, as appropriate.
- Non-voting members, with the exception of tribal governments, must fill out an interest form and submit to the Council for review. The number of nonvoting members is flexible but will not exceed the number of voting members.

D. Term. The term of a voting and non-voting member shall be two years as of Feb. 1<sup>st</sup> of each year. All voting and non-voting members may serve successive terms if eligible per the IGA. All officers are elected annually and may serve consecutive terms if eligible per the IGA.

E. Vote Required for Action. Any action of the Council may be taken by a simple majority vote of the voting members present if there is a quorum, except as provided elsewhere in the IGA.

F. Quorum. A majority of the voting members shall constitute a quorum for the transaction of business at any meeting. In the absence of a quorum, but when at least seventy-five (75%) percent of the quorum is present, action may be taken as a Council and later ratified by written signature of absent members affirming or denying action items.

ARTICLE IV – OFFICERS AND THEIR ELECTION

The officers of the Council will consist of the Chair, Vice-Chair, Secretary, and Treasurer. The Treasurer shall be a representative of the organization that has been designated as the fiscal agent. No more than two officers will be elected from any one county. All officers shall be Voting Members.

- A. The Chair will be elected annually by a majority vote of the Council. The Chair will not be able to vote except in the case of a tie.
- B. The Vice-Chair be elected annually and will assume the position of Chair upon the death, disability, removal from office, or inability of the Chair to serve. If the assumption of the position of Chair is to be permanent, the Council shall elect a new Vice-Chair at their next regular meeting.
- C. In the event that a vacancy occurs in both the positions of Chair and Vice-Chair, the Secretary shall assume the Chair, and elections shall be held at the next regular meeting of the Council to replace the two vacant positions.

Elections for officers shall be held at the first regular meeting of the Council within that calendar year. Only those persons who have signified their consent to serve if elected may be nominated or elected to hold office.

An officer, voting, or non-voting member of the Council may be removed from the board for cause. Cause is defined as follows:

- Conflict of interest (where not fully disclosed)
- Misuse of confidential information
- Missing three consecutive meetings
- Upon removal from the Council by the appropriate appointing organization
- Unprofessional behavior that in no way forwards the Council's purpose. Such behavior shall only constitute cause in the event that at least 75 percent of the Council's members determine it to be such via a special vote.

#### ARTICLE V – DUTIES OF OFFICERS

**Chair:** The Chair shall preside at all meetings of the Council. The Chair shall perform other duties as may be prescribed in these Bylaws as assigned to him/her by the Council and shall coordinate the work of the Council and any special or standing committees, contractors, and staff as may be developed. The Chair shall also serve as the point of contact for disputes within the Region.

**Vice Chair:** The Vice-Chair shall perform all duties of the Chair in the absence of the Chair, and other specialized duties as assigned by the Council.

Secretary: The Secretary shall assure that minutes are kept of all Council meetings, see that timely notice of meetings is given, and serve as the custodian of Council records.

Treasurer: The Treasurer shall ensure that full records of all financial transactions are maintained in an **orderly and appropriate** manner for review by funding entities and the Board, ~~and ensure that maximum earnings and security are given all organization funds~~. The Treasurer shall be from the entity that serves as the Region's fiscal agent and shall be responsible for ensuring that the duties of the fiscal agent under the Colorado MOU and IGA are carried out.

#### ARTICLE VI – NO SEPARATE LEGAL ENTITY

The Council SHALL NOT be a separate legal entity from its members.

#### ARTICLE VII – MEETINGS

The Council will meet at least annually to certify membership for the following year, review organization progress, and set major policy matters. A quorum will be required to transact business. A quorum will be defined as a majority of voting positions. The Council at the annual meeting may set other regular meetings for that calendar year. A meeting of the Council may be called at any time by the Chair, or by a majority of Council members with three days written notice to all members.

In the event that a matter is urgent or under a time constraint/deadline, the Board Chair shall call an emergency meeting that will take place via Zoom, WebEx, or a similar video conferencing platform. The Secretary shall provide email notice to all Council members at least 24 hours in advance of the emergency meeting.

