

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 6, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 6, 2014 at the courthouse in Cortez, Colorado, there were present:

Steve D. Chappell, Chairman  
Keenan G. Ertel, Vice-Chairman.  
Larry Don Suckla, Commissioner of Deeds  
County Administrator, Melissa Brunner  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN CHAPPELL** opened the meeting of January 6, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated December 23, 2013 as presented. Motion was seconded by Comm. Ertel and carried.

**PUBLIC COMMENT:** No comments made.

**ROAD: Road Supervisor Dean Roundtree** reported a slow two weeks. He said the concrete work has been finished at the Roundup facility and they will begin pouring the footers at the Dolores facility tomorrow. Supervisor Roundtree said the Department has been blading some of the roads. CDOT said they had a midrange snowplow truck they are getting rid of. He will make an offer on it. Discussed progress on Road 23. He discussed upcoming projects for 2014.

**CONTRACT: Assessor Mark Vanderpool** presented a contract with Harris Systems USA for the Assessor's software. Assessor Vanderpool stated Harris Systems USA bought out Colorado Custom Ware. He then discussed a contract with Total Assessment Solutions and recommended approval. The contracts will be presented at a later date.

**PUBLIC HEALTH: Public Health Director Lori Cooper** gave the quarterly update for the Health Department. She informed the Board on the various grants applied for and approved. She talked about the immunization grant. The CDPHE Immunization contract was presented for signature. Comm. Ertel moved to approve signing the task order waiver number 154, seconded by Comm. Suckla and carried. (See attached) Director Cooper presented the fee schedule for approval. Comm. Suckla moved to approve the 2014 fee schedule for the Montezuma County Health Department, seconded by Comm. Ertel and carried. (See attached)

**CHILDREN'S KIVA:** Darci Hale, representative from the Children's Kiva made a request to have the fees waived for the use of Annex 2 for their annual fundraiser. They will still have the cleaning deposit that is a refundable deposit if applicable. She stated this is a fundraiser for tuition assistance program scheduled for January 18, 2014

from 4:00 p.m. to 9:00 p.m. This will be a pizza, dance fundraiser. Comm. Suckla recused himself from this proceeding. Comm. Ertel moved to waive the fee for the use of the annex for Children's Kiva for a fundraiser scheduled for January 18, 2014, seconded by Comm. Chappell and carried.

**SOUTHWEST WATER CONSERVATION DISTRICT:** **John Porter** gave an update on the District's revenues. He talked about who received grants the District gives and other services the District provides. He informed the Board that his term is expiring and is asking to be reappointed. Comm. Ertel moved to reappoint John Porter to the Southwest Water Conservation District for a 3 year term, seconded by Comm. Suckla and carried. (See attached)

**LIQUOR LICENSE:** Clerk's Deputy Lynn Dorenkamp presented liquor license renewals for Colorado's Own Liquor LLC and Double R Liquors. Comm. Suckla moved to approve the liquor license renewal for Colorado's Own Liquor LLC for one year and approve the renewal of the liquor license for Double R Liquors contingent upon the back ground check being received, seconded by Comm. Ertel and carried. (See attached)

**COMMUNITY SERVICES REPORT:** **James Dietrich** discussed the pre-hearing statement for the oil and gas hearings.

**COUNTY ADMINISTRATOR REPORT:** Administrator Brunner presented a resolution to designate agenda posting. Comm. Suckla moved to approve Resolution 1-2014, a resolution designating the location of posted agenda(s), seconded by Comm. Ertel and carried. (See attached) Administrator Brunner talked about the impending Court remodel options and projects.

**COUNTY ATTORNEY REPORT** No report

**COUNTY COMMISSIONERS REPORT** No report

## LUNCH

**PLANNING:** Planning Director Susan Carver presented a high impact and special use permit application for review and to be forwarded to the Planning and Zoning Commission for a proposed well construction and operation (CN-) on property owned by Judy Kelly located at 26750 Road 8 Guess, Pleasant View. Comm. Suckla moved to forward to the Planning and Zoning Commission a proposed well construction and operation CN-1 on property owned by Judy Kelly located at 26750 Road 8, seconded by Comm. Ertel and carried. (See attached)

**INTERVIEWS:** The Board conducted interviews of applicants being considered for appointment to the County Planning and Zoning Commission. Planning Director Carver presented applications to the Planning and Zoning Commission. She stated there are 4 positions open. She presented an application from **Bob Clayton** for re-appointment. Mr. Clayton represented his application. A letter of interest from **Jim Skvorc** was presented. Mr. Skvoc represented his application. An application from **Allen Maez** was presented. Mr. Maez met with the Board to discuss his interests in becoming a Planning and Zoning board member. **Dennis Atwater** presented a letter of interest to being reappointed. He discussed his service and wishes to continue serving. An application from **John Hernandez** was presented. Mr. Hernandez represented his application. The application from **Michael Gaddy** was considered. Mr. Gaddy spoke on his behalf. **Mike Rosso** conducted his interview via a conference call. The interview with **Bruce Lightenburger** was conducted by telephone. The application of **Orly Lucero** was considered at this time. Mr. Lucero represented his application. The application of **Joseph Lanier** was presented. Mr. Lanier expressed his interest in serving on the P & Z Board. **Gary Harding** met to discuss his application for a seat on the P & Z Board. **Jim Preston** met to represent his application. After listening to the applicant's answers to various questions, Comm. Ertel moved to appoint Bob Clayton and

Dennis Atwater to a two year term beginning January, 2014 and Mike Rosso and Mike Gaddy to a three year term beginning January, 2014, seconded by Comm. Suckla and carried.

**2014 OFFICE APPOINTMENTS:**

**Election of Officers:**

**CHAIRMAN:** Comm. Chappell moved to appoint Comm. Ertel as Chairman, seconded by Comm. Suckla and carried.

**VICE CHAIRMAN:** Comm. Ertel moved to appoint Comm. Suckla as Vice Chairman, seconded by Comm. Chappell and carried.

**COMMISSIONER OF DEEDS:** Comm. Suckla moved to appoint Comm. Chappell as Commissioner of Deeds, seconded by Comm. Ertel and carried.

**APPOINTMENTS:**

Comm. Ertel moved to appoint the following for 2014

**County Attorney:** John Baxter

**County Administrator/Budget Officer:** Melissa Brunner

**County Road and Bridge Supervisor:** Comm. Suckla moved not to appoint Dean Roundtree as road supervisor, seconded by Comm. Ertel and carried.

**Director of Social Services:** Dennis Story

**Director of Public Health Agency:** Lori Cooper

**Public Health Officer:** Dr. Kent Aiken

**Region 9 Economic Development Board:** Steve Chappell

**Alternate:** Keenan Ertel

**Southwest Regional Transportation Committee:** Keenan Ertel

**Alternate:** Larry Don Suckla

**AAA:** Keenan Ertel

**Southwest Workforce Board:** Dennis Story

**Veteran's Affairs Officer:** Rick Torres

**Legal Publications:** Cortez Journal

Motion seconded by Comm. Suckla and carried.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Notice of forfeiture rescinded on Cortez Masonic Temple Assn.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Ertel and carried.

**MEETING ADJOURNED 5:05 pm**

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County Clerk

January 6, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 13, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 6<sup>th</sup>, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN ERTEL** opened the meeting of January 13, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 6, 2014 as presented. Motion was seconded by Comm. Suckla and carried.

**FAIRGROUNDS GRANDSTANDS:** The Fairground Grandstands grant was presented for signature. Comm. Suckla moved to approve the payment for the Fairgrounds Grandstands with DOLA, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC COMMENT:** Chris Jeter said he received a letter from a landowner that talked about access to his property. He stated the private landowner has gated the access and is keeping him from accessing his land. It was suggested to discuss getting access from the BLM. Mr. Jeter may have to settle this issue in Court. (See attached)

**ASSESSOR:** Assessor Davis presented contracts from Harris Systems USA, Inc. and Total Assessment Solution Corp. (Jerry Wisdom) for signature. He explained Harris Systems USA, Inc. is the company that bought Colorado Custom Wares which is the software package. Comm. Suckla moved to approve contract signatures with Harris Systems USA and Total Assessment Solutions Corp for the Assessor's Office for 2014, seconded by Comm. Chappell and carried. (See attached)

**LANDFILL:** Landfill Manager Debby Barton and Shaklo Powers presented the profit and loss statement for the month of December, 2013. She discussed year to date workload. She discussed the quotes for the repair to the undercarriage for the dozer. PMC quoted \$42,437.00 and Wagner's quote is \$56,082.93. Manager Barton also presented a cost comparison of a balefill vs a loosefill operation. The dozer will be transported to Durango for the work. She gave a presentation on projects and status report as of December 2013. Manager

Barton talked about future projects/experiments, landfill costing factors like pre-development, construction, operation, closure and long-term care. (See attached)

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young gave his monthly report. He reported on the income for 2013. He talked about upcoming events.

**CDOT** representatives, Kerri Neet, Sidney Zink, Matt Muraro, John Palmer, and Ed Archuleta met to update the Board on various projects planned. Mr. Archuleta discussed CDOT projects for this region. They discussed the Hwy. 145 and Road P project scheduled for next year.

**PUBLIC HEARING:** It being the time set aside a public hearing was held to review and determine the adoption of an updated Official County Road Map. The roll was called, the public notice read, and the proceedings were recorded for the record. GIS specialist Doug Roth presented the map and discussed changes. Comm. Ertel opened the hearing up to public comment. **John Kuenzler** mentions Road BB and 12 is on the map as an unimproved county road and wanted to know the status of the road. **Dexter Gill** would like to see something on the map that states the roads cannot be closed to public access. He would like to see all BLM and Forest Service roads are on the map. **Bud Garner** talked about a portion of Road D. He said that road was historically an access to head gates. Mr. Garner agreed with the statements made by Mr. Gill. Hearing no further comments that portion was closed. After hearing all the evidence presented Comm. Chappell moved to adopt the 2014 Official County Road Map as presented, seconded by Comm. Suckla and carried. Comm. Ertel closed this hearing at this time.

**WANDA MARTIN** with the Sheriff's Office presented the Federal Equitable Sharing Agreement for signature. She explained this agreement is so they can access federal grant funding. Comm. Suckla moved to sign the Federal Equitable Sharing Agreement for the Sheriff's Office, seconded by Comm. Chappell and carried. (See attached)

**LIQUOR LICENSE:** Clerk's Deputy Lynn Dorenkamp presented a liquor license renewal for G Whil Liquors. Comm. Suckla move to approve the renewal license for G Whil Liquors contingent upon receipt of the Sheriff's report being clear, seconded by Comm. Chappell and carried. (See attached)

#### **LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. Said hearing is for reviewing and determining the proposed amendments to the Montezuma County Resolution 13-2008 regarding flood damage prevention. James Dietrich said the State of Colorado has increased its flood plain. He said there are not a lot of changes. Mr. Dietrich explained said changes in detail. Comm. Ertel opened the hearing to public comment. **Greg Kemp** remarked on some verbiage in the document. Hearing no further public comments, that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve Montezuma County Resolution 2-2014 flood damage prevention amending Resolution 13-2008 with amendments to include the variance fee be changed from \$50.00 to \$100.00, changing the flood damage permit fee from \$250.00 to \$50.00, to include an engineer on Manufactured homes and to have the Planning Department being the contact for critical structure facilities, seconded by Comm. Chappell and carried. Comm. Ertel closed this hearing. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine an INDHZ – Heavy Industrial re-zoning request on property owned by Tri-State Generation and Transmission Association, Inc. a Colo Co-op Corp. on property located at 9145 Road 27, Cortez. The property consists of 3 acres, more or

less. Said parcel is also known as the Richet Single Lot Development which is currently zoned Commercial. It was explained the applicants have an existing high impact permit for a main office, maintenance buildings for day-to-day operations and a control facility for Tri-States internal communications system. The system includes a 50' monopole telecommunications tower. Planning Director Susan Carver said the heavy industrial zoning is more appropriate for the permitted use. Tri State representatives Ben Mayer and John Enright spoke on behalf of their application. Comm. Ertel opened the hearing to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the re-zoning to heavy industrial, seconded by Comm. Chappell and carried. Comm. Ertel closed this hearing. (See attached)

**EXEMPTION REQUEST:** Planning Director Carver presented an exemption request for final review and determination. The request as submitted by Ray Stafford is to convey 15 acres, more or less, of his 110 acre, more or less, parcel of land located at 19035 Road G, Cortez, to be combined with and made a part of the adjoining landowners, Tommy and Norva A. Lansing land which is located at a to be determined Road G address, Cortez, and consisting of 30.69 acres, more or less. Director Carver explained that no new parcel of land shall be created by the approval of this exemption. Mr. Lansing represented the request. Comm. Suckla moved to pass Resolution ATF 13-000033 amending Tract B Resolution P-34-97E seconded by Comm. Chappell and carried. (See attached)

**LETTERS OF APPOINTMENT:** The Board signed letters of appointment to the Planning and Zoning Commission to Dennis Atwater, Bob Clayton, Michael Gaddy, and Mike Rosso congratulating them on their appointment and a letter of appreciation to Drew Gordanier for his service on the Planning and Zoning Commission. (See attached)

**COMMUNITY SERVICES REPORT:** James Dietrich informed the Board on the Gunnison Sage Grouse Coalition and meetings they will be attending.( See attached) Mr. Dietrich gave an update on the Mesa Verde Trail. He said the oil and gas meeting will be held this Friday and he plans to be in attendance.

**COUNTY ADMINISTRATOR REPORT:** Administrator Brunner suggested a family employee appreciation gathering be held at the Fairgrounds sometime in April. She will set it up. She informed the Board on her meeting with the Road Department foremen and talked about other Department issues.

**COUNTY ATTORNEY REPORT** No report given

**COUNTY COMMISSIONERS REPORT:** Comm. Suckla reported on the Dolores River working group meeting him and Comm. Ertel attended.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Letter from Greater Dolores Action.

Letter from Cortez Sanitation District. (See attached) Map on file in the Clerk’s Office.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 3:40 pm**

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County Clerk                      January 13, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 27, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 27, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN ERTEL** opened the meeting of January 27, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 13, 2014 as presented. Motion was seconded by Comm. Suckla and carried.

**ACCOUNTS PAYABLE:** Comm. Chappell moved to sign the accounts payable publication for Montezuma County from November 1, through November 31, 2013, seconded by Comm. Suckla and carried. (See attached)

**PUBLIC COMMENT:**

**Dennis Atwater** thanked the Board regarding their stance on non-native species. He talked about RS2477 roads especially the Dolores – Norwood Road. He mentioned contacts he received regarding his easements around the McPhee Reservoir.

**Julieta Unsworth** discussed land values and regulations especially in the Dolores River Valley. She doesn't like the Government telling her what to do with her property.

**ROAD DEPARTMENT Foremen** Randy Smith, crusher supervisor, Rick Lard, Cortez district, Jim Sattley, Dolores district and Larry Lee, Mancos district met with the Board. Mr. Lard said his area is cutting trees and will begin the fencing project. Jimmy Sattley representing the Dolores district discussed the status of the sand shed. He reported they are spot blading roads and cleaning culverts. Larry Lee informed the Board that they have had a lot of silt from the Weber Canyon fire and has been cleaning ditches and prepping the roads for graveling. He said they are dealing with ice problems on some roads. Randy Smith said they are busy crushing and hauling chips and gravel. He said they will be crushing the gravel for the State that is in trade for their cold mix, with crushing to begin sometime in the spring. Mr. Smith reported they are dismissing gravel pits on Roads 10 and BB. Jason Chaffin from the Roundup district said they have spent a lot of time preparing for the sand shed. He informed the Board that work on various roads in his district will begin and they will be working

on culvert replacements. Kirk Stauffer reported on the truck drivers and said they are working hauling gravel in the various districts when they can. Don Morris discussed the weed spraying projects. He talked about the permits required including the hazemat endorsements. Carolyn Mathies reported on the office functions.

**FEDERAL LANDS MEETING: Derek Padilla** with the Forest Service met to update the Board on the Sage Hen Recreational area management. He said the Forest Service could assist with reopening the area then the County would have to manage it after that as the FS doesn't have the resources to manage it at this point. He discussed other areas of interest regarding management issues. Mr. Padilla talked about the RS2477 road process especially the Dolores - Norwood Road. The Board addressed the cow permits at Rio- Lado and Bear Creek areas. No other agencies were represented.

**COLORADO PARKS & WILDLIFE MEETING:** No representative appeared due to illness.

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for December 2013, seconded by Comm. Suckla, motion carried (See attached)

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted; **Dennis Story, LouAnn Everett and Lori Higgins were present.**

**SENIOR NUTRITION:** The Board met at the annex with **Sue Fletcher and Mary Holaday** where they gave the quarterly update on the senior nutrition programs.

**LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining compliance with the Montezuma County Resolution 13-2008. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing concerns the Flood Damage Prevention and the Montezuma County Land Use Code regarding structures that appear to be in non-compliance with said regulations on property located at 18440 Hwy. 145, Dolores. James Dietrich gave an overview of the property and structures in question regarding the floodplain standards. He stated Mr. Grant Smith has not responded to the correspondences sent. Mr. Smith was not in attendance. Comm. Ertel opened the hearing up to public comment. **Greg Kemp** talked about methods of notifications. He spoke to differences in sending certified letters vs regular letters and mentioned having a communication disclaimer. **Dennis Atwater** discussed all the Land Use Code violations done with this situation and said that Mr. Smith is a contractor and should know about the Code requirements. **Pat Kantor** spoke as to setting any precedence's with any decisions made. Hearing no further comments, Comm. Ertel closed this portion. After much discussion Comm. Suckla moved to continue this hearing until February 24, 2014 in order to send letters to shore up position on notice, seconded by Comm. Chappell and carried. Comm. Ertel closed this hearing at this time.

**APPLICATION FEE SCHEDULE:** Planning Director Susan Carver presented for review changes in the fee schedule including reducing the Floodplain Certification from \$200.00 to \$50.00; and, changing the variance fee from \$50.00 to \$100.00. Comm. Chappell moved to accept the fee schedule for the Montezuma County Department of Planning and Zoning for January 27, 2014 as amended, seconded by Comm. Suckla and carried. (See attached)

**PERMIT REQUIREMENT:** A discussion was held regarding local permit requirements for an aggregate mining business on property located in Sec. 14, T. 37N., R. 15W., N.M.P.M. Nathan Barton spoke on behalf of Daren and Kathy Stone. This discussion deals with gravel operation permits on the Haycamp Gravel Pit. Comm. Chappell moved to require neither the Stones nor Casey McClellan be required to have a high impact permit because of the grandfathered use and to return the high impact permit fees to Mr. McClellan, seconded by Comm. Suckla and carried. (See attached)



**SHERIFF VEHICLE LEASING:** Undersheriff Lynda Carter, Sheriff Spruell, and Ken Underwood met to talk about the Sheriff's Office vehicle leasing. Undersheriff Carter stated the Office is in dire need of new vehicles and said the current vehicles are not pursuit rated. She said they will be selling the old vehicles. The lease costs and warranties were discussed. The Office is looking to lease Fords. Comm. Suckla moved to approve the expenditure for the Sheriff's Office to lease 18 vehicles to be paid through the Law Enforcement Authority for lease payments for 2014, seconded by Comm. Chappell and carried.

**COMMUNITY SERVICES REPORT: James Dietrich** reported on the air quality control rulemaking. He stated Montezuma County has been accepted as part of the coalition. He discussed the letter to Colorado Water Conservation Board, Department of Natural Resources. This letter regards Montezuma County's request to defer adopting intent to appropriate in stream flow for the Lower Dolores River. (See attached) Mr. Dietrich informed the Board of his inability to contact the engineer hired to design the McPhee Breakwater project. He said this project needs to move forward. He informed the Board of a meeting scheduled for this Thursday with the steering committee on the Trail project.

**COUNTY ADMINISTRATOR REPORT:** Administrator Brunner presented the Public Health Improvement Plan for approval. Comm. Chappell moved to approve the Public Health Improvement Plan for Montezuma and Dolores County's for January 2014, seconded by Comm. Suckla and carried. (See attached). Administrator Brunner stated the hours of operation for the County Offices are the same as previously published and has not changed. The E911 fund was talked about.

**COUNTY ATTORNEY REPORT:** Talked about water appropriations conversations he's had.

**COUNTY COMMISSIONERS REPORT:** Comm. Ertel reported on the recent TPR meeting he attended.

Comm. Chappell reported on the Region 9 meeting he and Administrator Brunner attended.

Comm. Suckla reported on the recent meeting he attended in Denver.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Energy Forum & Expo Co letter.

Montezuma County Sheriff's Office Employee Fund.

Letter to AXIS from Department of Social Services regarding Montezuma County's pre-payment of services.

E-mail about the Intergovernmental letter for an application of a Rural Business Enterprise Grant.

Letter from the Montezuma County Historical Society.

Letter from the Southwest Colorado Livestock Association regarding its annual meeting

Letter from the Bridge Emergency Shelter.

Letter from the U.S. Department of the Interior.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 4:55 pm**

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County Clerk

January 27, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
February 3, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 3, 2014 at the courthouse in Cortez, Colorado, there were present:

**Keenan Ertel, Chairman**  
**Larry Don Suckla, Vice-Chairman.**  
**Steve Chappell, Commissioner of Deeds**  
**Melissa Brunner, County Administrator**  
**John C. Baxter, County Attorney - ABSENT**  
**Carol Tullis, County Clerk**

**CHAIRMAN ERTEL** opened the meeting of February 3, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 27, 2014 as corrected. Motion was seconded by Comm. Chappell and carried.

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative James Andrus did not appear.

**PUBLIC COMMENT:** Rob Pope discussed problems with Hartman Heights Subdivision. He talked about what he has done to comply with the utility installations and road work that's been done. He mentioned issues with a cattle guard and problems with some neighbors.

Greg Kemp read a statement regarding his concern with Planning and Zoning work sessions stating his concern with the Department being directed to fix a system that's not broken especially the Dolores River Valley Plan.

Bud Garner discussed Senate Bill 77. He said the bill didn't pass.

**ROAD DEPARTMENT:** Administrator Brunner said the Cortez District is working on the fencing. Jimmy Sattley with the Dolores District informed the Board that the sand shed is almost completed. He said they have plowed snow over the weekend. He informed the Board of his efforts to have the County purchase a small section of land from the Montezuma Water Company that is connected to the Dolores yard and do some fencing. Jason Chaffin representing the Roundup District said they have finished replacing a culvert on Road 21.4. He stated the sand shed is completed and working well. They will assist with the fencing at the Cortez yard. Comm. Suckla asked about graveling a 3 mile portion of Road 20. Comm. Chappell stated that he felt Road T was a higher priority. Mr. Chaffin said he will look into it.

**FIREWISE:** Rebecca Samulski met to discuss the work plan for 2014. She thanked the Board for their support. Ms. Samulski along with Pam Wilson talked about neighborhood ambassadors and their functions, 2013 accomplishments, Weber Fire recovery project, the 2014 work plan including education, mitigation workshops, and various training programs.

**DAV:** DAV representatives, Robert Sanders, David Johnson and Robert Valencia met to request the use of the County Annex and to have the fees waived for their fundraiser that will help them assist veterans and families of veterans with various needs. They wish this to be an annual affair held on the Saturday following Thanksgiving and on December 7th of each year. Comm. Chappell moved to waive the fees for use of the County Annex for the first Saturday after Thanksgiving and on December 7, 2014, Pearl Harbor Day for the DAV, seconded by Comm. Suckla and carried.

**TEEN MAZE:** Rebecca Larson, Peggy Tenneson, and Audie York discussed Teen Maze. They talked about the functions of teen maze and the area schools they work with. This function is scheduled for April 17th, and 18th at the County Fairgrounds. Comm. Suckla moved to approve \$3,000.00 for the support of the Teen Maze, seconded by Comm. Chappell and carried.

**IT:** Jim McClain gave a monthly update for the IT Department. He discussed the status of the new website and gave the department's projects status. The sound system at the Fairgrounds is about 75% completed. He talked about the county firewall which will help with security. Mr. McClain talked about an intern program and agreement he set up through the area college. He discussed the advantage of the IT and Maintenance help desk. Mr. McClain talked about problems with the backup and the need to update the system.

**MONTEZUMA LAND CONSERVANCY:** Jon Leibowitz met to request a letter of support for a Great Outdoors Colorado grant they are applying for on a conservation easement in an area called the Horse Creek Ranch. Comm. Chappell moved to sign a letter of support for the conservation easement for Montezuma Land Conservancy's GOCO application, seconded by Comm. Suckla and carried. (See attached)

**SOUTHWEST MEMORIAL HOSPITAL:** Kent Helwig and John Nadone presented the quarterly update for Southwest Health Systems. Mr. Nadone explained the financial statement in detail. Mr. Helwig said they will focus on cost control for 2014. (See attached)

**LUNCH:**

**PLANNING:**

**VERIZON WIRELESS:** A request for a 12 month extension of time to utilize an existing telecommunication facility was submitted. Verizon Wireless through its agent Black and Veatch requested said extension of a facility consisting of an 80 foot tower, metal pads, concrete ballast and radio cabinets which was originally approved by the Board on February 11, 2013, for a 12 month period of time. The facility is located at 17631 Hwy. 145, Dolores on the Dolores School Bus Garage property. Planning Director Carver explained the extension of time will allow Verizon Wireless the needed time to collocate their communications facility to the recently constructed tower on property located at 17593 Hwy. 145, Dolores and owned by Don O'Brien. Agent Jeff Shearer was on a conference call and explained the reason for this request. Comm. Chappell moved to grant the 12 month extension for

Verizon Wireless in order to complete the necessary work, seconded by Comm. Suckla and carried. (See attached)

Planning Director Carver requested the Board forward a high impact permit and special use permit application to the Planning and Zoning Commission for review. Said applications are submitted by Kinder Morgan CO2 Company for the purpose of constructing a CO2 well pad and drilling of one CO2 well. The property is located at 24810 Road 8, Pleasant View, and owned by Sylvia Louise Kleczkowski. Comm. Suckla moved to forward the high impact permit and special use permit application for Kinder Morgan CO2 Company on property located at 24810 Road 8 to the Planning and Zoning Commission, seconded by Comm. Chappell and carried. (See attached)

Planning Director Carver informed the Board of her attempts to contact Grant Smith regarding the public hearing scheduled for February 24, 2014.

**COMMUNITY SERVICES REPORT:** James Dietrich updated the Board on the status of the McPhee Breakwater project and stated after daily calls to the engineers he has gotten no response. He informed the Board of the meeting he attended with the Mesa Verde Trails group. He informed the Board about the Rangeland Stewardship Committee's upcoming meeting saying they may be meeting with BLM about the grazing allotments. Mr. Dietrich talked about the match for the McElmo Flume grant program. Lastly he reported on the oil and gas regulations hearing.

**COUNTY ADMINISTRATOR REPORT:** Administrator Brunner said the Tozer Pit lease is up for renewal. She presented a continuing grant for the Health Department for signature. (See attached) Administrator Brunner informed the Board that the DA's Office said the Victims Assistance week is April 6th through the 12th of 2014. The DA's Office wish to have a bike rack installed at the Court facilities. She discussed the lease agreement on the Sheriff's Office vehicles.

**COUNTY ATTORNEY REPORT:** No report

**COUNTY COMMISSIONERS REPORT:** Comm. Suckla said he will be attending a Lower Dolores meeting.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Letter regarding Child Abuse and Neglect Hotline Committee.

Letter from the Mancos Opera House Architectural Restoration and Preservation Society regarding a fundraiser for March 1, 2014.

Letter from USDA/ Dolores Ranger District a letter of support for the transfer of FS 526 (Dolores-Norwood Road) to the County.

Follow up letter from CDOT to the 2014 annual meeting with the Board.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 2:50 pm**

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County Clerk

February 3, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
February 10, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 10, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney - ABSENT  
Kim Percell, Chief Deputy Clerk

**CHAIRMAN ERTEL** opened the meeting of February 10, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 3, 2014 as corrected. Motion was seconded by Comm. Chappell and carried.

**COOPERATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of January, 2014. (See attached)

**PUBLIC COMMENT: Julieta Unsworth** held a discussion with the Commissioners expressing her concerns over the Dolores River Valley Plan. She felt that the entire county should be required to follow the same rules as she as a property owner would be required to adhere to. Commissioner Chappell explained that there would be a presentation by the Planning and Zoning Commission later in the day where a public hearing would be set and that would be the time for her and her neighbors to express their concerns.

**Todd King** met with the commissioners to discuss the possibility of a water park event during the county fair rather than a carnival.

**ROAD DEPARTMENT: Rick Lard** reported to the Commissioners for the Cortez District. They are currently working on Road E. He reported there had been a wash out approximately 17 miles down Road G. They have fixed the problem for now. Administrator Brunner reported this will need a permanent fix in the future. A discussion was held regarding a cattle guard for the Hartman Heights Subdivision and the impact of said cattle guard on the county road and connected neighbors. **Larry Lee Jr.** reported to the Commissioners for the Mancos District. He expressed concerns regarding the permit procedures, stating that the permits require a phone call when work will start and permits are valid for 45 days. Currently these two points are not being adhered to. The Commissioners said they would take a look at this process in the near future. He reported that

Road 41 was cleaned up and ready for gravel. They were also currently helping the Cortez District complete some fencing.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of January, 2014. She reported that an employee had been promoted and a vacancy had been filled. The D&T had been returned early from getting repairs. They had a small fire that the staff responded to and took care of and that she had done some research on the possibility of the rental of a compactor. (See attached)

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave his monthly report which included past and future events, the fairgrounds income to date, fairgrounds attendance and the completion of the speaker project. He also discussed the future outdoor lighting project. (See attached)

**GROUNDS AND BUILDINGS QUARTERLY REPORT: Robert Smith Maintenance Supervisor** reported on the grounds and buildings. Current projects include the Road Department office remodel and the Annex lighting project. Robert stated that the Detention Center has ongoing projects. Commissioner Suckla asked Robert if they drove the county vehicles home at night and Robert reported they did because they were on call for the Detention center. Robert discussed a possible future project at the Annex 3 parking lot.

**BUSINESS AFTER HOURS: Dena Guthridge and Vonnie Robinson** met with the Commissioners to discuss the Chamber of Commerce Business after Hours event being held with conjunction to the annual Home and Garden Show. Commissioner Suckla moved to approve the request to include the Business after Hours for the Chamber of Commerce on May 2, 2014 during the Home and Garden show. Second by Commissioner Chappell, the motion carried.

**COMMUNITY SERVICES REPORT: James Dietrich** reported on the Rangeland and Stewardship meeting, the Southwestern Livestock Association meeting and the Oil and Gas regulations hearing. He gave updates on the McElmo Flume grant and the Mesa Verde Trails group.

**COUNTY ADMINISTRATOR REPORT: Administrator Brunner** reported that she had a department head meeting with all 24 departments. Each department head gave a brief report of their department. She held a discussion with the Commissioners regarding a standardized employment evaluation for all Montezuma County employees. She reported that there were several cemetery districts with expired board members and presented applications for the **Lewis Cemetery District**. Commissioner Chappell moved to appoint **Kim Martin** for a term to expire in 2018, **Melanie Filener** for a term to expire in 2017 and **William Thomas Gilliland** for a term to expire in 2016 for the Lewis Cemetery District. Second by Commissioner Suckla and the motion carried. (See Attached)

**COUNTY ATTORNEY REPORT: No report**

**COUNTY COMMISSIONERS REPORT: Commissioner Ertel** reported that he had gone to the Rural Philanthropy meeting. He reported that they were impressed with the presentations given from our area and final funding decisions would come in June 2014.

**LUNCH: 12:00**

**PLANNING DIRECTOR SUSAN CARVER** presented an exemption request submitted by **Bonnie Kennedy, Hazen Brown Esq.**, agent on property located at 14203 Road 35.6, Mancos. Said property currently consists of 35 acres wherein Road 35.6 bisects the property leaving 21.68 acres on the west side of Road 35.6 and 13.80 acres on the east side. Ms. Kennedy is requesting that the parcel be described and deeded as 2 separate parcels of land since the road bisects the property. Commissioner Chappell moved to approve **Resolution 14-000001** including the variance and an exemption request for property owned by Bonnie Kennedy located at 14203 Road 35.6 Mancos as presented. Second by Commissioner Suckla, and carried. (See attached)

**DOLORES RIVER VALLEY PLAN:** The Board was given a recap by **Dennis Atwater** of the Planning and Zoning Commission Boards progress to date on clarification of the Dolores River Valley Plan. (See attached)

**WEED CONTROL:** **Lee Ann Milligan, Don Morris and Kirk Swope** met with the Commissioners for clarification of the current Weed program.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:  
No Correspondence presented

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 4:00 pm**

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County Clerk

February 10, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
February 24, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 24, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN ERTEL** opened the meeting of February 24, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated February 10, 2014 as presented. Motion was seconded by Comm. Suckla and carried.

**ACCOUNTS PAYABLE PUBLICATION:** The accounts payable publication was presented for signature. Comm. Suckla moved to approve the accounts payable for publication, seconded by Comm. Chappell and carried. (See attached)

**CONTRACT:** The contract with the Town of Dolores and the Montezuma County Sheriff's Office was presented for approval. Comm. Suckla moved to sign Resolution #339-Series 2013 for the Town of Dolores, seconded by Comm. Chappell and carried. (See attached)

**2013 TREASURER'S REPORT:** **Montezuma County Treasurer Sherry Dyess** presented the 2013 Treasurer's report from July 1, 2013 through December 31, 2013. Comm. Chappell moved to sign the schedule of receipts and disbursements, seconded by Comm. Suckla and carried. (See attached)

**PUBLIC COMMENT:** **Catherine Kraus** said she works with For Pets Sake and is on the feral cat trapping team and indicated they have made an impact. She explained the process with what is done once a cat is trapped.

**Ben Wolcott** works with the Mancos Public Library and there is a proposal to house a collection of guns that won the west and books which will be an educational exhibit for all to enjoy, however, the Library Board of Trustees is opposing this proposal. Mr. Wolcott is asking the Board for a resolution with a copy being sent the Library stating this will be the best place to house such a collection. A letter of support could be considered.

**ROAD DEPARTMENT:** **Randy Smith, Don Morris, and Kirk Stauffer** met to update the Board. They said the fence has been completed and looks good and Rick Lard over saw that project. Kirk Stauffer reported the department is milling on Road CC and doing well. Don Morris reported on the permits necessary for the weed



control program and what information is required to be placed in the trucks. Randy Smith said they are still crushing chips and making road gravel at Hay Camp.

**FEDERAL LAND AGENCIES:** Federal Land Agency representatives gave an update to the Board. **Connie Clementson** and **Marietta Eaton** representing the Canyon of the Ancients National Monument reported on the Geographic Area Development Plan (GADP) in the Yellow Jacket area doing 3000 acres. The plan is to do 5 areas and will proceed with one plan a year then lump them all into one master plan. She talked about the infrastructure improvements, new production/loop lines, one new cluster facility, up to 10 new CO2 production wells, and building and equipment upgrades. She discussed the need to place 3 gate locations for administrative route closures for resource protection. She talked about access for permittees, leasees, and emergency personnel in these areas. Ms. Eaton talked about an illegal fuel wood cutting on Road 10 and the damages done to the area. **Todd Johnson** is a transportation scholar and discussed transit issues and distances between sites. He talked about the resource management plan for the Sand Canyon and Pedro Point areas like the parking and traffic, and speed. Mr. Johnson discussed the trail between Cortez and Mancos that would go through Phil's World. He stated there is a possibility of looking at a planning grant for the feasibility study. (See attached)

**MATT THORPE** representing the Colorado Division of Parks and Wildlife stating he is the new area wildlife manager asked the Board if they have any issues. Comm. Suckla asked about the placement of the fish in McElmo. He explained the roundtail chub fish listing has been an issue of concern. He talked about the re-introduction of the lynx and the success they had with that program. The Board expressed their concerns with the Gunnison Sage Grouse habitat and how it may eventually affect our area. The Board would like a quarterly meeting with Mr. Thorpe.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted; **Dennis Story, LouAnn Everett and Lori Higgins were present.**

**MCCARTNEY: Don and Cynthia McCartney** along with their attorney **John Seibert** met to discuss an application for a driveway permit on property located at 32398 Road M.5, Mancos. The application was previously delayed due to a dispute to the width of the easement being 45' wherein the standard is 60' as originally applied for on County Road 32. The County requested he provide legal access to use the easement. Mr. McCartney explained his application and is requesting the red sign be moved and is requesting a driveway permit. Mr. Burton explained there are two types of red signed roads and Mr. McCartney's road was red signed for addressing and emergency purposes only. It was stated this may have to be resolved through the court systems. (See attached)

**SHERIFF'S OFFICE: Sheriff Spruell** gave his monthly update. He informed the Board of a controlled burn that got out of control. He asked if they want dispatch to be a call center for those who want to burn. The Board said a call would be a good idea. This issue will be looked into at a later date. He informed the Board of intent to sue letter received. He updated the Board on the sale of vehicles and on the status on the new vehicles on order. (See attached)

**COUNTY FAIR: Todd King** representing the County Fair Board gave an update on the Fair saying the Fair Board is focusing on making the Fair a community event rather than just a 4-H event. He talked about wanting to have a water park. He is talking to the entities involved and is continuing looking into options. Mr. King talked about other events they are looking at to have during the Fair that may draw crowds.

**LUNCH:**

**ORDER:** Comm. Suckla moved to approve Order number one to transfer from the General Fund to the LEA Fund for overpayment in 2013 the amount of \$539.65, seconded by Comm. Chappell and carried. (See attached)

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for January 2014, seconded by Comm. Suckla, motion carried (See attached)

**HEALTH DEPARTMENT:** Comm. Suckla moved to approve the Caring for Colorado Continuation Grant for the Public Health Department, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. This hearing is for proposed amendments to the Montezuma County Weed Management Plan. Said hearing is regarding amendments to the Plan which includes but is not limited to enforcement of infested properties. LeeAnn Milligan gave an overview of the amendments. Kenny Smith discussed the proposed amendments in detail. Comm. Ertel opened the hearing up to public comments. **Clay Hollen** said he would like to see some way to have noxious weeds taken control of. **Eddie Lewis** watched LaPlata County implement their weed control plan and wants to see some type of plan in Montezuma County. Mr. Lewis is on the current Weed Board. **Steve Miles** is a member of the Weed Board and Dolores Conservation District Board and would like to see a program implemented. **William Hendrickson** stated a letter was written to the Board and nothing was done at that time and he would like to see some support from the BOCC to back up the Weed Board. **Bob Clayton** representing Kinder Morgan is in full support of this plan. **Clay Hollen** said he has about 100 acres on Road CC that has a lot of Canadian Thistle. **Eddie Lewis** pointed out section 11. **Brad White** said it can be done as he and his son spray their weeds with a 4 wheeler. **Bob Clayton** said Russian Thistle is not on the A, B, or C lists as noxious weeds. Mr. Smith said neither Russian nor Kochia is not listed as noxious weeds. These weeds could be added to the C list. **Mike Preston** with Dolores Water Conservancy District said his department fully supports this plan and questioned the response time frame. **Gary Kennedy** superintendent of Mancos Water District asked what enforcement is placed on the forest service lands. **Frank Green Dolores Water Conservancy District** commented about where Kochia weed should be listed. He said the C list would be the best place. **Steve Miles** said this plan provides a means of education as well. A letter of support from Dolores Conservation District was presented (See attached) Hearing no further comments, that portion was closed. Comm. Chappell asked who is responsible to inform the State and Federal Agencies and land developers. **Clay Hollen** asked what the time frame would be before the County took action if the landowner didn't respond to the letters. After hearing all the evidence presented Comm. Chappell moved to approve the implementation of the Weed Program Resolution 3-2014 and to include the Russia Thistle and Kochia on the C list, seconded by Comm. Suckla and carried. Comm. Ertel closed this hearing at this time. (See entire resolution of file in the Montezuma County Weed Program Office Room 305)

**PLANNING:** **Planning Director Susan Carver** made a request to forward a high impact permit and special use permit application for two Kinder Morgan applications for a cluster facility wherein CO2 pipelines will tie into the cluster facility. One is on property located on Road 8, Pleasant View and the second is on property located at 24810 Road 8, owned by Sylvia Louise Kleczkowski. Comm. Suckla moved to forward both requests for a high impact permit and special use permit for Kinder Morgan be forwarded to the Planning and Zoning Commission for their consideration, seconded by Comm. Chappell and carried. (See attached) Road Impact fees agreement was discussed.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit and special use environmental permit as submitted by Kinder Morgan, CO2

Company. The roll was called, the public notice read, and the proceedings were recorded for the record. Said request is for the construction and use of one 5.6 acre, more or less, well pad and drilling one CO2 well within the well pad location on property owned by Kelly Judy located at 26750 Road 8, Pleasant View consisting of 160 acres, more or less. Bob Clayton, agent for Kinder Morgan explained the application in detail. Comm. Ertel opened the hearing up to public comment. Hearing no comments that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit number 14-000005 and special use permit number 14-000004 for Kinder Morgan for the purpose of the construction of a well pad and drilling one CO2 well with the contingencies included, seconded by Comm. Suckla and carried. (See attached)

**STONE REQUEST** to forward high impact permit and special use permit application to the Planning and zoning commission board as submitted by Lavena Saunders, et la and Stone Sand and Gravel LLC, agent Nathan Barton. Mr. Barton was on a conference call and explained the application. This application is for the purpose of allowing a hot-mix asphalt plant to be set up on the site for road improvement projects on property located at 32260 Road S, Dolores.

**MCCLELLAN REQUEST:** A request to forward a high impact permit and special use permit application to the Planning and Zoning Commission Board as submitted by Casey McClellan, Richard McClellan and David E. Nelsen, Nathan Barton with Wasteline Inc as agent. Mr. Barton was on a conference call. The application is for the purpose of allowing a hot-mix asphalt plant to be set up on the site owned by Mr. McClellan and business associates. Comm. Suckla moved to forward the high impact permit and special use permit applications to the Planning and Zoning Commission Board on the LaVena Saunders DBA Stone Sand and Gravel and the application submitted by Casey McClellan, Richard McClellan and David E. Nelsen on the Casey McClellan project, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing regards compliance with the Montezuma County Resolution 13-2008 Flood Damage prevention and the Montezuma County Land Use Code regarding structures that appear to be in non-compliance with said regulations on property located at 18440 Hwy 145, Dolores. James Dietrich explained the need to bring two structures into compliance. Ernest Maness with Maness and Associates Inc. is working with Mr. Grant Smith to bring the structure into compliance. It was stated that a plan should be submitted to bring both structures into compliance by April 14, 2014. Comm. Ertel opened the hearing up to public comment. **Pat Kantor** asked if the variance was for the deck and not the larger structure. It was explained the larger structure was outside the 100' set back. **Dennis Atwater** spoke as to the resolution 12-2008. He said none of the requirements were met. He is unhappy with the granting of the variance. **Galen Larson** said he is hooked into the water supply and that is why he is concerned even though he doesn't live in the Dolores River Valley. **Bruce Lightenburger** said he was part of the group that came up with the Dolores River Valley Plan. He said the intent is not to destroy the water quality. He said there were major flaws when the plan was done especially with the TDRs. He feels the plan should be scrapped and start over. **Jim Smith** has a problem with people complaining about polluting the river but no one has mentioned about livestock defecating into the river. Hearing no further comments, that portion is closed. Grant Smith asked how he is hurting the quality of the water and how is it known he is not in compliance. He was told it is incumbent upon the applicant to furnish the compliance certification. Galen Larson said the Dolores River and the McPhee Dam are our only water source and where does it end. After hearing all the evidence presented Comm. Chappell moved to continue this hearing until April 14, 2014, at 1:30 p.m., seconded by Comm. Suckla and carried. This hearing is continued until April 14, 2014 at 1:30 p.m. No decision was made.

**RICK TORRES** Veteran's Executive Officer met to ask the Board to hire another employee to fill the part time position left vacant by the death of Bud Carriere. It was agreed to fill the position.

**COMMUNITY SERVICES REPORT:** No report

**COUNTY ADMINISTRATOR REPORT:** Administrator Brunner said she attended the meeting with the Housing Solutions of the Southwest. She informed them this agency has a block grant that helps fund the Senior Nutrition/Transportation programs. She talked about the sale of County vehicles. She talked about road and bridge stating the department is milling on Road CC and said the fence is very nice. The tentative schedule to meet with the Court House design group is scheduled for March. She was informed about a program the area churches are putting together to have a community type forum where they will have a speaker. The forum is scheduled for March 14, 2014. They wish to get input as to how the churches can help in the county. She discussed the county website and its needs. Administrator Brunner talked about the hiring of a Road and Bridge Supervisor.

**COUNTY ATTORNEY REPORT** Attorney Baxter reported that the non native species ordinance needs more clarification. He said the ordinance could be limited to animals, birds, and fish. He reported he has been in contact with Attorney Jon Kelly regarding neighbors of the Fairview Cemetery.