In all cases regarding email meetings, all transactions will require the presence of a quorum as defined above.

All meetings of the Council shall be open to the public and the media as required by applicable open-records laws. The Chair may call an executive session for the purpose of discussing sensitive legal matters, personnel issues, contract negotiations, ~~the discussion of specific prospective businesses where confidentiality has been requested~~, or such other confidential matters as authorized by law.

#### ARTICLE VIII – BUDGET AND FISCAL CONTROLS

The Council will prepare an annual budget and submit it to the fiscal agent per their budget deadlines. Adoption of the Budget will be at the final scheduled meeting of the year.

Fiscal controls will be established and voted on by the Council. This will include invoice and payment procedures.

#### ARTICLE IX – FISCAL YEAR

The fiscal year of the Council shall be the calendar year.

#### ARTICLE X – AMENDMENT OF BYLAWS

These Bylaws may be amended or repealed, by a majority vote of the Council at any meeting provided, however, that written notice of the proposed amendment or repeal, verbatim, shall be mailed to each Council member not less than ten days prior to such meeting.

PASSED, APPROVED AND ADOPTED by a majority vote of the full Council executed and acknowledged this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by:

\_\_\_\_\_  
- Chair

**Town of Dolores  
Resolution No R471  
SERIES 2022**

**A RESOLUTION DECLARING INTENTION TO PURSUE A CONSERVATION  
EASEMENT WITH THE MONTEZUMA LAND CONSERVANCY**

WHEREAS, the Town of Dolores, Colorado is a statutory town incorporated under the laws of the state of Colorado.

WHEREAS the Town of Dolores acquired the 47 acre "Harris Property" and owns an approximately 140 acres of additional land on the northern boundary of the Town of Dolores.

WEHREAS the Trustees find that it is in the best interests of the Citizens of the Town of Dolores to preserve these properties in perpetuity while allowing for limited public uses in the future.

WHEREAS the Trustees find that best mechanism to accomplish this goal is through a conservation easement.

WHEREAS the Montezuma Land Conservancy has expressed an interest in entering into a conservation easement agreement with the Town of Dolores with these properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, THAT:

Section 1. The Board of Trustees hereby declare their intention to enter into an agreement with the Montezuma Land Conservancy to hold a conservation easement for all or a part of the real properties owed by the Town of Dolores along its northern corporate boundaries. The Trustees envision that the conservation easement would preserve these properties in perpetuity while allowing for certain public uses that benefit the Town and its citizens, such as but not limited to public access, preservation of views and habitat, and Town utilities and services.

Section 2. The Board of Trustees authorizes the Town Manager, Town Attorney and staff to enter into negotiations with the Montezuma Land Conservancy to prepare a draft of this conservation easement for the Trustees' consideration and to pursue available grants and funding to cover the costs of the easement. This resolution does not commit funds or obligate the Town to enter into a binding legal agreement.

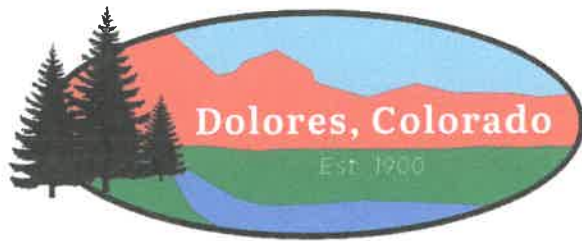
Passed, adopted and approved February 14, 2022.

THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:

By: \_\_\_\_\_, Mayor

Attest: \_\_\_\_\_, Town Clerk





# Town of Dolores Community Survey

The Town of Dolores is developing a strategic plan for the next 3 to 5 years and would like to get feedback from our community. This survey will help the Town Trustees determine how they can best meet the needs of the community and how to manage town's resources to meet those needs. Please help us by answering these few questions and add comments you have regarding the role the town plays in our community.