**COUNTY COMMISSIONERS REPORT:** Comm. Ertel reported on the Club 20 meeting he attended. He said the Club stated the State Highways throughout the State are below standard.

Comm. Suckla talked about two meetings he attended with CCI and he will be going back to Washington DC next week.

**EXECUTIVE SESSION:** Pursuant to Attorney Baxter's suggestion, Comm. Suckla moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402 (4)(b) for a conference with the attorney for the purpose of receiving legal advice on specific legal questions. Seconded by Comm. Chappell and carried.

Comm. Ertel said the Board voted to return to regular sessions.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Case 12CV154 Marion Harper vs Montezuma Sheriff's Office

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 5:10 pm**

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County Clerk

February 24, 2014

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Chairman



Chappell moved to go on record to support the grant application to the Southwest Basin Roundtable and The Colorado Water Conservation for the rehabilitation of the flume, seconded by Comm. Ertel and carried. Ms. Towle and James Dietrich talked about a GOCO grant for \$63,100.00 and asked for a resolution in support of said grant. Comm. Chappell moved to move forward with the GOCO grant, seconded by Comm. Ertel and carried. (See attached)

**ABATEMENT:** It being the time set aside abatement hearings is held on the following. The roll was called and the proceedings were recorded for the record.

**BILL BARRETT CORP.** This abatement is for schedule numbers **E100335, E100457, and E100460** for tax year 2013. Leslie Bugg and Assessor Scott Davis explained the requested abatement. Assessor Davis is recommending approval for refunds on the listed accounts. Comm. Chappell moved to agree with the Assessor's Office and approve the abatement, seconded by Comm. Ertel and carried. (See attached)

**ABATEMENT: UNIT PETROLEUM COMPANY: Leslie Bugg and Assessor Scott Davis** presented a request for abatement for Unit Petroleum Company for tax year 2013 on account numbers **E100038 and E100043** and for tax year 2012 on account number **E000345**. The Assessor is recommending approval of these refunds. The Chappell moved to approve the abatement request and agree with the Assessor's recommendation, seconded by Comm. Ertel and carried. (See attached)

**ARCHERY GROUNDS: Tonya Yates**, along with **Kim and Rusty Hamilton** met to discuss the 4-H taking over the archery grounds at the Fairgrounds from the Mesa Verde Archers. It was stated that due to lack of members the Archery group approached the 4-H club to take over the range. It was mentioned that JOAD wanted to upgrade and use the range if they received a grant, however the grant was never received and they have done nothing. Fairgrounds Manager Tanner Young explained how the insurance on the range would be done explaining the County would be listed as additional insurers. Ms. Yates explained that there could be a Memorandum of Understanding that would be on a yearly renewal. Comm. Chappell moved to approve the development of a Memorandum of Understanding giving the archery range over to the 4-H to maintain and operate along with the proper insurance being provided, seconded by Comm. Ertel and carried.

**LIQUOR LICENSE:** Clerk's Deputy Lynn Dorenkamp presented a liquor license renewal for Smitty's Liquor. She explained the renewal is for a retail liquor store. Comm. Chappell moved to approve the renewal application for Smitty's Liquor, seconded by Comm. Ertel and carried. (See attached)

**FIREWISE:** A letter of support was requested. Rebecca Samulski asked the Board for a letter of support for a grant she is applying for. This grant would be for a power line fuel reduction program along a portion of Roads 31 and 32 between Roads L and P. Ms. Samulski discussed a Firewise accomplishment report. Comm. Chappell moved to send a letter of support for Cash Canyon and Stinking Springs fire mitigation program with Tri-State and Western area power lines, seconded by Comm. Ertel and carried

**ROAD AND BRIDGE SUPERVISOR: Administrator Brunner** stated the job for the County Road and Bridge Supervisor has been offered to and accepted by **Rob Englehart**. Comm. Chappell moved to hire Rob Englehart as the new Road and Bridge Supervisor, seconded by Comm. Ertel and carried.

**LUNCH:**

**VARIANCE:** Planning Director Susan Carver presented a request for a variance from Benjamin and Ninfa Perez, Maness and Associates, as agents. The property is located at 24950 Hwy 145, Dolores, wherein, applicants wish to construct and reside in a residential structure on their property which is currently vacant. Said property is located within the Dolores River Valley which requires a 100' setback from the river for residential structures. Director Carver explained that due to natural challenges the property has limited buildable area. A 50' setback variance is being requested. Due to the size of the lot and location Comm. Chappell moved to grant the variance from 100' to 50' setback which is the state regulation, seconded by Comm. Ertel and carried. (See attached)

**VARIANCE:** A request for a variance has been requested by Michael and Paulette Gasner on property located at 15325 Road 22, Dolores, wherein, the applicants are requesting a variance to residential setback requirements of 50' to repair and replace their existing home to a 35' setback. Applicants are also requesting a variance for all existing outbuildings. Planning Director Carver explained there was a temporary variance granted by the Board in 2013 and the Gasner's are now requesting the variance become permanent. Comm. Chappell moved to grant a variance request for Michael and Paulette Gasner from 50' to 35' on the residence and the structure variance to 5', seconded by Comm. Ertel and carried. (See attached)

**EMPIRE ELECTRIC:** A proposed expansion of an electrical substation by Empire Electric was received on property located at a to be determined address on Road 16, Cortez. Representatives Scott Ehmke (Empire Electric) and Bob Clayton (Shell Oil- Kinder Morgan) represented their request. The property is currently zoned industrial. Mr. Clayton explained the difference in the recorded deeds and his efforts to get them conveyed to Kinder Morgan. This motion was tabled for next week since one commissioner was absent and Comm. Chappell recused himself.

**VACATION:** Director Carver presented for review and determination of vacating the Lisenbury 2 lot minor subdivision. The property is located at 29298 and 29296 Road P.5 Dolores and owned by Terry and Toni Branson. Director Carver said the parcel was created by a probate case and the court stated the parcel is to be split. The Bransons went through the subdivision process earlier and due to the court order that process did not need to be done. The Branson's are requesting the subdivision be vacated. Director Carver explained if the 2 lot minor subdivision is vacated, the parcel would then become one parcel instead of 2. Comm. Chappell moved to vacate the 2 lot minor subdivision on property owned by Terry and Toni Branson on Road P.5, seconded by Comm. Ertel and carried.

**COMMUNITY SERVICES REPORT: No report**

**COUNTY ADMINISTRATOR REPORT: Administrator Brunner** presented information on the completion of the phone installation regarding the E911 dispatch.

**COUNTY ATTORNEY REPORT:** Attorney Baxter stated they should get in touch with the Fairview Cemetery as requested by the attorney of a neighbor of the cemetery. He said he will talk about the non-native ordinance next week.

**COUNTY COMMISSIONERS REPORT:** Comm. Chappell suggested that someone needs to put the push on CDOT to complete the Road 23 project.

Discussed the letter of support on the display of guns and books at the Mancos Library for Ben Wolcott's Guns that Won the West display. More information will be requested.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Case number 14CV5 Marion Harper vs Montezuma County Sheriff's Dept.

Letter from Art and Pat Requena regarding proposed ordinance no 1-2014.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Ertel and carried.

**MEETING ADJOURNED 2:35 pm**

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County Clerk

March 3, 2014

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Chairman





April 1, 2014. Mr. Lee talked about the grading procedure on certain forest service roads. He said his crew was helping the Roundup crew with the grinding and they have patched pot holes.

**Sheriff Dennis Spruell** updated the Board about the missing snowmobiler in the avalanche. He said the search has been suspended for awhile due to a second avalanche in the area. He talked about the cost of the search to the County saying DOLA paid for most of the costs and so far the County has not had to expend any monies.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of February, 2014. Manager Barton updated the Board on the recent fire at the Landfill stating the source is more than likely a chemical combustion. She talked about the income statement. (See attached)

**WEED ADVISORY BOARD APPOINTMENTS:** LeeAnn Milligan, Office Manager presented letters of interest from individuals expressing wishes to be on the Weed Board. Ms. Milligan recommended Steve Miles, Brad White, and Walter Henes for re-appointment to the Board and she recommended Jerry Koskie as an alternate. Comm. Chappell moved to appoint Steve Miles, Brad White, and Walter Henes to a 4 year term on the Montezuma County Noxious Weed Board the add Jerry Koskie as an alternate, seconded by Comm. Suckla and carried. (See attached)

**ABATEMENT:** It being the time set aside the abatement for Assessment Technologies (Safeway) is heard. The roll was called and the proceedings were recorded for the record. **Leslie Bugg and Assessor William Scott Davis** presented the abatement on schedule number P000648 for tax years 2011 and 2012. Their recommendation is to deny this request due to bulk personal property valuation claims with unsubstantiated reasons and insufficient supporting documentation for adjustments. The agent for Assessment Technologies was on a conference call. He is asking for an administrative denial to preserve their rights to appeal at a later date. He said they are awaiting a decision on a case filed in Arapahoe County. Comm. Chappell moved to deny the petition for abatement on parcel number P000648 for Safeway, seconded by Comm. Suckla and carried. (See attached)

**ORDINANCE DISCUSSION:** A discussion was held regarding prohibition on introducing Non-Native Animal Species into Montezuma County and establishment of habitats. Attorney Baxter discussed the proposed ordinance in detail. He said due to concerns expressed this ordinance deals with animal species. The Board discussed being more specific by limiting the ordinance to the Gunnison Sage Grouse only. More research and discussion will be done. Letter of concern from Sheldon Zwicker was received. (See attached)

**LEA BALLOT ISSUE:** A discussion was held concerning the Law Enforcement Authority ballot question that was passed in 2007 and the allowable expenditures from this fund. We are within our prescribed authority as presented in the LEA ballot language to use these funds for capital expenditures.

**NATURAL RESOURCES AND PUBLIC LANDS COORDINATOR: No report**

**COUNTY ADMINISTRATOR REPORT: Administrator Brunner** said the County website is coming along well. She made a suggestion to define James Dietrich's title a little better as it is vague. Mr. Dietrich's title will now be Natural Resources and Public Lands Coordinator instead of Community Services. Administrator Brunner said Sheriff's Deputy James Utley is being trained as the Ag officer.

**COUNTY ATTORNEY REPORT: No report**

**COUNTY COMMISSIONERS REPORT:** Comm. Ertel reported on the AAA meeting he attended.

**EXECUTIVE SESSION:** Pursuant to Attorney Baxter's suggestion, Comm. Suckla moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402(4)(f) for the purpose of personnel matters. Seconded by Comm. Chappell and carried.  
Comm. Ertel said the Board voted to return to regular sessions.

**LUNCH:**

**Comm. Chappell absent p.m. session.**

**DISTRICT COURT COMMENTS REQUEST:** Request for comments from Montezuma County District Court to the Board of County Commissioners regarding a probate case in which a tract of land is being developed for estate purposes was cancelled.

**PROPOSED EXPANSION:** Planning Director Susan Carver presented for continued review and determination of a proposed expansion of an electrical substation by Empire Electric Association on property located at a to be determined address on Road 16, Cortez. Bob Clayton with Kinder Morgan and Scott Ehmke with Empire Electric represented their request. Comm. Suckla moved to approve the expansion for Empire Electric on property located on Road 16 and fits for the use by right under the heavy industrial zoning and is therefore exempt, seconded by Comm. Ertel and carried. (See attached)

**FINAL PLAT:** Planning Director Susan Carver presented for review of a final plat for amending the Lebanon Estates, a 19 lot major development. This is regarding traffic restrictions, specific to the northern most platted access for ingress and egress at the intersection of Road N.8 Loop and Road 25 being removed. She explained there were non-opposition letters signed by all lot owners. Comm. Suckla moved to approve the final plat to amend the Lebanon Estates 19 lot major development whereas the traffic restrictions specific to the northern most platted access for ingress and egress at the intersection of Road N.8 Loop and Road 25 be removed, seconded by Comm. Ertel and carried.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Veteran Services customer satisfaction survey.

Dolores Water Conservancy District notice of regular meeting.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Ertel and carried.

**MEETING ADJOURNED 2:15 pm**

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County Clerk

March 10, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 17, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 17, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

**CHAIRMAN ERTEL** opened the meeting of March 17, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 10, 2014 as corrected. Motion was seconded by Comm. Suckla and carried.

**SCHOOL FINANCE: Jim Law** met to discuss school finance. He is requesting the Board consider a resolution to urge the Colorado General Assembly to restore K-12 funding lost to negative factor. The resolution would ask for the Colorado General Assembly to restore all funds provided for by Amendment 23. Comm. Suckla moved to approve **Resolution 5-2014** to urge the Colorado General Assembly to restore K-12 funding lost to negative factor in Montezuma County, seconded by Comm. Chappell and carried (See attached)

**PUBLIC COMMENT:**

**David Long** asked why they could not seek by-partisan support for the letter of support regarding the school funding.

**ROAD DEPARTMENT: Rob Englehart** was introduced as the new Road Supervisor. **Don Morris** said he has around 100 acres with a class A weed called Mediterranean Sage and he is now monitoring them. He talked about efforts done on various weeds and the effect of spraying and cutting. **Randy Smith** said the crushing is continuing and they had a breakdown occur that has been repaired. Mr. Smith informed the Board on the Tozer Pit and how it came into being. He said the area is rented as a staging area to stock pile material. Mr. Smith talked about work at the Haycamp Gravel Pit.

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for February, 2014, seconded by Comm. Suckla, motion carried (See attached)

**FEDERAL LAND AGENCIES: Derek Padilla, Marietta Eaton and Connie Clementson** met to update the Board on the work they have been doing. Ms. Clementson said the BLM is working on the travel management plan. She said they are also updating their inventory. She said they would like to schedule a work session with the Board in 8 to 10 weeks. **Marietta Eaton** talked about a group organized to support the Canyon of the Ancients National Monument and efforts they are doing to clean up the fuel wood cutting damage. She talked

about the vacant allotments. **Derek Padilla** talked about the Rico Dolores Travel Management Plan being in the second round of talks. Mr. Padilla talked about the top 10 coordination list of projects. He talked about the McPhee Recreational area saying the Forest Service does not have the funding to manage the area saying there has been a 36% reduction in recreational funding. He spoke of other projects. Ms. Eaton mentioned they will be doing maintenance on the roads in the Monument. Talked about the Sand Canyon parking and parking on Road 10 and would like to see more discussion on this topic.

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave the monthly report for the Fairgrounds. He reported on attendance, the events recently held all going well and events scheduled. Manager Young said the newly installed PA system worked really well. (See attached)

**12 HOURS OF MESA VERDE: Dani Gregory, Dana Guttridge and Cap Allen**, representatives of the 12 Hours of Mesa Verde said the event is scheduled for May 10th. Ms. Gregory informed the Board of what the event is and what they do with the proceeds. Ms. Guttridge with the Chamber of Commerce discussed the race and how it benefits the area. It was explained they wish to serve beer and soda only, between the hours of 5:00 pm to 10:00 pm. Ms. Guttridge said the required insurance is in place and the area of service is secured and the servers are all tips trained. Comm. Suckla moved to approve the special use permit for the 12 Hours of Mesa Verde for the service of alcohol at the Montezuma County Fairgrounds for the 12 Hours of Mesa Verde and on the recommendation of the Fairgrounds Manager the security and exact time of service be determined by the 12 Hours of Mesa Verde, seconded by Comm. Chappell and carried. (See attached)

**GUN SHOW: Steve Blackwell** talked about the upcoming gun show. He said he is the event coordinator and informed the Board about the show saying the event has been opened to everyone and the intention is to expand the event. Mr. Blackwell discussed all the events he has scheduled. This show is going to be held April 25<sup>th</sup> through the 27<sup>th</sup>.

**ORDINANCE:** Prohibition on introducing non-native animal species into Montezuma County and the establishment of habitats was discussed. Attorney Baxter discussed a few changes for the Board's consideration. **Matt Thorpe** with the Colorado Parks and Wildlife gave input as to what his agency is doing. He talked about an MOU between the entities and to let the Board know what is happening. It was stated a public hearing will be scheduled for April 21, 2014.

**LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining a high impact permit and special use permit application submitted by Kinder Morgan CO2 Company, agent Bob Clayton and Ecosphere Environmental Services. They wish to construct one 5.91 acre, more or less, well pad and drilling of 1 CO2 well within the well pad location on property owned by Sylvia Louise Kleczkowski located at 24810 Road 8, Pleasant View, consisting of 253 acres, more or less. **Bob Clayton (Kinder Morgan), Laura Getts and Barb Wickman (Ecosphere)** represented their application. Mr. Clayton said the location of the well may be moved to accommodate the property owner and farmer as requested. This is part of the Cow Canyon project. Comm. Ertel opened the hearing up to public comment. Hearing no comments, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve high impact permit number 14-000007 and special use permit number 14-000005 as submitted by Kinder Morgan agent Bob Clayton for the purpose of constructing one 5.91 acre, more or less, well pad and drilling of 1 CO2 well, seconded by Comm. Suckla and carried. (See attached) Comm. Ertel closed the hearing at this time.

**ROAD AGREEMENT:** Comm. Suckla moved to sign the road improvement agreement between Montezuma County Road Department and Kinder Morgan CO2 Company for the improvements on Road CC in Montezuma County, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit application and a special use permit application submitted by Kinder Morgan CO2 Company, Bob Clayton and Ecosphere Environmental Services, agents. The roll was called, the public notice read, and the proceedings were recorded for the record. This request is for a cluster facility wherein CO2 pipelines will tie into the cluster facility, water will be separated and measurements taken, then CO2 will be transported by the pipeline to the proposed Cow Canyon Compressor station facility for further processing, The cluster facility is being proposed on property located at a to be determined address on Road 8, Pleasant View. The facility will consist of a 5 acre lease area on a 140 acre, more or less, tract of land. Bob Clayton with Kinder Morgan represented the applications. Comm. Ertel opened the hearing up to public comment. Hearing none that portion is closed. After hearing all the evidence presented Comm. Suckla moved to approve high impact permit number 14-000002 and special use permit 14-000002 for the purpose of a cluster facility wherein CO2 pipelines will tie into the cluster facility, water will be separated and measurements taken, then CO2 will be transported by the pipeline to the proposed Cow Canyon Compressor station facility for further processing, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed the hearing.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for a high impact permit application and a special use permit application. The roll was called, the public notice read, and the proceedings were recorded for the record. The property is owned by Lavena Saunders, et al and Stone Sand and Gravel, LLC, agent Nathan Barton with Wasteline, Inc. This application is for the purpose of allowing a hot-mix asphalt plant to be set up on the site for road improvement projects on property located at 32260 Road S, Dolores, consisting of 1271 acres, more or less, wherein 5 acres, more or less, would be used for the asphalt plant set up and operations. Agent Nathan Barton and Kathy Stone represented the application. Mr. Barton informed the Board of upcoming projects with entities that may use this facility for their gravel needs. He said there could be an annual review on the permit. Nathan addressed the 11 contingencies listed in detail. He said there has never been an issue with the number of crushers at the site. He addressed the 1 hour warm up time would vary with different manufactures. He also requested that air monitoring not be required. **Shad Peabody** with Skanska spoke as to what Skanska's plans are for the possible use of this plant. Comm. Ertel opened the hearing up to public comment. **Richard Selah** said he owns property less than 2 miles from the facility and asked if the asphalt is heated and wants to know the temperature. He asked about road damage and problems with the road. He asked when the air sampling would be done and how they will deal with suppression of fires. He talked about odor. **Greg Kemp** talked about the asphalt plants in Mancos saying one was good, one bad, and one only okay. He stated that the same reporting standards should apply with all plants. There needs to be a contact person to answer questions and an annual review done with the previous year's experiences. **Shad Peabody** addressed the odor and emission concerns. **Lavena Saunders** is one of the owners and wonders who the people are that travel the road and they should have representation. Hearing no further public comments, Comm. Ertel closed that portion. Comm. Chappell said he can understand air quality testing before and during operation but not after the operation is completed. Hearing all the evidence presented, Comm. Chappell moved to approve high impact permit number 14-000001 and special use permit number 14-000001 for McStone Aggregates LLC on property owned by Lavena Saunders, Stone Sand and Gravel LLC located at 32260 Road S, north of Hwy 184, north of Road S with the contingencies discussed in this meeting, seconded by Comm. Suckla and carried. (See attached) Comm. Ertel closed this hearing.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for a high impact permit and special use permit application submitted by Casey McClellan, Richard McClellan and David E. Nelsen, agent Nathan Barton with Wasteline, Inc. The application is for the purpose of allowing a hot-mix asphalt plant to be set up on the site for road improvement projects on property located at 32429 Road S, Dolores, consisting of 290 acres, more or less, wherein 5 acres, more or less, would be used for the asphalt plant set up and operations. Mr.

Barton said this is similar to the previous hearing except that the state contract has already been awarded to someone else but other bids will be awarded in the future. Casey McClellan explained the application in detail. Comm. Ertel opened the hearing up to public comment at this time. **Greg Kemp** reiterated his comments concerning a contact person posted on County website and the equipment promised is in fact the equipment used with the same annual review. **Richard Selah** talked about the price of the necessary air testing and that fee should be paid before any permit is issued. It was stated the cost of \$10,000.00 was for the ambient testing before, during and after. Hearing no further comments that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve high impact permit number 14-000004 and special use permit number 14-000003 with the same recommendations as with the prior permit, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed this hearing.

**PUBLIC HEARING:** It being the time set aside a public hearing is held on a heavy industrial rezoning request. The roll was called, the public notice read, and the proceedings were recorded for the record. This request is submitted by Brian and Kathy Lyons on property located at 24227 Road G.2, Cortez, consisting of 3 acres, more or less. LeeAnn Milligan with the Planning Department informed the Board of the request. Kathy Lyons represented the application. It was stated a company wishes to lease a portion of the property and since it is currently zoned commercial, the Lyons are requesting to rezone to heavy industrial. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the heavy industrial rezoning request for Brian and Kathy Lyons on property **CTSI: Ted Lindtveit** with County Technical Services, presented the annual loss analysis. He discussed the County workers' compensation pool loss ratio report as of December 31, 2013.

**NATURAL RESOURCES AND PUBLIC LANDS COORDINATOR: James Dietrich** reminded the Board that Sen. Bennett will be in Montezuma County this Wednesday, March 19<sup>th</sup> at 2:30 p.m. He informed them that there will be an opening on the SWRAC- BLM. He was encouraged to apply along with Comm. Ertel. Mr. Dietrich talked about the Mesa Verde Trail project and submitting an application for the TIGER grant. He presented a letter of thanks to Garfield County for allowing Montezuma County to confer with Kirby Wynn on certain issues. He said he has not heard from anyone on the McPhee Breakwater project. Comm. Ertel suggested to have Attorney Baxter proceed with legal action against the engineer.

**COUNTY ADMINISTRATOR REPORT: Administrator Brunner** reminded the Board of the meeting about the courthouse remodel scheduled for Tuesday.

**COUNTY ATTORNEY REPORT:**

**COUNTY COMMISSIONERS REPORT:**

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Nothing presented

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 5:15 pm**

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County Clerk

March 17, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 24, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 24, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman Absent  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**VICE CHAIRMAN SUCKLA** opened the meeting of March 24, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 17, 2014 as corrected. Motion was seconded by Comm. Suckla and carried.

**VICTIMS RIGHTS WEEK PROCLAMATION:** **District Attorney Will Furse** read a proclamation regarding the National Crime Victims' Rights Week on April 6th through the 12<sup>th</sup>, 2014. Comm. Chappell moved to declare the week of April 6<sup>th</sup> through the 12<sup>th</sup>, 2014 as National Crime Victims' Rights Week, seconded by Comm. Suckla and carried. (See attached)

**PUBLIC COMMENT:**

**Sherrie Blackmer** made a comment about the resignation of Health Director Lori Cooper. Ms. Blackmer stated she worked for the Health Department and was released from her duties with the Health Department a few years ago. **Administrator Brunner** informed the Board of the Southwest Regional Nightingale award going to Allison Duran with the Health Department and another award going to Rebecca Oliver.

**ROAD DEPARTMENT: Road Superintendent Rob Englehart** reported the Cortez and Mancos crews will be working to mag chloride roads 31,32,33, and 34 and the Dolores and Roundup crews will be working on roads V and S replacing culverts. He stated the crusher is working at the Haycamp pit and the weed program is getting ready for spraying. He encouraged the Board to lease the Tozer Pit for at least 3 more years. Comm. Chappell moved to sign the agreement between Montezuma County, Carol Tibbits, and Meryl Tozer to lease the McElmo Pit (Tozer Pit) for the next 3 years, seconded by Comm. Suckla and moved. (See attached) Superintendent Englehart reported on a fire at the landfill the department helped with. They discussed the schedule A roads. Portions of Road T are in need of improvements and other roads needing attention. Discussed creating a data base regarding road permits like utilities and work on oversized and overweight

permits. Comm. Suckla asked Supervisor Englehart to look into buying versus leasing for road graders and other equipment.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted; **Dennis Story, LouAnn Everett and Lori Higgins were present.**

**SHERIFF'S MONTHLY REPORT:** Undersheriff **Lynda Carter** gave an overview on the cases the Office has been working. She discussed the fees collected, and inmate numbers.

**EMERGENCY MANAGER REPORT:** **Emergency Manager Paul Hollar** discussed some accomplishments achieved this year. He discussed the 3 disasters the office dealt with like the 2 wildfires and the Mancos water issue. He talked about trainings done here for various departments. He discussed the Nixel system to notify residents of potential disasters. Mr. Hollar talked about the Emergency Operations Plan class.

**DISPATCH:** A discussion was held regarding the dispatch center. Police Chief Roy Lane, City of Cortez Manager Shane Hale, and Lori Johnson representing the dispatch center met to update the Board on the cost of the dispatch center. Chief Lane informed the Board how the Cortez Dispatch Center came into being. They talked about operational costs. Ms. Johnson discussed the process of billing the entities involved for this service. She talked about how the calls are dispatched. (See attached)

**CLEAN UP DAY:** Shane Hale with the City of Cortez met to discuss the cleanup day scheduled for May 12<sup>th</sup> through the 17<sup>th</sup>. He explained the 17<sup>th</sup> is the cleanup day for all residents and informed them of the various entities involved. He asked if the Landfill could waive the tipping fees for the 17<sup>th</sup>. Comm. Chappell moved for the County to pay the landfill tipping fees on May 17<sup>th</sup> as the day is open to the entire county residents, seconded by Comm. Suckla and carried.

**LEA:** A discussion took place regarding a ballot question to decrease the mill levy of the Law Enforcement Authority. They discussed the projected income for the LEA for the next two years. Talked about a study of the counties in Colorado who have no more or less than 5,000 population deviation from Montezuma County and their budgets comparable to Montezuma County's. Comm. Suckla asked about either repealing the fund or decreasing the fund. Attorney Baxter said the Board has the discretion to decrease the fund or do away with the fund. Comm. Chappell feels it might be wise to give the tax back. Comm. Suckla would like to see the fund sunset. More discussion will be done before any decisions are made.

**COUNTY ADMINISTRATOR REPORT:** **Administrator Brunner** reported on an all staff meeting with the Road Department. She discussed the change in the Health Department with the recent resignation of Health Director Lori Cooper. She said an interim director will be named this week.

**COUNTY ATTORNEY REPORT:** **Attorney Baxter** said he will go over a draft of the LEA fund agreement. He said he met with Ben Wolcott regarding a letter of support for his exhibit of antique guns and books of the history of the American West at the Mancos Library and Mr. Baxter presented a draft letter of support regarding the exhibit. Comm. Chappell moved to send a letter from the Board of Commissioners to the Mancos Library in support of the Wolcott exhibit, seconded by Comm. Suckla and carried. (See attached) Attorney Baxter discussed a proposal regarding controlled burns being called in.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT:** **James Dietrich** talked about upcoming meetings. One being the BLM travel management plan workshop scheduled for May 12<sup>th</sup>. He talked about a field trip with the Rangeland Stewardship Committee and the BLM. The Stewardship Committee would like to do some soil samples. He asked if the Board wanted to do more concerning Sage Hen recreational area.



Comm. Suckla stated they are working on it through NCA. Mr. Dietrich talked about the McPhee Breakwater saying he has talked to the Forest Service and different engineers. He is trying to get the anchoring plan from the previous engineering firm and has had no response to date. Attorney Baxter said a certified letter sent to the current engineering firm regarding intent to sue could be done.

**COUNTY COMMISSIONERS REPORT: No report**

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Letter from Claim for damages on behalf of Jonathan Boyd and Jami Larson.

Case number 2014-CV-5 Marion Harper

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 12:37 pm**

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County Clerk

March 24, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 7, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 7, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman Absent  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of April 7, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated March 24, 2014 as corrected. Motion was seconded by Comm. Suckla and carried.

**PHOTOGRAPH** with Commissioners and District Attorney Will Furse.

**ACCOUNTS PAYABLE:** The Accounts Payable for publication report was presented for signature. Commissioner Suckla moved to approve the Accounts payable report for the period of February 1, 2014 through February 28, 2014 as presented. Second by Commissioner Chappell and carried.

**TRANSFER ORDERS:** Commissioner Chappell moved to approve Order #2 a transfer of funds from the Conservation Trust Fund to the General Fund in the amount of \$23,097.12 and Order #3 a transfer of funds from the Sheriff's Fund to the Capital Fund in the amount of \$3,500.00 as presented. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC COMMENT:** Steve Nowlin held a discussion with the Commissioners regarding the **Law Enforcement Authority**.

**ROAD DEPARTMENT:** Road Superintendent Rob Englehart presented a two week road and bridge schedule of the projects the department will be working on. Projects are Mag Chloride, culvert replacements, clean and grade side

drainage, weed control, and the crushing. Commissioner Ertel suggested that the road department coordinate with the local Utilities when doing road work. A discussion was held in regard to a parking lot near the Transfer Campground and a parking area near Sand Canyon.

(See attached)

**IT MONTHLY REPORT: Jim McClain** with the IT department gave the monthly report of projects completed to date. A discussion was held regarding a digital sign for the Fair Grounds. Jim will work up some estimates to present to the Commissioners for said project. (See Attached)

**LODGER'S TAX BOARD: Sue Scott** representing the Lodger's Tax Board gave an overview of the Committee and their grant disbursement dated April 11, 2014. Commissioner Suckla moved to approve the grant disbursements of April 11, 2014 of \$4000.00 to the **Cortez Cultural Center**, \$30,000.00 to the **Dolores Chamber**, \$35,000.00 to the **Mancos Chamber**, and \$45,000.00 to the **Mesa Verde Country** and \$675.00 to **Crow Canyon** with a total of \$114,675.00 as presented. Motion was second by Commissioner Chappell and carried. (See attached) The Commissioners will post the available committee position for the required time and then make their appointments to the Committee.

**MISCELLE CHORAK** discussed her concerns with the relationship of Montezuma County and the US Fish and Wildlife Endangered Species stating that the US Fish and Wildlife Endangered Species are regulated by the International Union Conservation of Nature. She felt that they were not giving a true identity to the county. She stated they are using an International agenda rather than the State or Federal Agenda.

**CROW CANYON** Representative **Shawn K. Collins** from Crow Canyon met to secure a letter of support for Crow Canyon. Commissioner Chappell discussed his concerns that Crow Canyon as a Non Profit organization was in competition with the Lodgers within Montezuma County. He also asked them about their opposition of drilling projects within the monument. Commissioner Suckla moved to approve a letter of support for Crow Canyon, second by Commissioner Chappell and carried. (See attached)

**SPECIAL EVENT LIQUOR LICENSE: Deputy Clerk Lynn Dorenkamp** along with **UTE MOUNTAIN UTE RODEO** representatives **Slim McWilliams, John Shiner, Ranette Karo** presented a special event liquor license application to be used during the rodeo. Commissioner Suckla moved to approve the liquor license application for the Ute Mountain Rodeo dated June 5, 2014 through June 7, 2014 as presented. Second by commissioner Chappell and carried. (See attached)

**LUNCH: 11:50**

**SAMORA LAND DIVISION:** A request for comments for the review of the Samora Personal Representatives' Motion to modify the Order approving the Samora Land Division entered on or about February 27, 2014 was held. This is in regards in the matter of the estate of Adelia Samora, Montezuma County Court case 2011 PR 23. Said motion is in regards to the Samora Land Division as divided into six lots and recorded in the Montezuma County Clerk and Recorder's Office under Map 173B. Commissioner Chappell moved to sign a letter of no objection to the division of land in the matter of the estate of Adelia Samora case number 2011-PR-23 before District Court Judge Walker. Second by Commissioner Suckla and carried. (See attached)

**PLANNING: Planning Director Susan Carver** presented two letters one to **John Q. Akin** regarding road conditions on Road 36 and another to **Herman Lamar Rowe** regarding unpermitted disturbance in a Road Right-of-Way. (See attached)

**LEA: Sheriff Spruell, Lynda Carter, and Wanda Martin** met to discuss the Law Enforcement Authority. Sheriff Spruell discussed the origin of the LEA program. Undersheriff Lynda Carter discussed the staffing of the office and the Montezuma County Sheriff's Office Law Enforcement Authority statutes and misconceptions. The Commissioners memorialized the Montezuma County Law Enforcement Authority Agreement NO. 2014-1. (See attached)

**COUNTY ADMINISTRATOR REPORT: Administrator Brunner** No Report

**COUNTY ATTORNEY REPORT: Attorney Baxter** No Report

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: James Dietrich** reported to the Commissioners that the Rangeland Stewardship Committee will be meeting on April 17, 2014 to take soil samples in the McElmo Canyon area. He also reported that the Montezuma Trail Group will be meeting on April 8, 2014. The Trail Group will begin the public outreach programs for the Mesa Verde Trail and will hold public meetings in both Cortez and Mancos.

**COUNTY COMMISSIONERS REPORT:** No Report

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Letter to: Colorado Rural Workforce Consortium designating Commissioner Ertel.

Letter from: United States Department of Interior regarding Draft Environmental Impact Statement.

Letter from Rocky Mountain Regional Office, Forest Service regarding Appeal Response.

Letter Colorado Christian University donation request.

Summons from Marion O. Harper III

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 4:05 pm**

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County Clerk

April 7, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 14, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 14, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman Absent  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of April 14, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 7, 2014 as corrected. Motion was seconded by Comm. Chappell and carried.

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of March, 2014. (See attached)

**PUBLIC COMMENT:** **Greg Kemp** presented an article titled "Why Homes are lost to wildfire" from the High Country News written by Melissa Mylchreest for the commissioners to read. Steve Nowlin thanked the Commissioners for the information provided to him at the Commissioners meeting the previous week.

**ROAD DEPARTMENT:** **Road Superintendent Rob Englehart** presented a two week road and bridge schedule for the period of April 9 - 25, 2014. He said they were getting ready to chip seal Road S and that a future project would be repairs on Road CC. A discussion was held in regards to the Comp time earned within the Road Department. Commissioner Suckla moved to approve that the Comp time status for the Road and Bridge Department as of March 27, 2014 to be paid in full. Second by Commissioner Chappell and motion carried. (See attached) A discussion was held about the current county policy for improved roads and the gravel supplied for both commercial and private individuals. The Commissioners stated they felt the policy should be consistent and that the county not compete with private enterprise. Commissioner Suckla suggested that they look at the current policies. Planning Director Susan Carver will get copies of current policies sent out to the Commissioners for review. Doug Roth with the mapping department reported that he had received a letter from a resident regarding the closure of an administrative BLM road.

The Commissioners response was for the land owner to get an agreement from all the landowners involved. A request was made for the purchase of a trench roller. The funds are available within the current budget. Commissioner Chappell moved to approve the purchasing of a radio controlled trench roller from United Rentals for the amount of \$33,302.25 as presented. Commissioner Suckla second the motion and it carried.

**AGREEMENT:** The agreement for Montezuma County regarding State Highway 145 and Road P was presented for signature. (See attached)

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of March, 2014. She reported that there had been 3 fires at the landfill. She notified the Commissioners that they will be starting a random load inspection program to help prevent the fires. (See attached)

**LIQUOR APPLICATION: Brandee Simmons, Shawn Treinen, Debra Eurich, and Jay P. Lawrence** representatives of the County Fair Board met to discuss an application to have alcohol at the County Fair. They would like to have a Beer Garden, a Beer and Wine tasting as well as beer served at specific events during the week of the fair. Commissioner Chappell expressed his concern that the Fair has traditionally been for the children and he would not support alcohol being served there. Commissioner Suckla wanted to do more research before a decision was made. The Commissioners decided to table the subject at this time.

**TRAIL TO MANCOS: Shane Hale and Todd Johnson** representatives for the Trail to Mancos met to update the Board on a grant application and discuss the status of the trail. It was reported that there will be a public outreach meeting in Mancos on April 22 and another public outreach meeting at the Recreation Center in Cortez on April 23 from 7:00- 9:00p.m. Commissioner Suckla moved to approve a letter of support for the Mesa Verde 2014 TIGER Grant application for Montezuma County with a matching fund of \$40,000.00 as presented. Second by Commissioner Chappell, motion carried. (See attached)

**CONTRACT:** A contract for The Montezuma County Annual Operating Plan/Agreement for Wildfires was presented for signature. Sheriff Spruell noted a new line item within the agreement regarding the Sage Hen Grouse that was not included in the previous agreements. The Commissioners decided to table the signing of this agreement at this time for clarification of the Sage Hen Grouse line item.

A **CONTRACT** for the Emergency Fire Fund Agreement with the Colorado Division of Fire Prevention and Control (wildfire insurance program) was presented for signature. Commissioner Chappell moved to approve the new Emergency Fire Fund Agreement for the year of 2014 as presented. Second by Commissioner Suckla and carried. (See attached)

**LUNCH: 11:50 a.m.**

**CONTINUATION OF A PUBLIC HEARING:** It being the time set aside a continuation of a public hearing is held. The roll was called and the proceedings were recorded for the record. This continuation is regarding the review and determination of compliance with the Montezuma County resolution 13-2008 Flood Damage Prevention and the Montezuma County Land Use Code regarding structures that appear to be in non-compliance with said regulations on property located at 18440 Hwy. 145, Dolores. Planning Director Susan Carver requested a continuation of this public hearing to a further date. Commissioner Chappell moved to set a time of 2:00p.m. for a public hearing on May 19, 2014 to discuss the flood plan in Montezuma County and to get in compliance with FEMA also to continue this public hearing on May 19, 2014 at 2:20 p.m. for a decision for property located at 18440 Hwy. 145, Dolores, applicant Grant

Smith. Second by Commissioner Suckla and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining of a high impact permit and special use permit application submitted by Kinder Morgan CO2 Company, Bob Clayton, agent and Ecosphere Environmental Services. The roll was called, the public notice read, and the proceedings were recorded for the record. Said request is for a compressor station facility known as the Cow Canyon Compressor Station. This facility is being proposed on property located at section 1, township 38N, range 19W N.M.P.M. and will utilize a lease easement area consisting of 13.59 acres of a 238 care, more or less tract of land locate at 8251 Road BB owned by Roxie Rupe and a 6.41 acre, more or less, tract of land located at a TBD Road BB address, owned by Kinder Morgan. Said properties are located north of Road BB, West of Road 9. **Planning Director Susan Carver** along with Representatives **Bob Clayton** from **Kinder Morgan CO2** and **Laura Getts** from **Ecosphere Environmental Services** gave an overview of the project to the Commissioners. Commissioner Ertel opened the hearing up for public comment, hearing no comment he closed that portion of the hearing. After hearing all the evidence presented, Commissioner Chappell moved to approve a high impact permit #14-000010 and special use permit #14-000006 for a compressor station facility known as the Cow Canyon Compressor station along with conditions set forth and to include the findings of the Planning Department. Second by Commissioner Suckla, and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining a high impact permit and special use permit application submitted by Kinder Morgan CO2 Company, agent Bob Clayton and Ecosphere Environmental Services. Said request is for a cluster facility, to be known as the CB Cluster wherein CO2 pipelines will tie into the cluster facility, water will be separated and CO2 will be transported, by pipeline, to the proposed Cow Canyon Compressor Station facility for further processing. The cluster facility is being proposed on property owned by Brad E. and Pamela K. White located at 24341 Road BB Pleasant View. The facility will originally have a footprint of 5.25 acres, more or less, after reclamation, the footprint of the facility will consist of 3 acres, more or less, within a 163.3 acre, more or less, tract of land. **Planning Director Susan Carver** along with Representatives **Bob Clayton** from **Kinder Morgan CO2** and **Laura Getts** from **Ecosphere Environmental Services** gave an overview of the project to the Commissioners. Commissioner Ertel opened the hearing up for public comment, hearing no comment he closed that portion of the hearing. After hearing all the evidence presented Commissioner Suckla moved to approve High impact permit #14-000011 and special use permit #14-000007 for Kinder Morgan CO2 and Ecosphere Environmental Services for a cluster facility known as the CB Cluster, along with the findings and conditions as written by the Planning Department. Second by Commissioner Chappell, motion carried. (See attached)

**PLANNING: Planning Director Susan Carver** requested that a public hearing be set for the **49 Square Ventures** solid waste facility application. Commissioner Chappell moved to set a public hearing date for **49 Square Ventures** on May 19<sup>th</sup>, 2014 at 1:30p.m. The motion was second by Commissioner Suckla and carried. (See attached)

Bob Clayton and Phil Kennedy from Kinder Morgan CO2 met with the Commissioners to discuss road improvement fees. They were asking the Commissioners to negotiate the current fee for repairs needed on 4.5 miles on Road CC. Commissioner Chappell mentioned that there may be collected Road Impact fees available for maintenance of the road in the future. Commissioner Suckla stated that the county will supply the gravel to the pit, if Kinder Morgan would be responsible for the paving of the 4.5 miles of road that needs repaired. Commissioner Suckla moved that Chairman Ertel would sign said agreement on behalf of all the Commissioners if Kinder Morgan CO2 agreed to the terms that had been discussed today. Second by Commissioner Chappell, motion carried. (See attached)

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: James Dietrich**

No Report

**COUNTY ATTORNEY: Attorney Baxter** reported to the Commissioners that he had been working with Tanner Young the Fairgrounds Manager to update Waivers of Release and that he had been working with the Health Department on the Onsite Water Treatment Requirements. He noted to the Commissioners that a deadline of July 1, 2014 had been requested from the State regarding the Marijuana dispensary issue.

**COUNTY ADMINISTRATOR: Melissa Brunner** informed the Board that she had received a letter from a concerned citizen regarding a prairie dog infestation in said citizens Sub Division. She also requested a volunteer for April 29, 2014 to participate in the Family Leadership Training done by the Pinion Project. Commissioner Ertel volunteered. She reminded the Commissioners of the Employee Appreciation Dinner scheduled for April 15 from 5:00p.m. to 7p.m. at the Fairgrounds.

**COUNTY COMMISSIONERS:** No report

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 4:20 pm**

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County Clerk

April 14, 2014

Chairman



**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 21, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 21, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman Absent  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of April 21, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 14, 2014 as corrected. Motion was seconded by Comm. Suckla and carried.

**APPOINTMENT:** Administrator Brunner presented an application to the **Sylvan Cemetery District**. Commissioner Suckla moved to approve the appointment of Lee Hill for a 6 year term to the Sylvan Cemetery District ending in January 2020. Second by Commissioner Chappell and carried. (See Attached)

**APPOINTMENT:** Administrator Brunner presented applications to the **Citizens Review Panel**. Commissioner Suckla moved to approve the appointment of Eric Cheever and Kathryn Garlinghouse to the Citizens Review Panel as presented. Second by Commissioner Chappell, and carried. (See attached)

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for March 2014, seconded by Comm. Suckla, motion carried (See attached)

**LIQUOR LICENSE RENEWAL:** **Deputy Clerk Lynn Dorenkamp** presented a renewal application for Eagle Claw Trading Post & Liquor Store. Commissioner Suckla moved to approve the renewal liquor license application for Eagle Claw Trading Post & Liquor Store as presented. Second by Commissioner Chappell and carried. (See attached)

**CONTRACT:** Administrator Brunner presented the amended **Montezuma County Annual Operating Plan / Agreement for Wildfires** for signatures. The amended version has the deletion of “Measures will be taken to protect critical habitat of the Gunnison Sage Grouse”. Commissioner Chappell moved to approve the amended Montezuma County Annual Operating Plan / Agreement for Wildfires as presented. Second by Commissioner Suckla and carried. (See attached)

**Designation of Depositories of Public Funds Document:** **Montezuma County Treasurer Sherry Dyess** presented an updated Designation of Depositories of Public Funds Document for signature, changing the list from Citizens State Bank to Four Corners Community Bank. Commissioner Chappell moved to sign the Designation of Depositories of

Public Funds Document as presented. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC COMMENT: Dennis Atwater** presented a County Road Map that predates the FLPMA, for the Commissioner review.