## Time to completion: about 8 minutes

---

### Part 1: Demographics

**I reside:**

- |   |   |
|---|---|
| <input type="radio"/> In the Town limits of Dolores | <input type="radio"/> In the Dolores zip code 81323 |
| <input type="radio"/> Outside the zip code 81323    |   |

**Gender:**

- |                             |  |
|-----------------------------|--|
| <input type="radio"/> Male  | <input type="radio"/> Female                 |
| <input type="radio"/> Other | <input type="radio"/> I prefer not to answer |

**Age Range:**

- |                                |                               |
|--------------------------------|-------------------------------|
| <input type="radio"/> Under 18 | <input type="radio"/> 18 - 29 |
| <input type="radio"/> 30 - 39  | <input type="radio"/> 40 - 49 |
| <input type="radio"/> 50 - 59  | <input type="radio"/> 60+     |

**In which community is your primary place of employment located?**

- |  |   |
|--|---|
| <input type="radio"/> Town of Dolores    | <input type="radio"/> Town of Mancos                  |
| <input type="radio"/> City of Cortez     | <input type="radio"/> City of Durango                 |
| <input type="radio"/> Towaoc             | <input type="radio"/> Unincorporated Montezuma County |
| <input type="radio"/> I work from home   | <input type="radio"/> I'm not currently employed      |
| <input type="radio"/> Other: please list |   |

**Why do you live / own property in Dolores? (check all that apply)**

- |  |   |
|--|---|
| <input type="checkbox"/> I was born / raised here          | <input type="checkbox"/> It's near my family / spouse / friends |
| <input type="checkbox"/> Employment opportunities          | <input type="checkbox"/> Recreational amenities                 |
| <input type="checkbox"/> Came here to retire               | <input type="checkbox"/> Cultural amenities                     |
| <input type="checkbox"/> Winters and/or summers            | <input type="checkbox"/> Scenery and/or surroundings            |
| <input type="checkbox"/> Air and water quality             | <input type="checkbox"/> Small town atmosphere                  |
| <input type="checkbox"/> Friendliness / Community          | <input type="checkbox"/> Safe community                         |
| <input type="checkbox"/> Good place to raise children      | <input type="checkbox"/> Rental income                          |
| <input type="checkbox"/> Investment potential              | <input type="checkbox"/> More affordable here                   |
| <input type="checkbox"/> The school district               | <input type="checkbox"/> To start/run a business                |
| <input type="checkbox"/> I visited here and loved the town | <input type="checkbox"/> Other                                  |

## Part 2 - Survey

**1. Please rate the following issues and rate the importance to the community over the next 10 years:**

	Important	Neutral	Not Important
Municipal code enforcement: nuisance, traffic, snow removal, etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public safety / law enforcement / Emergency Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Healthcare services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Educational opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Daycare services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle & Pedestrian mobility, frequency, & circulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sense of community	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Affordable housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Economic development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Western small town character	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Local shopping opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Arts & culture	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Local jobs with livable wages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Viability of local owned businesses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Energy conservation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water & air quality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trails	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Open space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recreational opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Appearance of town	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promoting tourism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Events in town	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Kids activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Elderly / retirement activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Town services: utilities, code enforcement, town hall, streets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**2. Only a limited number of vacant lots remain in the Town of Dolores. Knowing there is limited growth potential and that future growth will occur in our watershed upstream along the Dolores River, would you prefer that:**

- ☐ The town should investigate options to encourage and manage development by EXPANDING its town limits.
- ☐ The Town should DO NOTHING and let the county respond to this growth
- ☐ I don't know

**3. Below is a list of environmental protection projects. Please rank in order of preferred priority (1 is highest, 8 is lowest). CLICK AND DRAG OPTIONS TO CHANGE THE RANK.**

**If you have the "Other" option ranked above, please explain your environmental protection project you would like to see below (otherwise leave blank)**

**4. Please rate the following town services:**

	Excellent	Good	Average	Fair	Poor
Summer street maintenance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Winter snow removal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pedestrian walkways	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Storm water drainage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Services at Town Hall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sewer service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community center	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Police protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Farmers Market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Town government	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**5. What do you think the upper population of Dolores should be?**