**ROAD DEPARTMENT: Road Superintendent Rob Englehart** presented a two week road and bridge schedule for the period of April 16 – May 1, 2014. He reported that a road count had been started on Roads L and 25 and that a landowner had called with concerns of road damage on Road CC causing damage to her vehicle. His crews were already working on repairs to Road CC and were just a couple miles away from the land owner's house. A discussion was held regarding blended ownership roads between the City of Cortez and Montezuma County. (See attached)

**FEDERAL LAND AGENCIES: Derek Padilla, Tom Rice and Marietta Eaton** met to update the Board on several issues. Topics discussed were the Trail to Mesa Verde, the Rangeland Stewardship Committee, road damage on the entrance road and the parking lot at Phil's World, a Title II Secure Rural Schools Funding project, an upcoming Rico West Dolores Stake Holder meeting and an upcoming natural fire management meeting. A discussion was held on the Forrest Access Seasonal closure dates. (See attached)

**COLORADO PARKS AND WILDLIFE: Matt Thorpe** with the Colorado Parks and Wildlife gave input as to what his agency is doing. He talked about the decline in the elk and deer population in the area. He reported that they would be working on a Big Game Season revision and he would be recommending the reduction of available cow elk licenses.

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave his monthly report. He reported on the income and the attendance numbers for 2014. He talked about upcoming events. (See attached)

The Commissioners opened 3 bids for the **Grandstands Lighting Project**. Bids submitted were **Cortez Electric**, Arena: Option 1, \$9369.00, Option 2, \$7322.00, Vendor: Option 1, \$3836.00, Option 2, \$4330.00, Grand Stand: Option 1, \$8210.00 and Option, 2 \$6650.00. **Nice Electric** Base: \$16887.00, Grand Stand: Option1, \$2495.00, Option 2, \$6725.00, Vendor: Option 1 \$1885.00 and Option 2, \$2395.00. **A&J Electric** bid total was \$29,796.00. (See attached)

#### **LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 Re-Zoning request and Pre-Sketch Plan for a proposed 2 lot minor development. The roll was called, the public notice read, and the proceedings were recorded for the record. Said request is for a proposed 2 lot minor development on property owned by **Jeff and Carol Wells**, consisting of 20.83 acres, more or less, located at 18200 Road 25, Dolores, CO; situated south of Road 25, east of Road U.2, located in Sec. 7, T.37N., R.15W., N.M.P.M. **Planning Director Susan Carver**, along with **Jeff Wells** and **Gary Whiteside** presented said request. Commissioner Ertel opened the hearing for public comment, hearing none he closed that portion of the hearing. Commissioner Suckla moved to approve the AR3-9 Re-zoning request and pre sketch plan by property owners Jeff and Carol Wells located at 18200 Road 25 Dolores Co. Second by Commissioner Chappell and carried. (See attached) Commissioner Chappell moved to sign the final plat for the **Horse Pasture Subdivision** as presented. Second by Commissioner Suckla and carried.

**PLANNING: Planning Director Susan Carver** requested the Board forward two high impact permits and special use permit applications to the Planning and Zoning Commission for review. Said applications are submitted by **Kinder Morgan, CO2 Company**, Agent Bob Clayton and Ecosphere Environmental Services. Said request is for the construction of a 5.68 acre, more or less, well pad that after construction will be reclaimed to 1/3 of an acre, more or less, and drilling on one CO2 production well on a 311 acre, more or less, parcel of land owned by **Timothy A Lanier**, et al located at 26011 Road 10 (estimated), Pleasant View, CO; located in Sec.6, T.38N., R.18W., N.M.P.M. Said property is located east of Road 9, south of Road CC.

High Impact Permit and a Special Use Permit Applications submitted by **Kinder Morgan, CO2 Company**, Agent Bob Clayton and Ecosphere Environmental Services. Said request is for the construction of a 5.57 acre, more or less, well pad that after construction will be reclaimed to 1/3 of an acre, more or less, and drilling on one CO2 production well on a 320.8 acre, more or less, parcel of land owned by **Floyd L. Hutchinson, LLLP** located at 15500 Road M, Cortez, CO; located in SWSE Sec.18, T.36N., R.17W., N.M.P.M. Said property is located west of Road 16, south of Road M. Commissioner Suckla moved to grant the forwarding to the Planning and Zoning Commission two High Impact and Special Use Permit applications from Kinder Morgan CO2 Company, on property owned by Timothy A. Lanier and Floyd L. Hutchinson, LLP. Second by Commissioner Chappell and carried. (See attached)

**FINAL PLAT:** Planning Director Susan Carver presented for review and determination a final plat, as requested by **Darren Noyes** and **Eileen Eiman**, for a proposed 4-Lot Moderate Development on property located at 15871 Road 31, Mancos, CO, consisting of 50 acres, more or less; said properties are located in Sec.26, T.37N., R.15W., N.M.P.M. Commissioner Chappell moved to approve the final plat for the Howe/ Noyes Tracts Subdivision, property located at 15871 Road 31, Mancos, as presented. Second by Commissioner Suckla and carried.

**AWARD of GRANDSTANDS LIGHTING PROJECT:** Commissioner Chappell moved to give the Grandstands Lighting project to Nice Electric with a base bid of \$16,887.00, grand stand option 1, of \$2495.00, Vendor option 2, \$2395.00, with a total of \$21,777.00. Second by Commissioner Suckla and carried. (See Attached)

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT:** **James Dietrich** reported to the Commissioner that the Rangeland Stewardship Committee field trip with the BLM last week for soil samples went well. Also reported there was an Energy Environment Symposium conference scheduled for May 14 and 15, 2014 in Rifle Co. He along with Commissioners Suckla and Ertel would try to attend. He stated that the Trail Project outreach meetings would be held this week on Tuesday and Wednesday nights.

**COUNTY ATTORNEY:** **John Baxter** gave updates on pending law suits.

**COUNTY ADMINISTRATOR:** **Administrator Brunner** reported on several upcoming meetings and that she had taken a tour of the Dispatch Center.

**COUNTY COMMISSIONERS:** No Report given.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

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County Clerk

April 21, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 28, 2014**

STATE OF COLORADO            )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 28, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of April 28, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 21, 2014 as corrected. Motion was seconded by Comm. Suckla and carried.

**RESOLUTION NUMBER 6-2014** authorizing the issuance of credit cards was presented. Comm. Suckla moved to approve Resolution number 6-2014 to authorize the issuance of credit cards, seconded by Comm. Chappell and carried. (See attached)

**RESOLUTION NUMBER 7-2014** re-establishing the E911 rate of charge was presented. Comm. Suckla moved to approve Resolution number 7-2014 to re-establish the E911 emergency telephone service within Montezuma County and authorizing service suppliers to collect said charges, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC COMMENT:**

**Bud Garner** said he will be unable to be present at the public hearing but wants to voice his strong support in adopting the non-native ordinance.

**Jim Candelaria** said he attended the meeting of the Trail of Mesa Verde and felt it was well attended

**ROAD DEPARTMENT: Road Superintendent Rob Englehart** reported on the various districts. He said the Cortez district is finished with the mag-chloride on private roads then will blade the non-mag chloride roads. The district will prep Road 21 for chip seal and they have been hauling gravel from the Hay Camp pit. The Mancos district is busy blading roads. The Dolores and Roundup districts will be working on the Kinder Morgan roads then will begin work on the Dolores Norwood road at a later date. He discussed other road projects. He said they are adjusting some fees on the road permits. He updated the Board on the mag-chloride program saying they have completed 53 miles to date with a lot more to do. (See attached)

**GIS SPECIALIST DOUG ROTH** talked about portions of Hawkins Street, east Empire Street, Alamosa Street and

Lebanon Road that are split jurisdictions concerning a potential annexation to the City of Cortez.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the report from the Board of Social Services was conducted; **Dennis Story, LouAnn Everett and Lori Higgins were present.**

**SHERIFF'S MONTHLY REPORT:** **Sheriff Dennis Spruell** gave the monthly report on the Sheriff's Office. He reported on revenue collected, mileage on transport vehicles and how the transports work between agencies and jurisdictions.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing a proposed Ordinance No. 1-2014. The roll was called, the public notice read, and the proceedings were recorded for the record. This Ordinance is for the prohibition on introducing non-native animal species into Montezuma County that are listed or proposed for listing as threatened or endangered, and prohibition on establishing habitats, protecting areas, or other similar designations, without consent on public and private lands in Montezuma County. Comm. Ertel opened the hearing up to public comment. **Sheldon Zwicker** said he caught the BLM dumping the humpback chub fish in McElmo Creek. Mr. Zwicker was informed in a meeting held later that it was the Round Tail Chub and not the Humpback chub. He is also very concerned with the Gunnison Sage Grouse habitat. (See attached) **Chester Tozer** was with Mr. Zwicker when the BLM did the dumping. He read a letter from a retired BLM employee regarding the actions of the BLM. He read another letter regarding the Gunnison Sage Grouse being placed on the endangered species. (See attached) **Dexter Gill** talked about what's happening today and the rules that should be abided by. He said things are run by emotions and how entities are getting control of public lands. He said the issue is control not a wildlife issue. **Mike Kistler** applauds what the Board is doing to approach this problem. He asked how to arbitrate what is considered as native and how to handle the question of what's native and what's not. **Fred Bird** said there is room for all of God's creatures. He asked how they will determine what is native and asked the Board to be diligent on what the issue is. Comm. Ertel closed the hearing to public comment. The Board said the Ordinance is regarding threatened and endangered species not just native and non-native species listed. Comm. Ertel opened the hearing back up to public comment. **Mike Kistler** asked about the ordinance dealing with native and non-native. It was explained that the Ordinance deals with non-native listed species. That portion was closed at this time. After hearing all the evidence presented Comm. Suckla moved to approve Ordinance number 1-2014 which consists the prohibition of introducing non-native animal species into Montezuma County that are listed or proposed for listing as threatened or endangered, and prohibition on establishing habitats, protected areas, or other similar designations, without consent of public and private lands in Montezuma County, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed this hearing at this time.

**SENIOR NUTRITION:** Administrator Brunner reported on the Senior Nutrition financials. Sue Fletcher reported on the home meals they deliver stating the allocation is used up and the new allocation funding begins in July. They discussed a new brochure explaining the public transportation program and Aging and Disability Resources for Colorado program available to seniors. Ms. Fletcher discussed the AAA funding request and the Community Service Block Grant. (See attached) Peter Tregillus representing SUCAP did not appear.

#### **LUNCH:**

**COUNTY FAIR:** **Todd King and Brandie Simmons along with Shaun Treinen and Kathi Marler** representing the Montezuma County Fair Board met to discuss serving alcohol at the County Fair on Friday, August 1<sup>st</sup> from 4:00 p.m. to 7:00 p.m. to host A taste of the County involving the area restaurants, brewers and wineries. They explained there would be no other events going between those times. It was also discussed to serve alcohol on two Saturdays during the demolition derby and the outdoor rodeo. This service would be to generate revenue. Comm. Chappell moved to keep the Fair alcohol free and to give the Fair Board \$5,000.00 more in funding bringing the funding up to \$17,000.00, seconded by Comm. Suckla and carried.

**DEPARTMENT OF REVENUE OFFICE:** A discussion was held with Eric Bergman with CCI by conference call concerning the possible closing the driver's license office in Montezuma County upon the retirement of the existing office manager. He suggested the Board talk to Marin Rubino with the State Department of Revenue regarding this issue.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT:** No report

**COUNTY ATTORNEY:** No report

**COUNTY ADMINISTRATOR:** No report

**COUNTY COMMISSIONERS:** No report

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Letter from Teller County regarding TANF funds being returned to Montezuma County.

Notification from Russell A. Sacks for the Harrison Begay intent to sue the Montezuma County Sheriff's Office and Southwest Memorial Hospital.

**Motion to adjourn was made by Comm. Chappell, seconded Suckla and carried.**

**Meeting adjourned 2:30 p.m.**

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County Clerk

April 28, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 5, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 5, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of May, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated April 28, 2014 as corrected. Motion was seconded by Comm. Suckla and carried.

**ACCOUNTS PAYABLE** report was presented for publication signature. Comm. Suckla moved to approve the County expenditures for March 1, 2014 through March 31, 2014 for publication, seconded by Comm. Chappell and carried. (See attached)

**TRANSFER ALLOCATION:** The Colorado Works transfer of a \$50,000.00 allocation from the Montezuma County Department of Social Services to Prowers County Department of Human Services was presented. Comm. Chappell moved to approve the allocation of funds in the amount of \$50,000.00 from Montezuma County to Prowers County as suggested and directed by Social Service Director Dennis Story, seconded by Comm. Suckla and carried (See attached)

**APPOINTMENTS:** The following appointments were made;

**MANCOS CEMETERY:** Comm. Suckla moved to appoint Kathy Graf to the Mancos Cemetery District for a 2 year term to expire January 2016 and to appoint Stephen Davis to a 6 year term to expire January 2020, seconded by Comm. Chappell and carried. (See attached)

**LODGER’S TAX BOARD:** Letters of interest to serve on the Montezuma County Lodger’s Tax Board were received from Chris Page, Betsy Harrison and Kirk Swope. Comm. Suckla moved to appoint Christopher Page to the Montezuma County Lodger’s Tax Committee for a term to expire January 2017, seconded by Comm. Chappell and carried. (See attached).

**PUBLIC COMMENT:**

**Dexter Gill** complimented the Road crew on the care taken on the county roads during this dry season.

**ROAD DEPARTMENT: Road Superintendent Rob Englehart** reported that the Cortez district is ready to chip seal on Road 21 (G to Hwy 491). The district is hauling gravel to road 21 next week that may take 16 to 17 days. The Mancos district is helping Kinder Morgan with the mag-chloride. He said most of the Yellow Jacket area is done and they will then move to Pleasant View. The Goodman Point area is completed. He said the Dolores district and the Mancos district will begin work on the Dolores-Norwood road. Roundup district is helping Kinder Morgan apply Mag chloride and they will be

working on culvert installation on Road S. The weed program is spraying Road L north, and work is being done in the south valley as well. The crusher is crushing chips and loading for CDOT. Once completed with that the crusher will move to Ormiston Pit. (See attached) Superintendent Englehart said the monthly safety meeting on how to prevent accidents went well and the May schedule was discussed. A meeting will be held on Tuesday with Dolores County Road Supervisor.

**LANDFILL:** Letters from U.S. EPA Region 8 regarding the off-site rule acceptability determination for the landfill and from CDPHE regarding a revised assessment monitoring plan were reviewed. (See attached)

**IT MONTHLY REPORT:** **Jim McClain** with the IT Department presented his monthly report. Jim along with Assessor Davis discussed problems with migrating Assessor data into the Treasurer's database for senior exemptions and tax rolls. They said Tyler Assessor has a new software package for the Assessor's Office that would be more compatible with the Treasurer's database. Jim explained he has done research with Tyler and feels the package would work well. Mr. McClain will pursue the project. (See attached) Comm. Chappell moved to replace Realware with Tyler Assessor to upgrade the system to be compatible with the Treasurer. Funds will be paid through the Assessor's budget seconded by Comm. Suckla and carried. A calculation will be presented from Administrator Brunner and extra funds available will be used from the Assessor's budget. A plan of the remaining needs will be presented from the Capital Fund upon the calculation being completed.

Assessor Davis and Attorney Baxter discussed the Safeway personal property tax appeal.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing a proposed Ordinance number 2-2014 to fire ban Ordinance no. 1-2008 pursuant to C.R.S. §30-15-401(1)(n.5) AND (n.7). Attorney Baxter explained changes to the current ordinance. He said a change would be a requirement for a person to call in before they burn. Comm. Ertel opened the hearing up to public comment. **Dexter Gill** said he supports the BOCC on this ordinance. Hearing no further comments, that portion is closed. After hearing all the evidence presented Comm. Suckla moved to approve Ordinance 2-2014 to an amendment to the fire ban from Ordinance 1-2008, seconded by Comm. Chappell and carried. (See attached)

**GROUNDS AND BUILDING:** **Casey Fuller** with grounds and buildings reported they are working on the elevator project and he found a local company to do the drilling. He said they are working at the jail. He talked about getting more storage room at annex 2. The office's at the road and bridge department is completed and the filter room storage is done. He discussed the drain on the east side of the Courthouse where security parks saying he would like to place a sidewalk and grass there as the vehicles are constantly backing over the pipe.

The fire alarm company is coming to inspect the alarm system at the jail that is currently out of code.

**COUNTY CLERK:** **County Clerk Carol Tullis** met to discuss additional help during the primary and general elections and for the ability to fill a recording position two weeks before the recorder retires. She also would like to adjust the salaries within her budget due to added duties for the current employees. The Board agreed to allow the temporary help and will look at the salaries.

#### **LUNCH:**

**RESOLUTION:** Comm. Suckla moved to approve Resolution 8-2014 for the purpose of renewing Western Refinery's truck route, seconded by Comm. Chappell and carried. (See attached)

**CITY OF CORTEZ:** **Kirsten Sackett, Director of Planning and Building** presented for review an application for annexation of property known as the Four Corners Materials Tracts located in Sec. 23, Township 36N, Range 16W. Ms. Sackett explained the application in detail. City Manager Shane Hale and Phillip Johnson were also in attendance. It was stated the acreage of area to be annexed consists of 81.31 acres. Mr. Johnson talked about the traffic impact. Road counts will be conducted on Road L. More discussion will be done at a later date. (See attached)

**Director Susan Carver** presented for review and determination of a final plat for Phase 2 of the Tularosa Properties consisting of 16 lots on 54 acres, more or less, on property owned by Robert and Sharon Baxstrom. Said property is located at 12210 Road 23.25, Cortez. Director Carver explained the plat explaining that all the infrastructure is in place. Comm. Chappell moved to approve the Tularosa properties final plat for a 16 lot major development of phase 2, seconded by Comm.



Suckla and carried. (See attached)

**Planning Director Carver** presented for review and determination of any permit requirements for a conversion of an existing well site operated by **Kinder Morgan CO2 Company** on a location in Section 24, T37N, R19W. Bob Clayton representing Kinder Morgan CO2 Company explained the well has been shut down and they wish to change the use from a production well to a salt water disposal injection well. He said the salt water disposal well is regulated by the EPA and they have the necessary permits from the EPA. A narrative in writing was requested to be attached to the certification. Mr. Clayton will present the narrative next week.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: James Dietrich** reported on the FEMA workshop he recently attended. He discussed the HPP grant with the Wildlife partnership for the herbicide program for the ranchers.

**COUNTY ATTORNEY: Attorney Baxter** commented on the Harper law suit and mentioned the Safeway appeal. He said he will be in court all this week with social service cases.

**COUNTY ADMINISTRATOR: Administrator Brunner** discussed the upcoming interviews for the Health Department Director and the Veteran's Office assistant. She said there will be a planning meeting on the Weed program.

**COUNTY COMMISSIONERS: Comm. Chappell** reported on the Region 9 meeting he attended. Comm. Ertel talked about meetings he will be attending and that there will be a AAA meeting this Wednesday in Durango.

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Dolores Water Conservancy District minutes and Board of Directors' meeting on May 8, 2014.

Letter from Larry and Darlene Chandler regarding opposition to a change in zoning behind their store and gun range at 23858 Road G.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 3:15 p.m.**

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County Clerk

May 5, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 12, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 12, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of May 12, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 5, 2014 as corrected. Motion was seconded by Comm. Chappell and carried.

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of April, 2014. (See attached)

**SPECIAL EVENTS USE PERMIT:** Clerk's Deputy Lynn Dorenkamp presented a special events application on For Pet's Sake. She explained this is a recurring event. This is an annual fundraiser they hold at Cliff Rose on Hwy 160. Comm. Chappell moved to approve the special events use permit for July 26, 2014 for For Pet's Sake, seconded by Comm. Suckla and carried. (See attached)

**PUBLIC COMMENT: No comments**

**ROAD DEPARTMENT: Road Superintendent Rob Englehart** reported the Cortez district will be hauling and spreading gravel on Road 21. The Mancos district is applying Mag Chloride on the Dolores-Norwood road, and in the Mancos area. The Dolores district is also applying Mag Chloride on the Dolores Norwood road, and installing culverts on Roads 36, 28 and P.5. He said the Roundup district is installing culverts on Road S and doing prep for road base on Road S. He said the districts will be applying Mag chloride for Kinder Morgan. The weed control program is working on Road L-north and in the south valley. They are crushing chips for CDOT. The crusher will be moving to the Orimston Pit soon. He said there are some problems with the culvert on a portion of Road M. There is a class he wants to have the area foreman's attend this Wednesday. He talked about a cattle guard on Road K.3 subdivision and feels a cattle guard is not a good idea. **Planning Director Susan Carver and Bob Clayton with Kinder Morgan** discussed proposed change in operation by converting the production wells to injection

wells. Mr. Englehart asked how the county roads would be impacted by this conversion. It was stated the impact would be minimal as most of the roads are BLM roads. Planning Director Carver said it is her recommendation that no high impact permit or special use permit be required as the infrastructure has been in place since the 1980's and all the threshold standard have been met. (See attached)

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of April, 2014. Ms. Barton discussed a proposal to replace the heat exchanger with a furnace and add A/C to the furnace system. (See attached)

**PLANNING:**

**CROW CANYON:** Planning Director Susan Carver presented for review and determination of a permit review process for a proposed expansion of use and change in the existing site plan on file with the County for Crow Canyon Archaeological Center, Letter permit no. 344. She explained the certification of use is on file with the county as an existing land use. Said property is located at 23390 and 23380 Road K, Cortez. Debra Miller and Debbie Fish representing Crow Canyon explained the expansion saying they would like to add 6 housing units on the property. Director Carver said the expansion is less than 10%, therefore, she recommended the expansion. Ms. Fish said they will convert the existing dormitory into offices. Comm. Suckla moved that Crow Canyon will not need a high impact permit on the condition they fix the variance, bring the parcels into compliance and pay the necessary road impact fees, seconded by Comm. Chappell and carried. (See attached)

**REQUESTS:** The following requests to forward high impact permit and special use permit applications to the Planning and Zoning Commission for review were presented; Bob Clayton representing Kinder Morgan explained the applications in detail.

**KINDER MORGAN:** A high impact permit and special use permit application submitted by Kinder Morgan, CO2 Company, agent Bob Clayton and Ecosphere Environmental Services was presented. Said request is for the construction of a 6.03 acre, more or less, well pad that after construction will be reclaimed to 1/3 of an acre, more or less, and drilling on one CO2 production well on a 106.7 acre, more or less parcel of land owned by Jonathan Keith Hindmarsh, located at 23481 Road 10, Pleasant View. (CD4)

**KINDER MORGAN:** A high impact permit and special use permit application submitted by Kinder Morgan, CO2 Company, agent Bob Clayton and Ecosphere Environmental Services was presented. Said request is for the construction of a 5.55 acre, more or less, cluster dehydration facility that after construction will be reclaimed to a 2.5 acre, more or less, footprint on a 89.62 acre, more or less, parcel of land owned by James S. Wright and John W. Wright located at 25438 Road 8, Pleasant View. (CC)

**KINDER MORGAN:** A high impact permit and special use permit application submitted by Kinder Morgan, CO2 Company, agent Bob Clayton and Ecosphere Environmental Services was presented. Said request is for the construction of a 6.00 acre, more or less cluster dehydration facility that after construction will be reclaimed to a 3.0 acre, more or less, footprint on a 190 acre, more or less, parcel of land owned by Darrell E. and Linda. A. Lancaster located at 22534 Road 10, Pleasant View. (CD)

Comm. Chappell moved to forward applications CC, CD, and CD4 to the Planning and Zoning Commission for their consideration, seconded by Comm. Suckla and carried. (See attached)

**WILD WILD REST PROPERTY: Ray McCarty** met to discuss the Wild Wild Rest property on East Hwy. 160. He talked about the contamination of his property. He stated the gas pump operations at the facility were permitted to David Fraley of Fraley Oil. He would like to see the Board apply pressure on the OPS (Oil and Public Safety) to

fine Fraley and Co. for property owner's compensation. The Board asked for more information and findings. (See photos attached)

**LUNCH:**

**Comm. Suckla** moved to send a letter of support for HB14-1375, Urban Renewal Fairness Act to Governor Hickenlooper, seconded by Comm. Chappell and carried. (See attached)

**BLM TRAVEL MANAGEMENT** plan workshop was held at this time. **Connie Clementson and Jeff Christenson** with the BLM met to update the Board on their Tres Rios comprehensive travel management plan. Mr. Christenson talked about the Tres Rios RMP (Resource Management Plan). He explained the difference of open, limited, or closed to motorized travel designations. He spoke about the process from getting public involvement to NEPA and alternative development.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: No report**

**COUNTY ATTORNEY: Attorney Baxter** said the Safeway stipulations should be settled by Wednesday.

**COUNTY ADMINISTRATOR: Administrator Brunner** updated the Board on the recently held interviews for the Public Health Director and the assistant in the Veteran's Officer. Comm. Chappell moved to appoint on the recommendation of the interview committee, **Roberta "Bobbie" Lock** as the new Public Health Director, seconded by Comm. Suckla and carried.

**COUNTY COMMISSIONERS:** Comm. Ertel mentioned he attended a workforce investment seminar.

Comm. Chappell informed the Board that the Goodman Point water project will be paid for and will be removed from the property tax rolls

**CORRESPONDENCE:** The following correspondence was read, noted and attached:

Letter from Vance Law Firm in reference to CGIA notice of claim of Leonard Rangle.

Letter from U.S. Department of Interior regarding input on a proposal by Tri-State Generation and Transmission Association.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 2:40 p.m.**

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County Clerk

\_\_\_\_\_  
May 12, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 19, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 19, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of May 19, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 12, 2014 as corrected. Motion was seconded by Comm. Suckla and carried.

**HEALTH DEPARTMENT GRANTS:** The following grants were presented for approval.

**PUBLIC HEALTH DIRECTOR Bobbie Lock** presented the grants for Office of Planning and Partnership- Core Public Health Functions for approval. Comm. Suckla moved to approve the Office of Planning and Partnership Core Public Health Functions grant for 2014, seconded by Comm. Chappell and carried. (See attached) **Midge Kirk** explained the PSD-STEPP tobacco grant. Comm. Chappell moved to sign the PSD-STEPP grant, seconded by Comm. Suckla and carried. (See attached) **Karen Dickson** discussed the Emergency Preparedness and Response grant for approval. Comm. Suckla moved to approve the Emergency Preparedness and Response grant for 2014, seconded by Comm. Chappell and carried. (See attached)

**VETERANS SERVICE:** Comm. Chappell moved to approve the **Montezuma County Veterans Service Officers** monthly report and Certification of pay for April, 2014, seconded by Comm. Suckla, motion carried (See attached) Certificate of completion of training for the Colorado Veterans Service Officer Program from the Colorado Department of Military and Veterans Affairs. (See attached)

**PUBLIC COMMENT: No comments**

**ROAD DEPARTMENT: Road Superintendent Rob Englehart** reported that the Cortez district is working on Road 21 and Road S. He said he hired some college students to work on repairing potholes throughout the County and they are currently working on the McElmo Road. The Mancos district is shut down for a while as the employees have moved on to other ventures. Mr. Sattley is keeping an eye on that district for now. Superintendent Englehart will fill the position from within. The Dolores district is working on cleaning culverts. The Roundup

district is working on Road S. He reported the weed control is busy spraying and mowing. They are almost finished crushing chips and will move to Ormiston Pit. Superintendent Englehart discussed the purchase of a trailer to haul their equipment. He has a quote from Wagner Equipment for a new trailer and presented internet prices as a comparison. Comm. Suckla moved to approve the purchase of a tip trailer for the Road Department from Wagner Equipment in Albuquerque, seconded by Comm. Chappell and carried. (See attached)

**FEDERAL LAND AGENCIES:** Connie Clementson representing the BLM informed the Board that the new State Director is Ruth Welch. She updated the Board on the Phil's World analysis. She reported that they have received funding to hire additional interns to help with the travel inventory. Ms. Clementson said they are continuing work on the Canyon of the Ancients National Monument permit process.

**ENERGY SYMPOSIUM DISCUSSION:** James Dietrich and Comm. Suckla discussed the energy symposium they attended. They talked about renewable resources and the fracking process. A discussion was held to allow Mr. Dietrich to work as an oil and gas liaison for the County.

**FAIRGROUNDS: Fairgrounds manager Tanner Young** gave his monthly report He gave the attendance report and the income report. He said the recently held events all went well. He informed the Board of upcoming events scheduled. Manager Young discussed the lighting for the outdoor arena, the MOU on the stage with the City of Cortez. Comm. Suckla moved to approve the memorandum of understanding agreement between the City of Cortez and Montezuma County for the transfer of ownership of a mobile stage to Montezuma County, seconded by Comm. Chappell and carried. (See attached) He discussed the purchase of a John Deere lawnmower for use at the Fairgrounds. He updated the Board on the equine herpes virus. He asked for permission to close the Fairgrounds to all equine activities as a preventive measure for a while so they can do some clean up.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the report from the Board of Social Services was conducted; **Dennis Story, Lue Ann Everett and Lori Higgins were present.**

**SHERIFF'S REPORT: Sheriff Spruell along with Wanda Martin** with the Sheriff's Office presented a gaming grant for approval. Sheriff Spruell gave his monthly report. He discussed the financials. Ms. Martin presented the DOLA gaming impact grant for approval. Comm. Chappell moved to approve the application on the Montezuma County Sheriff's Office for the DOLA grant in the amount of \$96,500.00 with a 10% match, seconded by Comm. Suckla and carried. (See attached)

## **LUNCH:**

**Afternoon meeting is moved to Annex 1**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. In accordance with the provisions of the Colorado Revised Statute (C.R.S.) 30-20-100, et seq Solid Wastes Disposal Sites and Facilities, the Board of County Commissioners will review and determine an application requested by 49 Square Ventures, agent Milton Williams requesting a Certificate of Designation to continue operations of a Class II composting facility approximately .8 miles north of US 160 on County Road 39. Mike Olson explained the application in detail by giving a power point. He explained the facility currently accepts organic wastes including straw, aspen wood chips and coconut fiber from Western Excelsior in Mancos. He stated the future operations may include acceptance of animal materials and mortalities, agricultural crop residues, manure, food wastes and green waste products. Mr. Olson said no municipal solid waste is accepted. The property is located at 9294 Road 39, Mancos and is owned/operated by 49 Square Ventures. The name and address of responsible operator(s) is 49 Square Ventures, % Mat Bradshaw, #9 Shenandoah Way, Pacifica, California 94044. Comm. Ertel opened the hearing up to public comment. **Stirling Burnett** thanked 49 Square Ventures for the presentation and he wants to know who will represent the Board in enforcing the

requirements of this facility. **Troy Hicks** stated he has used this product in his landscaping jobs and said it is a great product. **Vic Bruce** sees nothing wrong with the product but has concerns with phase 2 taking in animals. He said work on the excelsior plant material needs cleaned up. **Ben Wolcott** manages the ranch property south of the facility and has no problem with the product but has concerns with dead animals ending up in his fields. He wants to see tight control. **Jeannie Smith** said her property joins the compost and has a concern with dead animals. **Dennis Atwater** spoke how dead animals already go to the existing landfills. Hearing no further comments, that portion is closed. Mr. Olson explained the questions raised about taking dead animals. He said at this moment there are no plans to accept mortalities but stated there are controls that need to be put in place. **Milton Williams** talked about odors and how are the bodies processed. He said there is a lot of woody waste and that is required to cover the bodies. Mr. Olson said the Board can set conditions for the class II facility. **Mr. Olson** addressed other questions about the operations. Comm. Ertel opened the hearing up to public comment. **Jack Smith** lives the closest to the facility and thinks this is a good facility. **Galen Larson** asked about using an incinerator to dispose of the animal carcasses. Closed the public comment portion. After hearing all the evidence presented Comm. Suckla moved to approve the Certificate of Designation to continue operations of a Class II composting facility for 49 Square Ventures, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed this hearing at this time.

**CONTINUED PUBLIC HEARING:** It being the time set aside a continuation of a public hearing is held. The roll was called and the proceedings were recorded for the record. This continuation is for the purpose of reviewing and determining compliance with the Montezuma County Resolution 13-2008 Flood Damage Prevention and the Montezuma County Land Use Code regarding structures that appear to be in non-compliance with said regulations on property located at 18440 Hwy. 145, Dolores. Comm. Ertel closed this public hearing instead of continuing said hearing until a further date, no action was taken.

**PLANNING:** A request was received from Verizon Wireless to collocate and operate telecommunications equipment on an existing 170' lattice tower on property located at 17631 Hwy.145. Comm. Suckla moved to approve Verizon Wireless' request to collocate and operate a 170' lattice tower on property located at 17631 Hwy, 145, Dolores, seconded by Comm. Chappell and carried.

**DOLORES RIVER SOURCE WATER PROTECTION GROUP.** **Scott Clow** explained the involvement the Dolores River Source Water Protection Group has in the Dolores River Source Water Protection Plan. He also works with the Ute Mountain Ute Tribe in this project. He spoke about how the Tribe receives its drinking water and most of its irrigation water from the Dolores Project. He introduced representatives from the water providers from the Town of Dove Creek, Montezuma Water Company, the Town of Dolores and the City of Cortez. Mr. Clow discussed various types of contamination to the water systems. (See attached)

**WALTER HENES AND KEN CURTIS** with the Dolores Water Conservancy District gave a presentation of water quality concerns relative to changing the Dolores River Valley Plan. They support the water quality and have discussed the issues with the planning and zoning commission. Melissa Mathews, Montezuma County Sanitarian explained what an engineered septic system entails.

**PLANNING AND ZONING COMMISSION BROAD Chairman, Dennis Atwater** gave a presentation of options after the workshops that were held on studying the Dolores River Valley Plan. They looked at the set back issue and reviewed the TDR stipulation. Mr. Atwater explained that while the voted options sheet reflect a difference in the weighted vote, the majority still feel that the DRVP be left intact. A public hearing will be held in 30 days.

CWCB representative did not appear.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT:** James Dietrich said he has been contacted by Tom Rice with the Forest Service that they are interested in accessing gravel that is stock piled off of Road X. He will try to get more information. He reported on the Tri State Transmission project. He presented letters of support for the Burnt Ridge Aspen Management Project. Comm. Suckla moved to approve a letter of support for the Burnt Ridge Aspen Management Project, seconded by Comm. Chappell and carried. (See attached) He presented another letter of support for Kinder Morgan's expansion for lateral drilling. Comm. Chappell moved to sign the letter of support for comment on Kinder Morgan's proposed YG-2 lateral expansion, seconded by Comm. Suckla and carried. (See attached)

**COUNTY ATTORNEY: no report**

**COUNTY ADMINISTRATOR: no report**

**COUNTY COMMISSIONERS: no report**

**CORRESPONDENCE:** The following correspondence was read, noted and attached.

No correspondence received.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla

**MEETING ADJOURNED 3:36 p.m.**

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County Clerk

May 19, 2014

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Chairman



**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 29, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Thursday May 29, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the special meeting of May 29, 2014 with the Pledge of Allegiance.

**DISCUSSION:** A discussion was held to consider reorganization of the Weed Department and the Planning Department. Administrator Brunner brought up the weed department and the regulations set forth in Resolution 3-2014 that deals with noxious weeds. She suggested the weed department be taken from the Road Department and made its own department. It would consist of 3 people, one office manager and 2 weed maintenance people. Comm. Suckla moved to approve a new position for a noxious weed office manager for Montezuma County, seconded by Comm. Chappell and carried.

Administrator Brunner asked the Board to consider having James Dietrich become the Planning Department Coordinator due to the resignation of the current Planning Director Susan Carver. Mr. Dietrich would oversee the department with the new director and assistant being under his umbrella. He would become the Natural Resources, Planning, and Public Lands Coordinator.

**ROAD: Road Superintendent Rob Englehart** discussed the purchase of a rubber tired roller for the Road Department. He said he found a Hy- Pac C530AH used roller for \$38,000.00. He talked about getting rid of some of the older equipment. Comm. Chappell moved the purchase of a HY-Pac roller C530AH in the amount of \$38,000.00, seconded by Comm. Suckla and carried. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted:  
Letter from David Sanford concerning the Dolores River Valley Plan.  
Onward letter regarding the Montezuma County Sheriff's Office employee fund.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried

**MEETING ADJOURNED 9:55 a.m.**

\_\_\_\_\_  
County Clerk            May 29, 2014

\_\_\_\_\_  
Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 9, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 9, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of June 9, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated May 19, 2014 as presented. Motion was seconded by Comm. Suckla and carried. Comm. Suckla moved to approve the minutes of the special meeting held on May 29, 2014 of the Proceedings of the Board of Commissioners Montezuma County, Colorado as presented, seconded by Comm. Chappell and carried.

**SIGNATURE APPROVAL:** Approval of previous signature for Courthouse Drawing Project with DOLA was presented for the final pay application. Comm. Suckla moved to approve the second half of the Colorado Department of Local Affairs energy mineral impact assistance program pay request in the amount of \$14,042.50 for the courthouse drawings, seconded by Comm. Chappell and carried. (See attached)

**LIGHTING PROJECT:** The final pay application for the lighting project at the Fairgrounds with DOLA was presented. Comm. Chappell moved to approve the pay request to Nice Electric on the installation and testing of the lights at the Fairgrounds in the amount of \$18,926.18, seconded by Comm. Suckla and carried. (See attached)

**APRIL PUBLICATION:** The accounts payable was presented for signature. Comm. Suckla moved to approve the expenditure report for April 1, through April 30, 2014, seconded by Comm. Chappell and carried. (See attached)

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** did not appear and the report was given for May, 2014 by Administrator Brunner.

**HEALTH DEPARTMENT:** **Director Bobbi Lock** presented the Air Monitoring Contract with CDPHE. Comm. Chappell moved to approve the application for the grant for air quality with CDPHE, seconded by Comm. Suckla and carried. (See attached)

**PUBLIC COMMENT:** **Greg Kemp** asked about the fire ban and when it might be put in place.

**ROAD DEPARTMENT:** **Superintendent Rob Englehart** introduced **Virginia McKinney**. She is the recently

hired office manager. Superintendent Englehart said the Cortez district is hauling and spreading class 6 on road V and working on Road S. They are still patching pot holes. The Dolores district is repairing soft spots. Jason Burton has been appointed to the Mancos district. He reported the Round-up district is working on culverts and soft spots and applying mag chloride in the Pleasant View area. The weed and crusher report was given as well. (See attached) **Wayne Johnson and Steve Bowman** with Montezuma Water Company met to discuss the rates charged for the road permits. Superintendent Englehart presented certain changes to the rate schedule for consideration. He talked about the right-of-way issue. Comm. Chappell moved on the recommendation of the Road Superintendent to adjust the fees for the utility companies, seconded by Comm. Suckla and carried. (See attached) Rob discussed the historic signs. (See attached)

**LOREN WORKMAN** thanked the Board for their letter of support for their recycling project. He said they were not awarded the grant.

**LANDFILL: Landfill Manager Debby Barton and Shaq Powers** presented the profit and loss statement for the month of May 2014. She stated they are running out of compost as people are buying it and are very happy with the quality of the compost. She presented proposals from Garrhs, Inc and Comfort Air for removal and replacement of the furnace and adding A/C at the landfill. She will do more research on the amounts before making any decision. (See attached)

**IT REPORT: Jim McClain** reported on going from XP to Windows 7 saying it is almost finished. He said he is in the process of restructuring the entire system. Mr. McClain is waiting on the proposal for the Fairgrounds sign. The new web site will go live in July. The project with Tyler Technologies for the Assessor's Office will start next month.

**TOM HOOTEN** met to discuss the summer schedule and comp time for Tonya Yates. She will be working overtime during the County Fair. Comm. Suckla moved to approve additional comp time for Tanya Yates for June, July and August, seconded by Comm. Chappell and carried.

**FOUR CORNERS RECYCLING INITIATIVE: Eric Freels and Lisa Roche** representing the Four Corners Recycling Initiative gave an update. Deb Barton is on the Recycling Board and was present. They gave a power point presentation. They discussed a grant they received in 2008 and what has been done with it. Mr. Freels stated the public wants more recycling opportunities and the program is continuing education on recycling.

**JUDGE WALKER** met to update the Board on a meeting with the Chief Justice. He said the Chief Justice approved the concept of the latest courthouse plans and are ready to proceed. There may be grants the County can apply for and will be looked into.

**CDOT: Mike Coggins** with CDOT discussed options on Road 21 and passing lane on Hwy. 491 South. He informed the Board of various projects. He said they are proposing a passing lane North of Towaoc to Road A. He talked about a left turn lane on Road 21 saying there is minimal traffic turning left. He discussed a design for Road B. Mr. Coggins discussed abandoning a portion of Road 21 and designing a cul-de-sac. More discussion is required before anything will be decided upon and discussions with the landowner will be required. All of this is in a design stage only at this time.

**Montezuma County Fair Board: Brandee Simmons** with the Fair Board met to discuss a change of assignment for the Treasurer. Comm. Suckla moved to approve the appointment of Brandee Simmons as the Treasurer of the Montezuma County Fair Board and the ability to sign checks, seconded by Comm. Chappell and carried. She presented a request for a 4 year 2 month term on the Fair Board for Desmond Calhoun was made. He will be able to fill the 2 month vacancy at this time then will be considered for a full 4 year term in September. Comm. Chappell moved to appoint **Desmond Calhoun** to fill the vacancy created by the resignation of Deb Eurich for 2

months, seconded by Comm. Suckla and carried. (See attached)

**LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining a high impact permit and special use permit application submitted by Kinder Morgan, CO2 Company, Agent Bob Clayton and Andrew Antipas and Laura Gets with Exosphere Environmental Services. Said request is for the construction of a 5.68 acre, more or less, well pad that after construction will be reclaimed to 1/3 of an acre, more or less, and drilling on one CO2 production well, known as Well Site CC-3 on a 311 acre, more or less, parcel of land owned by Timothy A. Lanier, etal. The parcel is located at 25480 Road 9, Pleasant View. Mr. Antipas explained the application in detail. Comm. Ertel opened the hearing up to public comment. **Mr. Joseph Lanier** asked about the access road. Mr. Antipas answered stating the access road would be on the Baumgartner property. Hearing no further comments that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the high impact permit and special use permit application for Kinder Morgan on property owned by Timothy Lanier located at 25480 Road 9, Pleasant View, contingent upon the road use agreement and surface use agreement being in the hands of the planning department, seconded by Comm. Chappell and carried. Comm. Ertel closed the hearing. (See attached)

**COMPLAINT:** Discussed a complaint received concerning dogs running at large around Road G. The letter was passed on to the Sheriff's Office and District Attorney's Office. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. Comm. Chappell recused himself from this hearing as he farms this ground. This hearing is for the purpose of reviewing and determining a high impact permit and special use permit application submitted by Kinder Morgan, CO2 Company, Agent Bob Clayton and Andrew Antipas and Laura Getts with Exosphere Environmental Services. Said request is for the construction of a 5.57 acre, more or less, well pad that after construction will be reclaimed to 1/3 of an acre, more or less, and drilling on one CO2 production well, on 320.8 acre, more or less, parcel of land owned by Floyd L. Hutchinson, LLLP and located at 15500 Road M, Cortez. Andrew Antipas reviewed the applications in detail. He discussed the placement of the access road. Comm. Ertel opened the hearing up to public comment. Hearing no comments that portion is closed. After hearing all the evidence presented Comm. Suckla moved to approve high impact permit number 14-000014 and special use permit number 14-000009 on property owned by Floyd Hutchinson Family located at 15642 Road M, Cortez for the construction of a well pad and the drilling of 1 CO2 production well contingent upon the surface use agreement being in place, seconded by Comm. Ertel and carried. Comm. Ertel closed this hearing. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a heavy industrial rezoning request (INDHZ) on property owned by Linda L. Keys, agent Kathy Candelaria. The roll was called, the public notice read, and the proceedings were recorded for the record. Said property is located at 23826 Road G, Cortez, consisting of 3 acres, more or less. Jim Candelaria spoke on behalf of Kathy Candelaria and explained the application in detail. Mr. Candelaria said this area would be a holding place for the concrete and asphalt. This hearing is simply a rezoning request. Comm. Ertel opened this hearing up to public comment. **Gene Baxstrom** has property across from the facility and said if there is dust and noise involved he would be opposed to the facility. **Naomi Lamke** said the parties at the shooting facility has concerns about the dust and is if there is any mitigation that can be done in that regard. Hearing no further comments, that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the heavy industrial rezoning on this property located at 23826 Road G, Cortez, seconded by Comm. Chappell and carried. (See attached) Comm.

Ertel closed this hearing at this time.

**PUBLIC HEARING:** This hearing is for an AR3-9 rezoning and pre-sketch plan for a 12 lot major development on property owned by Casey McClellan, and located at 29850 Road H, Cortez. This hearing was cancelled.