- ☐ 885 (current population)
 ☐ Double the current population  
☐ Triple the current population
 ☐ Sky's the limit  
☐ No opinion / unsure

**6. Workforce housing (for teachers, fire, police, working families, etc.) in Dolores has become unattainable. Do you feel that the Town of Dolores should:**

- ☐ Build workforce housing by working with private sector partners  
☐ Give tax incentives &/or utility assistance to help people buy or rent workforce housing  
☐ Do nothing  
☐ Other

**7. Regarding Economic Development, should the town hire an Economic Development coordinator, who will work on helping attract new businesses and development opportunities to the town?**

- ☐ Yes
 ☐ No

**8. What do you feel is that "ONE THING" Dolores is renown for that NO other town has?**

Type here...

**Town of Dolores Mission Statement:**

**"We seek smart growth that preserves character, natural environment and resources. A community that feels like a safe place to stay, where people know and value their neighbor, respect differing views and strives to be economically stable."**

**9. Does this mission statement represent an achievable mission?**

☐ Yes

☐ No

**10. What are your thoughts on this mission statement, and if you could, would you change or add key words?**

Type here...

**11. Would anything cause you to leave Dolores?**

☐ Yes

☐ No

**12. What changes would you like to see for the Town of Dolores?**

Type here...

**Any other comments you would like to add? (optional)**

Type here...

**Email address (optional to receive a copy of your responses)**

[example@example.com](mailto:example@example.com)



Discussion and Possible Action

Meeting Date: 2-14-22

AGENDA DOCUMENTATION

Item 15.3

TO: DOLORES TOWN BOARD

FROM: David Doudy

SUBJECT: Boundary line adjustment 200 S. 5<sup>th</sup> Street – Smith/Gonzales

### **PURPOSE AND BACKGROUND**

**Joanna Smith and Ruby Gonzales submitted an application for a boundary line adjustment between their two properties. The application was submitted to cure a setback issue between the two properties. Currently there are two porches on Ms. Smith's property that do not meet the setback requirements as outline in the LUC of the town. A section of Ms. Gonzales' property is being purchased by Ms. Smith and the boundary will reflect this change.**

### **FISCAL IMPACT**

**There is no financial impact to the Town of Dolores**

### **RECOMMENDATIONS**

It is staff's recommendation that this boundary line adjustment be approved for the following reasons and with the following conditions;

Reasons for approval

1. This zoning request will address the setback non-compliance between the two properties





2. This zoning request will improve the pre-existing non-compliance on Ms. Smith's lot of a lot that is less than 6000 square feet by adding more square footage to that property.
3. This zoning request meets all the requirements of Article VI.J.1.i – The purpose of the amendment is to relocate or vacate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment.

Conditions:

1. A building permit shall be secured to reduce or remove the section of the porches on the south side of the building to meet the setback requirements.
2. Completion of the permit for the south porches shall be fulfilled within 180 days of the final approval of this plat.
3. Any financial requirements must be fulfilled between the two parties.

With these requirements met, a public hearing is not required and a simple approval by the Planning and Zoning Commission was required to move this project to the Town Board for their approval. On February the 1<sup>st</sup>, 2022, the planning and Zoning committee voted to approve the boundary line adjustment with the recommended conditions as outlined.

Action required:

1. Article VI.F.3.c - Approval by Board of Trustees. After the Board of Trustees has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this code, it shall act to approve the plat. ***(Since this action is not creating a new subdivision, the last section of this requirement is not necessary)***
2. Article VI.F.3.d – Disapproval by the Board of Trustees. Final plats that are disapproved by the Board of Trustees shall be returned to the sub-divider by the Zoning Administrator with an attached statement of the reasons of such action.

To the Planning and Zoning Commission

RE: Lot line adjustment Joanna Smith and Ruby Gonzales

According to Article VI.J.1 - Re-plats shall be subject to all the requirements of the LUC regarding preliminary plats and final plats, provided, however, that the Board of Trustees shall be authorized to approve an amending plat without notice or hearing where the re-plat or plat amendment is solely for one of the following purposes and does not remove any covenants or restrictions or increase the number of lots.