**EXEMPTION REQUEST:** An exemption request and after-the-fact exemption request was submitted by Hogan Investments, Inc. on property located at 10755 Road 41.2, Mancos for preliminary review. Roger W. Woody and Gloria L. Thatch-Woody, 10792 Road 41.2, Mancos and Arthur and Carol Van Der Harten Trust of 2002, 10726 Road 41.2, Mancos are requesting the exemptions. Ernest Maness with Maness and Associates explained the request. Comm. Chappell moved to approve the after-the-fact exemption for Hogan Investments and an exemption from the Woody's to the Van Der Harten Trust on a 1.7 acre parcel, seconded by Comm. Suckla and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining an AR 10-34 rezoning request and sketch plan for a proposed single lot development on property owned by Jacquelyn Nelson, consisting of 12 acres, more or less, located at 13106 Hwy 491, Cortez. LeeAnn Milligan with the Planning Department explained the request. Jacquelyn Nelson explained her plans for the parcel. Comm. Ertel opened the hearing up to public comment. Hearing no public comment that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the AR10-34 rezoning request and Sketch plan for a single lot development for Jacquelyn Nelson on 12 acres more or less, located at 13106 Hwy 491, Cortez, seconded by Comm. Chappell and carried (See attached) Comm. Ertel closed this hearing at this time.

**PUBLIC HEARING;** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. The hearing is for the purpose of reviewing and determining an AR10-34 rezoning request and sketch plan for a proposed single lot development consisting of 10 acres, more or less, on property owned by Black Land, LLC and located at 13048 Road 16, Cortez. Ernest Maness with Maness and Associated represented the application. Comm. Ertel opened the hearing up to public comment. Hearing none, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the AR10-24 rezoning request and sketch plan, for a single lot development consisting of 10 acres, more or less, on property owned by Black Land, LLC, seconded by Comm. Suckla and carried (see attached) Comm. Ertel closed this hearing.

**PUBLIC HEARING;** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. The hearing is for the purpose of reviewing and determining an AR 3-9 rezoning request and sketch plan for a proposed 2 lot minor development. Said property is owned by Ronald and LaDean Chadwick Trust, consisting of 31.78 acres, more or less. This property is located at 12264 Road 29.4, Dolores. LaDean Chadwick represented the application. LeeAnn Milligan with the Planning Department explained the request in detail. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the AR3-9 rezoning request and sketch plan for a proposed 2 lot minor development on property owned by Ronald and LaDean Chadwick Trust consisting of 4.84 acres and 27.07 acres, seconded by Comm. Suckla and carried (See attached) Comm. Ertel closed this hearing.

**PUBLIC HEARING;** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. The hearing is for the purpose of reviewing and determining an AR 3-9 and AR10-34 rezoning request and pre-sketch plan for a proposed 2 lot minor development on property owned by Marilyn and Harvey Baker, agent Micky Rule. This property consists of 41 acres, more or less, located at a to be determined Road N, Cortez address. Micky Rule represented the application and explained Mr. and Mrs. Baker's plans. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed.

After hearing all the evidence presented Comm. Suckla moved to approve the AR3-9 and AR10-34 rezoning request and pre-sketch plan for a proposed 2 lot minor development on property owned by Marilyn and Harvey Baker located at a to be determined address on Road N, Cortez, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed this hearing.

**NATURAL RESOURCES, PLANNING AND PUBLIC LANDS.** James Dietrich discussed finding a historic picture for the road signs; He talked about the McPhee Breakwater project grant extension. Comm. Suckla moved to approve the extension of the contract for the McPhee breakwater until December 31, 2015, seconded by Comm. Chappell and carried. (See attached)

**COUNTY ATTORNEY: No report**

**COUNTY ADMINISTRATOR: No report**

**COUNTY COMMISSIONERS: No report**

**CORRESPONDENCE:** The following correspondence was read and noted.

Montelores Nurse-Family Partnership update.

Signed MOU between the City of Cortez and Montezuma County transferring ownership of the mobile stage.

Letter regarding pending applications for property tax exemption for Montezuma Water Co.

Notice of Public Hearing from State Board of Equalization

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 4:20 p.m.**

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County Clerk

June 9, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 16, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 16, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of June 16, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 9, 2014 as presented. Motion was seconded by Comm.Chappell and carried.

**LIQUOR LICENSE: Clerk's Deputy Lynn Dorenkamp** presented a liquor license renewal for Echo Basin Ranch. Comm. Chappell moved to approve the liquor license renewal for E B Dude and Guest Ranch, seconded by Comm. Suckla and carried.

**EMERGENCY MITIGATION GRANT:** Emergency Manager **Paul Hollar** discussed an emergency mitigation plan grant. He explained the plan and its content. Comm. Suckla moved to approve the monies for the Hazardous Mitigation Plan application, seconded by Comm. Chappell and carried. (See attached)

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for May, 2014, seconded by Comm. Suckla, motion carried (See attached)

**PUBLIC COMMENT: Greg Kemp** stated the Fire Chiefs meet on a quarterly basis. He also talked about the burned building on Main Street containing asbestos.

**Comm. Ertel** informed the public that Comm. Suckla was elected as Vice Chair for the Western District of CCI.

**ROAD DEPARTMENT: Superintendent Rob Englehart** informed the Board that the Cortez District is completing the spreading of class 6 on Road S. The chip seal project will begin this week. The Mancos district is working in Pleasant View and blade prepping Roads V and S. The Dolores area is also working on Roads V and S. Roundup area is applying mag chloride for Kinder Morgan. Weed control is working in the Yellow Jacket, Dolores and Mancos areas and Jerry Comisky is mowing weeds. He discussed the crushing operations. (See attached) Superintendent Englehart said he has been in touch with the Forest Service regarding the Transfer Park parking area. He gave a progress report on the activities for the Department. (See attached) He informed the Board that he has started tracking calls and activities through a dispatch record.

**GOODMAN POINT WATER DISTRICT:** A notice of petition for dissolution of the Goodman Point Water



District was filed in District Court on May 27, 2014. The District has certified there are no outstanding financial obligations or bonds of the District. (09 CV 57) (See attached)

**FEDERAL LANDS** representatives, **Marietta Eaton, Connie Clementson, Kara Chadwick, and Derek Padilla** met to update the Board of various issues. **Derek Padilla** with the Forest Service talked about the McPhee Breakwater project design reviews. They talked about mussel inspections at boat ramps. **Kara Chadwick** introduced herself as the new Forest Service Superintendent. **Connie Clementson** reported on activities of the BLM. She reported on the progress on the Gunnison Sage Grouse habitat and are holding scoping meetings for public input. **Marietta Eaton** talked about a student summit recently held in the area. She mentioned the progress on the Flowdine and Yellow Jacket allotments. Ms. Clementson invited the Board to a travel management training scheduled August 13<sup>th</sup> and 14. She said this training is mainly for staff but would like to see area representatives attend. Mr. Padilla said the New Mexico jumping mouse may be put on the endangered species but he doesn't know how that will impact our yet or even if it is in our area.

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave his monthly report. He reported on the attendance being up over last year. He said the Rodeo went extremely well. He talked about other events held and events coming up. He said he received a request from a radio station to use the stage at Escalante Days however the Board felt the stage should be used at the Fairgrounds and for the two City of Cortez events only. Manager Young discussed the design and quotes received on the new sign at the Fairgrounds. He will talk to CDOT about the possibility of placing the sign in their right-of-way and allowing them to use it if the need arises. Comm. Suckla moved to approve the quote from San Juan Signs in the amount of \$40,747.00 to be paid from the capital fund for the sign at the Fairgrounds, seconded by Comm. Chappell and carried. (See attached)

**AAA CONTRACT: Mary Holaday** with Senior Services presented the AAA contract for signature. She explained this contract deals with transportation, congregate meals, home meal delivery, and caregiver training. Comm. Chappell moved to sign the AAA contract for Senior Services, seconded by Comm. Suckla and carried (See attached)

**KIM LINDGREN and Vic Vanik** representing the Southwest Farm Fresh Cooperative met to discuss an agriculture venture where about 20 area growers formed a cooperative called the Southwest Farm Fresh Cooperative. They gave a power point presentation explaining the cooperative. She talked about a USDA grant they want to apply for however there is a 25% match required which they don't have right now. They are asking for community support and ideas. Ms. Lindgren said there is a need to come up with a \$2,000.00 LFPP grant match. They said they need a location for a refrigerated trailer space for a drop off in the Cortez area as well. Comm. Chappell moved to sign a letter of support for Southwest Farm Fresh Cooperative for a location to collect produce, seconded by Comm. Suckla and carried. (See attached)

#### **LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining two high impact permit and special use permit applications. The roll was called, the public notice read, and the proceedings were recorded for the record. Said hearing is submitted by Kinder Morgan CO2 Co., agent Bob Clayton and Ecosphere environmental Services agent Laura Getts. These requests are for cluster facilities known as the CD & CC Clusters, wherein, CO2 pipelines will tie into the facilities, water will be separated and CO2 be transported by pipeline. The cluster facilities are being proposed on property owned by Darrell E. and Linda A. Lancaster, located at 22730 Road BB and on property owned by James S. and John W. Wright located at 25400 Road 8, Pleasant View. The facilities will originally have a footprint of 6 acres, more or less, after reclamation, the footprint of the facility will consist of 3 acres, more or less. LeeAnn Milligan with the Planning Department explained the permits. Bob Clayton with Kinder Morgan represented the applications in detail. He talked about doing perpetual easements that will go away once the project is completed. Comm. Ertel opened the hearing up to public comment. Hearing none, that portion was closed. After hearing all the evidence presented

Comm. Chappell moved to approve, High Impact Permit 14-000016 and Special Use Permit 14-000011 for CC cluster facility, and high impact permit 14-000017 and special use permit 14-000012 for the CD cluster facility, seconded by Comm. Suckla and carried. (See attached) Comm. Ertel closed this hearing at this time.

**NOTIFICATION:** Review and determination of required notifications for future high impact and special use permit applications to be submitted by Kinder Morgan CO2 Company for proposed electric line installations. He explained that the royalty owners are not affected by the electric line installations and they would like to be able to exempt them from notifications. Comm. Suckla moved to exempt royalty owners that are not affected by the electric line installation from being notified, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. Said hearing is for a high impact permit and special use permit submitted by Kinder Morgan CO2 Co. agent Bob Clayton and Laura Getts with Ecosphere Environmental Services for the purpose of construction of one CO2 well (CD-4), consisting of 6.032 acres, more or less, on property owned by Jonathan Hindmarsh, located at 23555 Road 10 (est.) Pleasant View, consisting of 106 acres, more or less. Bob Clayton with Kinder Morgan discussed the application in detail. Comm. Ertel opened the hearing up to public comment. **Lynn Anderson** lives across the road from this project but has concerns with the next phase. **Jerry Berg** talked about wanting to keep his property secluded by the trees for the visual and wind protection they give. He has a fear of the unknown of what will be done with the pipeline routes proposed. Hearing no further comments, that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve High Impact Permit 14-000015 and Special Use Permit 14-000010 for CD-4 CO2 well construction on 16.032 acres on property owned by Jonathan Hindmarsh located at 23555 Road 10, Pleasant View, seconded by Comm. Chappell and carried. (See attached). Comm. Ertel closed the hearing.

**FINAL PLAT:** The final plat on Rachel's Single Lot Development, located at 31251 Hwy 184, Dolores was submitted by Ronnie and Rachel Hurst. Comm. Chappell moved to sign the final plat on the Rachel Single lot development located at 31251 Hwy 184, Dolores, seconded by Comm. Suckla and carried.

**VARIANCE REQUEST:** A variance request regarding setback requirements was submitted by Crow Canyon Archeological Center, Debra Miller and Debra Fish, agents. Said property is located at 23390 Road K, Cortez. The variance is for an existing equipment shed which is located 23 feet from the County Road K right-of-way. County set back requirements for auxiliary structures is a minimum of 25 feet. Comm. Suckla moved to approve the variance from the setback of a equipment shed located 23' from the Road K right of way, seconded by Comm. Chappell and carried.

**FINAL PLAT** for an after-the-fact exemption request was submitted by Hogan Investments, Inc. on property located at 10755 Road 41.2, Mancos wherein a 3 acre, more or less, tract of land was created.

**FINAL PLAT:** The final plat for an exemption request submitted by Woody and Gloria Thatch-Woody on property located at 10792 Road 41.2, Mancos, and Arthur and Carol Van Der Harten on property located at 10726 Road 41.2, Mancos, wherein 1.74 acres, more or less, of the Woody property would be combined with the adjacent Van Der Harten property. Comm. Chappell moved to approve the after-the-fact resolution ATF 14-000005 and the after-the-fact resolution ATF 14-000006, seconded by Comm. Suckla and carried. (See attached)

**WORK SESSION** for sign design and placement was held at this time. Road Superintendent Rob Englehart, Virginia McKinley, and Jim Burton met to update the Board on the historical signs for these historic roads.

**NATURAL RESOURCES, PLANNING AND PUBLIC LANDS.** **James Dietrich** talked about the Forest Service training saying he would be in attendance. He discussed a letter of comment concerning the permit for the Four Corners Power Plant.

**COUNTY ATTORNEY: No report**

**COUNTY ADMINISTRATOR: No report**

**COUNTY COMMISSIONERS: No report**

**CORRESPONDENCE:** The following correspondence was read and noted.

Dolores Water Conservancy District meeting.

Minutes of Dolores Water Conservancy District April 10, 2014

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 3:35 p.m.**

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County Clerk

June 16, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 23, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 23, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney - Absent  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of June 23, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 16, 2014 as presented. Motion was seconded by Comm. Suckla and carried.

**SIGNATURE APPROVAL:** An approval of previous signature for the Courthouse Drawing Project with DOLA was submitted. This is the final pay application that was revised. Comm. Suckla moved to approve the adjustment of \$11,273.80 for DOLA, seconded by Comm. Chappell and carried. (See attached)

**LIQUOR LICENSE:** Clerk's Deputy Lynn Dorenkamp presented a renewal of a liquor license for Hilltop Liquors. Comm. Chappell moved to approve the renewal for the Hilltop Liquors liquor license, seconded by Comm. Suckla and carried. (See attached)

**RECOGNIZATION:** The Board recognized Rick Torres as a Louis Nardini award nominee. (See attached) Mr. Torres introduced Sarah Kuhn the newly hired assistant. He informed the Board of some statics with the Veteran's Office for in office visits, house-calls, nursing homes, and community events. (See attached)

**PUBLIC COMMENT:**

**Deelynn Ford** spoke on the marijuana growth facilities and monies involved with this industry. She talked about testing facilities and the need for said facilities.

**Greg Kemp** stated he would like to see a voting representative at the MCEDA meetings.

**ROAD DEPARTMENT:** Superintendent Rob Englehart said all districts are busy doing chip seal. He said all

the equipment is moved down. He informed them that the crusher will be set up at Ormiston. He showed two sizes for the historic road signs. The Board decided to go with the larger sign and 48 signs will be ordered this week.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the report from the Board of Social Services was conducted; **Dennis Story, and Lori Higgins were present.** (See attached)

**SHERIFF REPORT: Sheriff Spruell and Undersheriff Lynda** Carter presented the monthly report for the Office. He gave the financial report and the inmate average at the jail. Sheriff Spruell discussed the burn ban. He said the Forest Service will begin their ban on June 30<sup>th</sup>. He talked about putting the county ban on around the week of June 30<sup>th</sup>, however, he will talk to the area fire chiefs first. Sheriff Spruell talked about the oversight of the Emergency Manager being the Board of County Commissioners rather than an employee of the Sheriff's Office.

**BRIDGE SHELTER: Laurie Knutson,** representative from the Bridge Shelter and Day Labor center operations gave an update to the Board of their activities. She stated that 23% of the population in Montezuma County is below the poverty line. She said the Shelter has grown in overnight stays. The day labor center requirements were discussed. She asked the Board to consider providing more space for the Shelter as well as financial support.

**HOSPICE: Wendy Weygandt** with Hospice of Montezuma met to discuss their Enterprise Zone Project where donors can receive a tax credit on their donations. She is asking for a letter of support to Region 9 for this enterprise zone project. Comm. Chappell moved to sign a letter of support for Hospice for an Enterprise Zone Project where their donors can receive a tax credit, seconded by Comm. Suckla and carried. (See attached)

**SOUTHWEST PUBLIC LANDS COALITION:** Dennis Atwater representing the Southwest Public Lands Coalition met to update the Board on the RS2477 mapping. He discussed statutes concerning public roads and the Board's authority, jurisdiction, and duty to keep public roads open for public travel. This group is requesting the Board's action in requiring CANM officials to immediately re-open public roads for public travel. He would like to see a time frame on this action. The Board will discuss this information with Attorney Baxter before making any decisions. (See attached)

**SCOTT TIPTON:** Darlene Marcus with Scott Tipton's Office gave an update. She talked about a hearing Congressman Tipton attended about the Travel Management Plans with the Forest Service. The Gunnison Sage Grouse issue was discussed. She informed the Board about an EPA rule called the Waters of the US regarding navigable waters. Ms. Marcus mentioned FCC is trying to pre-empt state laws on broadband providers.

## **LUNCH:**

**PLANNING:** LeeAnn Milligan with the Planning Department presented for review and determination to forward to the Planning Commission for recommendation of a high impact permit application for a proposed expansion of an existing electrical substation by Empire Electric Association on property located at 8087 Road BB and a TBD address on Road 8, Pleasant View. **Scott Ehmke and Josh Dellinger** with Empire Electric Association represented the application. Comm. Suckla moved to forward the application on to the Planning Commission, seconded by Comm. Chappell and carried. (See attached)

**LEEANN MILLIGAN** with the Planning Department presented for preliminary review of an exemption application submitted by Kevin and Celeste Lambson on property located at 19489 Road 22, Lewis consisting of 38.8 acres, more or less, and Kenneth and Karen Thompson with property located at 19430 Hwy. 491, Lewis consisting of 42 acres, more or less, wherein the Lambson's wish to convey 25 acres, more or less, to the

Thompson property. Comm. Chappell moved to give preliminary approval to the exemption application, seconded by Comm. Suckla and carried. (See attached)

**COMMUNITY SERVICES REPORT:** James Dietrich discussed a letter of comment on the oil and gas expansion for Kinder Morgan. Mr. Dietrich updated the Board on the McElmo Flume historical grant.

**COUNTY ATTORNEY:** No report

**COUNTY ADMINISTRATOR:** No report

**COUNTY COMMISSIONERS:** No report

**CORRESPONDENCE:** The following correspondence was read and noted.

Letter of in-kind support for the Southwest Farm Fresh Local Food Promotion Program.

MOU between the State of Colorado Department of Human Services and the Board of County Commissioners.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 2:40 p.m.**

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County Clerk

June 23, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 30, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 30, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of June 30, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 23, 2014 as corrected. Motion was seconded by Comm. Chappell.

**PUBLIC COMMENT:** No comments made.

**ROAD DEPARTMENT: Superintendent Rob Englehart** stated the crews are ready for the third lift on Road 21 then will move on to Road V. Work has slowed this week for the upcoming holiday. Superintendent Englehart said drivers will be hauling rip-wrap from the high school construction site. He discussed the annexations to the City of Cortez on the following roads; a portion at the Industrial Park, Alamosa Street, Empire Street, and Hawkins Street. He talked about help from the big contractors and organizations regarding bonds and permitting on county road use. Rob mentioned the sign at the Fairgrounds saying as long as the sign is on County property there is no problem. Mr. Englehart presented for review the equipment needs for the Department. He talked about the need to upgrade the fleet of blades, skid-steers, backhoes, certain attachments and other equipment. He presented leasing information for this equipment. Comm. Chappell moved to accept the leasing of equipment as presented by Superintendent Englehart from Honnen Equipment, seconded by Comm. Suckla and carried. (See attached)

**FAIRGROUNDS:** A request to waive the landfill fees during the Montezuma County Fair was made. Tonya Yates asked about waiving the landfill fees for the County Fair. She informed the Board that Baker Sanitation has donated a dumpster. Comm. Chappell moved to approve the request to waive the landfill fees for the Montezuma County Fair and the Board of County Commissioners will pay any State and Federal fees, seconded by Comm. Ertel and carried. (See attached)

**SHERIFF:** A discussion with Sheriff Spruell and Jim McClain with the IT Department concerning ITI software upgrades at the Sheriff's Office was held. Sheriff Spruell explained the need to upgrade the software. He said his budget can pay for the upgrades. Sheriff Spruell said the potential for fires are high and with discussions with the area fire chief he feels the ban should be put in place. Comm. Chappell moved to approve Resolution 9-2014, a resolution canceling the suspension of the ban on open fires and the use of fireworks, seconded by Comm. Ertel and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing a proposed Ordinance No. 3-2014. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for a proposed ordinance for the prohibition on the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores in Montezuma County. This ordinance will not affect the corporate limits and authority of the City of Cortez, The Town of Dolores, and the Town of Mancos. Comm. Ertel opened the hearing up to public comments at this time. **Ed Sheets** spoke in favor of opening such facilities. He talked about revenue and the need for growth sites. He would like to open a growth facility in the County. **Vincenzo Rudas** is interested in the thinking behind the ban. **Callie Henderson** spoke in opposition to marijuana growth in the County. **Jami Boyd** stands in support of the ordinance with some amendments. She works with and supports a small group of people that grow their own for their own medical uses. **Deelynn Ford** talked about tax comparisons. She is concerned about the research facilities. **Sheriff Spruell** said he is looking at it from the law enforcement end. He said his agency would be the enforcement agency saying the Office would need more financial support. **Ed Sheets** said he is talking about a legal, licensed commercial facility. Hearing no further comments, that portion was closed. The County does not have a county tax but the tax would be an excise tax. After hearing all the evidence presented Comm. Chappell moved to extend the Ordinance 3-2014 banning the operation of marijuana growth sites, seconded by Comm. Suckla and carried. Comm. Ertel closed this hearing at this time. (See attached)

**Bobbi Lock** Montezuma County Health Director spoke from the Health Department's standpoint on the marijuana issue. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. Pursuant to Section 25-10-104 of the Colorado Revised Statutes 25-10-104, the Board of County Commissioners, sitting in the capacity as the Montezuma County Board of Health will consider the adoption of the on-site wastewater treatment systems regulations for Montezuma County Department of Health. Comm. Ertel opened the hearing to public comment. Melissa Mathews read a letter from Doug Sharp with Eco-Safe Wastewater, LLC into the record. (See attached) Hearing no further comments, Comm. Ertel closed that portion. Melissa Mathews explained the regulations in detail. After hearing all the evidence presented Comm. Suckla moved to approve the On-site Wastewater Treatment Systems Regulation 43 and to approve Resolution 10-2014, a resolution adopting the Montezuma County Public Health Department on-site Wastewater Treatment System, seconded by Comm. Chappell and carried. Comm. Ertel closed this hearing. (See attached)

## **LUNCH:**

**EMERGENCY OPERATIONS PLAN UPDATES:** Emergency Manager Paul Hollar gave an update of the emergency operations plan. He said the basic plan is the process to be utilized by Montezuma County during response and recovery activities for emergencies or disasters. Manager Hollar talked about the continuity of government explaining the general responsibilities, continuity of operations, resource management, and protection of essential resources and facilities. The Montezuma County Emergency Declaration Resolution draft was



explained. (See attached)

**FINAL PLAT:** LeeAnn Milligan with the Planning Department presented the final plat for a 2 lot minor development owned by Marilyn and Harvey Baker, agent Micky Rule for signature. Said property consists of 41 acres, more or less, and located at a TBD address on Road N.