According to Article VI.J.1.i – An amendment to a plat can be approved when, “The purpose of the amendment is to relocate or vacate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment”.

Both parties have submitted the application and agree on the amending of the original plat. In addition, this amendment does not create any additional lots, is not in conflict with any covenants or restrictions and therefore, meets the requirements of the LUC.

With this application meeting all the requirements of Article VI.J.1, the zoning commission need only decide to conditionally approve or disapprove the re-plat. There is no requirement for a public hearing or further action by the commission.

Once the commission moves, the Zoning Official shall submit the preliminary plat/final plat to the Town Board for their consideration along with the planning and zoning recommendations.

The Board of Trustees can then decide to approve the plat or disapprove the plat. If the plat is disapproved, it shall be returned to the sub-divider by the Zoning Administrator with an attached statement of the reasons for such action.

## EXECUTIVE SESSION MOTION FORM

(Note: 2/3 Quorum Present Must Vote Yes; the session may only occur at a regular or special meeting of the body)

DATE \_\_\_\_\_ MOTION \_\_\_\_\_ SECOND \_\_\_\_\_

### I MOVE TO GO INTO EXECUTIVE SESSION:

(language in bold-face is for inclusion in the motion as applicable; if the stated purpose of the executive session is legal advice, do not combine it with any other purpose):

\_\_\_\_\_ For a conference with the City/Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);

\_\_\_\_\_ For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);

\_\_\_\_\_ To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);

\_\_\_\_\_ For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;

\_\_\_\_\_ For discussion of a matter required to be kept confidential by the following federal or state law, rule, or regulation: \_\_\_\_\_ under C.R.S. Section 24-6-402(4)c;

\_\_\_\_\_ For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d);

\_\_\_\_\_ For consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g);

\_\_\_\_\_ Other (specify) \_\_\_\_\_

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES (Presiding Officer may ask Attorney/staff to provide the details):

\_\_\_\_\_

## EXECUTIVE SESSION MOTION FORM

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\_\_\_\_\_ Other (specify) \_\_\_\_\_

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES (Presiding Officer may ask Attorney/staff to provide the details):

\_\_\_\_\_

EXECUTIVE SESSION

ANNOUNCEMENT NO. 2

ANNOUNCEMENT TO BE MADE BY PRESIDING OFFICER BEFORE CONCLUDING THE EXECUTIVE SESSION (WHILE THE RECORDER IS STILL ON)

**I hereby attest that this recording reflects the actual contents of the discussion at the executive session and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings law.**

**\_\_\_\_\_ I will hand the recording to the City/Town Attorney to retain for a 90-day period.**

**OR**

**(if City/Town Attorney was the subject of the session and or was not present at the session)**

**\_\_\_\_\_ I will retain the recording in my possession for a 90-day period.**

**The time is now \_\_\_\_\_, and we now conclude the executive session and return to the open meeting.**

\_\_\_\_\_  
**Presiding officer signature.**

**EXECUTIVE SESSION**

**ANNOUNCEMENT NO. 1**

**ANNOUNCEMENT TO BE MADE BY PRESIDING OFFICER AT THE BEGINNING OF THE EXECUTIVE SESSION (MAKE SURE THE RECORDER IS TURNED ON; DON NOT TURN IT OFF DURING THE EXECUTIVE SESSION UNLESS SO ADVISED BY THE CITY/TOWN ATTORNEY)**

**The day is \_\_\_\_\_ and the time is \_\_\_\_\_. For the record, I, \_\_\_\_\_, am the presiding officer as required by the Open Meetings Law; this executive session is being electronically recorded.**

**Also present at this executive session are the following persons:**

\_\_\_\_\_  
\_\_\_\_\_

**This is an executive session for the following purpose:**  
(repeat the language of the motion, including the statutory citation)

**I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.**

**If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.**

\_\_\_\_\_  
**Presiding officer signature.**