**WINDMILL RIDGE SUBDIVISION:** LeeAnn Milligan with the Planning Department presented for preliminary review and determination for a proposed amendment to the Windmill Ridge Subdivision. This amendment would remove the 51.318 acre, more or less, tract, owned by Adriana Kajon and Victoria Shields from the subdivision. The property is located at 7588 Road 23, Cortez. Agent Ernie Maness with Maness and Associates explained the request. He explained that all owners within the subdivision should sign the map and be in agreement to this amendment. Comm. Suckla moved to grant preliminary approval for the Windmill Ridge Subdivision amendment, seconded by Comm. Chappell and carried.

**FINAL PLAT:** The final plat for an after-the-fact resolution No. ATF14-000005 on property owned by Roger Woody and Gloria Thatch-Woody located at 10792 Road 41.2 consisting of 12 acres, more or less, and property owned by Hogan Investments, LLC, located at 10755 Road 41.2, consisting of 3 acres, more or less. Resolution number ATF14-000006 on property owned by Roger Woody and Gloria Thatch-Woody located at 10792 Road 41.2, consisting of 12 acres, more or less and property owned by Roger and Gloria Van Der Harten, located at 10726 road 41.2, consisting of 170 acres, more or less was presented for signature.

**COMMUNITY SERVICES REPORT: James Dietrich** gave an update on the Mesa Verde Trail Project. He said they are moving forward on the grant application. He talked about a letter to the State Historical Society regarding the McElmo Flume. The Society is asking for a 20 year covenant for the Flume site. Mr. Dietrich discussed the Planning Commission meeting that was held last Thursday. They talked about the 3 mile area of urban influence to the Town of Dolores.

**COUNTY ATTORNEY: No report**

**COUNTY ADMINISTRATOR: No report**

**COUNTY COMMISSIONERS:** Comm. Ertel said everything with TPR is going well.

**CORRESPONDENCE:** The following correspondence was read and noted.

Goodman Point water District annual report and application for exemption from audit of said district.

Letter from CDHS regarding creating a strategic plan.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 3:30 p.m.**

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County Clerk

June 30, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
July 7, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 7, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of July 7, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated June 30, 2014 as presented. Motion was seconded by Comm. Chappell and carried.

**RESOLUTION:** Resolution 11-2014 Montezuma County Emergency Declaration Resolution was presented for signature. Comm. Suckla moved to approve Resolution 11-2014 adopting the Montezuma County Emergency Declaration Resolution, seconded by Comm. Chappell and carried. (See attached)

**ACCOUNTS PAYABLE:** Comm. Chappell moved to approve the payment of the bills of Montezuma County for May, seconded by Comm. Suckla and carried (See attached )

**ORDER #4:** Comm. Suckla moved to approve Order #4 to transfer from the LEA Fund to the General Fund the amount of \$178,000.00 for the first installment of 8 vehicles purchased for the Sheriff's Office, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC COMMENT:**

**Greg Kemp** talked about the transmitter for KSJD saying they have permission from the Commissioners and the State and they have documentation for the use of the tower.

**ROAD DEPARTMENT: Superintendent Rob Englehart** said the department is busy with chip sealing of roads. He talked about the road department's role during a disaster. More rip-rap is being hauled from the new Montezuma County High School construction site and equipment will be moved to roads V and S. Superintendent Englehart talked about the work schedule for July and

August. New projects were talked about. He mentioned the monthly quantities of materials hauled, mag-chloride spread, and 36,000 man hours without any accidents. (See attached) **EMERGENCY MANAGE Paul Hollar and Sheriff Spruell** met to talk about fire ban exemptions. They discussed a permit system that has exemptions the Sheriff or his designee can grant during the fire ban. Comm. Suckla moved to authorize the fire ban exemption permit, seconded by Comm. Chappell and carried. (See attached)

**IT MONTHLY UPDATE: Jim McClain** gave the monthly IT report. He talked about the new web site saying it is ready to go live. The new address is Montezuma Count .org. Mr. McClain talked about upcoming projects (See attached)

**ROAD 21: James and Shelli Porter** met to discuss the closure of a portion of Road 21. They would prefer Road 21 be closed rather than have a cul-de-sac. Shelli Porter said she owns property off Road B as well. They wish to place a gate on 21. **Milton Lewis** has concerns with traffic being directed to roads B, C, and D due to accidents on Hwy. 491

**KINDER MORGAN: James Dietrich and LeeAnn Milligan** with the Planning Department presented for review and determination of a high impact permit and special use permit applications for Kinder Morgan CO2 Co. agent Bob Clayton and Ecosphere Environmental Services. Said request is for the proposed addition of 12.75" carbon steel/HDPE lined gas pipeline and a 4" fiberglass produced water pipeline within 4 miles in an existing 50' ROW along county roads U, W, and 15, to allow more CO2 and produced water to flow between locations known as the YE/YF Valve and YA/YE/YF Valve Station Loop, to be forwarded to the County Planning and Zoning Commission for their review and recommendation. **Bob Clayton** explained the applications in detail. Comm. Chappell moved to forward the high impact permit and special use permit applications for the new pipeline route to the Planning and Zoning Commission, seconded by Comm. Suckla. Comm. Chappell amended his motion to exclude notification to mineral owners only to surface owners, seconded by Comm. Suckla and carried.

**KINDER MORGAN: James Dietrich and LeeAnn Milligan** with the Planning Department presented for review and determination of a high impact permit and special use permit applications for Kinder Morgan CO2 Co, **Larry Smith**, agent. The request is for proposed 3D geophysical seismic survey activities within a 47 square mile area, more or less, in the Goodman Point area, northwest of Cortez to be forwarded to the Planning and Zoning Commission for review and determination. Mr. Smith informed the Board of the applications explaining the process. Comm. Suckla moved to forward the high impact permit and special use permit applications submitted by Kinder Morgan for a 3D seismic survey to the Planning and Zoning Commission for their review and recommendation seconded by Comm. Chappell and carried.

**FOUR CORNERS RECYCLING INITIATIVE:** Options for county wide recycling was discussed. **Eric Freels** gave proposals for moving forward with the Four Corners Recycling Initiative. He talked about a couple scenarios. **Landfill Manager Barton** discussed the project from the landfill's side. **Loren Workman** with Baker's Sanitation talked about their process with

recycling. More discussions will be held before any decision will be made. (See attached)

**LUNCH:**

**MOVED TO COUNTY ANNEX 1 FOR THE AFTERNOON.**

Clerk Tullis was absent from the afternoon proceedings. Chief Deputy Percell was in attendance.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. Chief Deputy Clerk Kim Percell called the roll, read the public notice, and the proceedings were recorded for the record. Said hearing is for the purpose of reviewing and determining amendments to Chapter 8, Transferable Development Rights (TDR's), of the Montezuma County Land Use Code. Proposed changes include, but not limited to, eliminating the survey requirement for creating TDRs; dividing the difference between the originally projected and current TDR amounts evenly among qualifying DRVP parcels to raise overall density, variances to Chapter 8 TDR requirements within the Town of Dolores's urban influence area if connected to centralized sewer; or, eliminate the TDR Program in its entirety.

Dennis Atwater gave an overview of the TDR program. Commissioner Ertel opened the hearing for public comment stating each person would have a 5 minute limit with their remarks. Marianne Mate stated that this was the 4<sup>th</sup> time this had been reviewed and each time it was the recommendation of the Planning Commission to not make changes. Ned Harper, and Val Truelson spoke while Dave Wuchert stated that the protection of the Dolores River water should be the Commissioners highest priority. Other speakers included Galen Larson, Tim Hunter, Jana Lee Miller, John Calendar, Graham Johnson, Cindy Divergston, Chuck McAfee, and Bruce Smart. Ken Curtis spoke on behalf of the Dolores Water Conservancy District stating they are concerned with water quality and density issues asking the commissioners to be cautious. Nina Williams requested the commissioners to follow the recommendations of those that made the studies. Aaron Chubbick spoke on the burdens that the TDR's have brought to property owners. Kevin Lovett commented that the plan is confusing and needs to be clarified. Keenan Lovett stated that there are constitutional issues with the way the plan is written. John Law spoke about water issues and Scott Clow said property investment is sound with the TDR's as protection to that investment. Gretchen Kronke asked the Board to please think of future generations when you make your decisions. Joel Kantor, Kevin Cook, and Leslie Sesler spoke about no changes to the plan. Kerry O'Brian stated protecting quality of the water outweighs the individual property owner's rights. Lori Knutson said her rights end where another person's begins and Tazwell Vass agreed. Greg Kemp said one of the options presented was not from the planning Commission or the Commissioners themselves, therefore it should be dropped immediately. Wade Hanson said everyone should have the opportunity to be heard. Mary O'Brian had concerns with ecoli outbreaks. Pat Kantor, Tim Hoviak, Dewayne Findley, Chris Majors, Sam Carter and Larry Burger, made similar comments stating the plan is not broken so don't change it and be respectful of the efforts of the Planning Commission. M. B. McAfee said to clarify the plan and listen to the people who have had the experience. Paul Holler spoke as the Emergency Plan Manager and

asked the Board to please consider this issue also. Rick Ryan said density of the additional structures will increase urban runoff. Gina Coleman, Diana Moser, Andy Hutchison spoke. Val Truelson commented that all watersheds in the county should consider density and protective measures. Geof Byerly, Betty Kolner. Pat Kantor, Shanna Thompson, Tim Hovisak, Dennis Atwater gave responses to some of the concerns expressed. Don Lightenburger felt the TDR's were unfair and if not unconstitutional, they are immoral. Commissioner Ertel closed the public comment portion of the public hearing. Commissioners Suckla, Chappell and Ertel spoke their individual thoughts to the concerns of the citizens. After hearing all the evidence presented. Comm. Chappell made a motion saying because the TDR's have been confusing, they had 10 years of trial and have not succeeded, and we have a 10 acre minimum lot size, we have engineered septic systems water quality is protected I move that we do away with Chapter 8 TDR's with the exception of those lots that were platted and grandfathered in, seconded by Comm. Suckla. Commissioners Chappell and Suckla voted aye and Commissioner Ertel voting nay, the motion passed 2 ayes to 1 nay and carried. (See attached letters)

**COMMUNITY SERVICES REPORT: James Dietrich: No report**

**COUNTY ATTORNEY: No report**

**COUNTY ADMINISTRATOR: No report**

**COUNTY COMMISSIONERS:** Comm. Ertel said everything with TPR is going well.

**CORRESPONDENCE:** The following correspondence was read and noted.

Letter from History Colorado Center re: National register of historic places nomination of the Painted Hand Pueblo.

Letter from Southern Ute Indian Tribe re: notice of direct final rulemaking and request for comments on changes to the Reservation air code.

Letter from State of Colorado Department of Public Health and Environment re: 49 Square Ventures.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Ertel and carried.

**MEETING ADJOURNED 4:25 p.m.**

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County Clerk

July 7, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO**

**July 14, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 14, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman. Absent  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of July 14, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 7, 2014 as presented. Motion was seconded by Comm. Ertel and carried.

**AGREEMENT:** Signed government obligation contract between Montezuma County and Kansas State Bank of Manhattan for the 18 vehicles leased from the LEA fund by the Sheriff's Office. (See attached)

**ORDER:** Comm. Ertel moved to approve Order number 5 to transfer from the jail bond fund to the General fund the amount of \$8353.98 for the 2014 jail operations, seconded by Comm. Chappell and carried. (See attached)

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of June, 2014. (See attached)

**PUBLIC COMMENT: No comments**

**ROAD DEPARTMENT: Superintendent Rob Englehart** reported they are still chip sealing and finishing up Road V and moving on to Road S. The Department is continuing hauling rip-rap from the Montezuma Cortez High School construction site. He stated they will begin crushing soon. Superintendent Englehart discussed other projects and various bonds that have been issued. He informed the Board that Jason Chaffin resigned as the foreman of the Roundup District. Brett Likes will assume the position as foremen. (See attached)

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of June, 2014. She reported that Keith took second place in the landfill heavy equipment ROAD-E-0 and will be entered in

international Road-E-O along with the first place finisher to represent the State of Colorado. Manager Barton discussed the bids received from GARRHS and Comfort Air for the installation of a new furnace and air conditioner at the Landfill. Comm. Chappell moved to approve the expenditure for the new furnace and air conditioner at the Landfill and to give preference to the local company, Comfort Air in the amount of \$9,175.00, seconded by Comm. Ertel and carried. (See attached)

**HEALTH DEPARTMENT:** **Director Bobbi Lock** gave the quarterly report. She discussed the various programs the Health Department administers. Director Lock talked about the revenue with the Department.

**FIREWISE:** **Rebecca Samulski** updated the Board on activities with Firewise. She said that they have been accepted as a fire adapted community.

#### **LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining an AR3-9 rezoning and pre-sketch plan for a 12 lot major development on property owned by Casey N. McClellan, located at 29850 Road H, Cortez, consisting of 84 acres, more or less. LeeAnn Milligan with the Planning Department discussed the rezoning and pre-sketch plan in detail. Casey McClellan represented his application. Comm. Ertel opened the hearing up to public comment. Ann Hindmarsh said she has concerns with dogs and trespassers if this development goes in. Hearing no further comments that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the AR3-9 rezoning and pre-sketch plan for a 12 lot development owned by Casey N. McClellan, seconded by Comm. Ertel and carried. (See attached) Comm. Ertel closed the hearing.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining a commercial rezoning request (COMZ) on property owned by Joys of the Southwest, LLC, H, D. Randolph, agent. Said property is located at a TBD address on Road G.2, Cortez, consisting of 3 acres, more or less. LeeAnn Milligan with the Planning Department discussed the rezoning request. H.D. Randolph represented the application. Comm. Ertel opened the hearing up to public comment. Hearing no comments, that portion was closed. After hearing all the evidence presented, Comm. Chappell moved to approve the commercial rezoning request on property owned by Joys of the Southwest, H.D. Randolph agent, seconded by Comm. Ertel and carried. (See attached) Comm. Ertel closed the hearing at this time.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining an AR3-9 rezoning request on 3 lots and pre-sketch plan for a proposed 4 lot moderate development on property owned by Sara Staber and Bryan Brinley, consisting of 25 acres, more or less, located at 7348 Road 39, Mancos. LeeAnn Milligan with the Planning Department gave an overview of the application. Ms. Staber discussed their plans in detail. Comm. Ertel opened the hearing up to public comment. Hearing none, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the AR3-9 rezoning request on 3 lots and pre-sketch plan for a proposed 4 lot moderate development on property owned by Sara Staber and Bryan Brinley, seconded by Comm. Ertel and carried. (See attached) Comm. Ertel closed the hearing at this time.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing a sketch plan

for a proposed 4 lot moderate development on property owned by Sara Staber and Bryan Brinley, consisting of 25 acres, more or less located at 7348 Road 39, Mancos. LeeAnn Milligan with the Planning Department talked about the development. Ms. Staber and Mr. Brinley represented their request. Comm. Ertel opened the hearing up to public comment at this time. Hearing none Comm. Ertel closed that portion. After hearing all the evidence presented Comm. Chappell moved to approve the sketch plan for a proposed 4 lot moderate development on property owned by Sara Staber and Bryan Brinley, seconded by Comm. Ertel and carried. (See attached) Comm. Ertel closed the hearing at this time.

**FINAL PLAT:** A final plat for a single lot development consisting of 10 acres, more or less, on property owned by Black Land, LLC, located at 13048 Road 16, Cortez, was presented for signature.

**PLANNING:** LeeAnn Milligan informed the Board of a complaint she received from Cedar Ranches HMO regarding a structure in the 25' setbacks on property owned by Mr. Torin Andrews. Mr. Andrews requested they deal with the complaint until he can be here in September.

**PLANNING DIRECTOR:** Administrator Brunner informed the Board of the hiring of LeeAnn Milligan as the new Planning Director replacing Susan Carver.

**KINDER MORGAN:** A proposed gathering line by Kinder Morgan was discussed. There is an existing portion of the line already in place. Kinder Morgan plans to construct the remainder of the line (north from GP 15) in existing ROW which already contains gathering lines for the GP 15, GP14, and GP 26 wells. LeeAnn Milligan with the Planning Department explained the proposal. Bob Clayton explained the proposal for Kinder Morgan in detail. They wanted to inform the Board of this proposal.

**COMMUNITY SERVICES REPORT: James Dietrich** discussed conversations with DWCD about waters of the U.S. He said the Forest Service is making a play for ground water and he will keep on top of that. Mr. Dietrich said the Forest Service received the review on the Breakwater project and will be forwarded on to Bluewater for their input. He informed the Board of the Forest Service/ BLM meeting next week. He mentioned he has contacted everyone with platted TDRs.

**COUNTY ATTORNEY:** Discussed the BAA hearing with Safeway he and Assessor Davis may attend in September. He talked about a move to continue the hearing.

**COUNTY ADMINISTRATOR:** Administrator Brunner talked about progress on the grant application for the renovation of the courthouse.

**COUNTY COMMISSIONERS:**

**CORRESPONDENCE:** The following correspondence was read and noted.

Dolores Water Conservancy District notice of regular meeting and minutes.

Letter from Timothy Hovezak commenting on the July 7<sup>th</sup> public hearing.

Letter of Appreciation to Laurie Knutson with the Bridge Shelter for assisting some local veterans.

Memorandum from JoAnn Groff, property tax administrator, regarding the 2014 notice of valuation.

Veteran Services customer satisfaction survey.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Ertel and carried.

**MEETING ADJOURNED 3:15 p.m.**



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 County Clerk

July 14, 2014

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
July 21, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 21, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of July 21, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 14, 2014 as presented. Motion was seconded by Comm. Suckla and carried.

**LIQUOR LICENSE:** Clerk's **Deputy Lynn Dorenkamp** presented for renewal a liquor license for **Mary Jane's at Stoner**. Clerk Dorenkamp explained that the State Liquor Board and the Sheriff Department recommended that the renewal request be denied because there was not a valid operation of a restaurant at the site. Commissioner Suckla moved to deny the liquor license renewal request for **Mary Jane's at Stoner**. Second by Commissioner Chappell and carried. (See attached)

**HVAC: Maintenance Supervisor Robert Smith** presented the HVAC replacement for Annex 3. Commissioner Chappell moved to select the Comfort Air proposal to put the new air conditioner in at the County building, in the amount of \$9660.00 which included the freight and installation as presented. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC COMMENT: No comments**

**ROAD DEPARTMENT: Superintendent Rob Englehart** presented the road and bridge schedule for the period of July 16, 2014 through July 31, 2014. Road projects they are currently working on are Roads V and S, Road 21, Road H and the Kinder Morgan truck routes. Rob reported the new equipment will arrive in plenty of time to use for the fall and winter work schedules. A discussion was held regarding the deletion of a stop sign on Road S and

keeping the established stop sign on Road 24. Rob said he would study the safety issue of this action and report back to the Commissioners. (See attached)

**FEDERAL LANDS: Connie Clementson with the BLM** presented a **Tres Rios Field Office** overview, showing The Resource Management Plan was still in the protest stage and also the lease parcel sales have been delayed. She reported there would be a Travel Management planning course coming up on August 13th and 14th and would recommend the Commissioners to sign up for the two day course. She reported there will be a Public Meeting on August 7, 2014, 7:00 p.m. at the Dove Creek Community Center regarding the Gunnison Sage Grouse Habitat. **Derek Padilla** from the **Forrest Service** gave an update on various topics including the first case within the State of Colorado of a Pine Beetle infestation and the ongoing weed program. (See attached)

**COLORADO PARKS AND WILDLIFE: Scott Elder** from **Colorado Parks & Wildlife** presented an overview of his office and held a discussion with the Commissioners regarding projects they are currently working on and future projects being discussed. **Matt Thorpe** with the **Colorado Parks & Wildlife** met with the Commissioners and reported that Montezuma County is having a normal season for bear and lion issues, stating that the drier weather will increase the bear calls. Matt reported that the hunting licenses draw was complete and left over licenses will go on sale August 5<sup>th</sup> with a list of available licenses coming out by the first of next week.

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave the monthly report for the Fairgrounds. He reported on the attendance, current income along with July events and future events scheduled. He reported on improvements and up keep on the property as well as the current budget percentages. (See attached)

**ASSESSOR: Assessor William Scott Davis** gave the annual Assessor's report. He reported the current assessed value of the county as \$648,022,690 as of July 17, 2014. He also presented the 2014 No Personal Property Declarations and the Real Appeals –BOCC report. (See attached)

**VETERANS SERVICE:** Commissioner Ertel presented a letter sent to **The Bridge Shelter** from **Veteran Service Officer Rick Torres** regarding their help assisting local Veterans during the month of May. Commissioner Suckla moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for June 2014 as presented, seconded by Commissioner Chappell, motion carried (See attached)

#### **LUNCH:**

**PLANNING:** The following planning items were presented;

**AMENDMENT: Jim Dietrich and Loretta Murphy** presented an application for an amendment of an existing subdivision common lot line application submitted by **Robert and Vicki Englehart** with property located at 21321 Road S, Cortez and **James and Grace McNeley** with property located at 21035 Road S, Cortez. The properties are within the Heritage Hill 3 lot- minor subdivision. Commissioner Chappell moved to forward said request to the Planning Board. Second by Commissioner Suckla and carried. (See attached)

**RESOLUTION AMENDMENT:** A proposed amendment to Resolution P-14-74 was presented for preliminary

review. Said property is owned by **Charles Layer**, located at 38223 Hwy. 184, Mancos and **Lance and Dana Hemby** with property at 37831 Hwy 184 Guess, Mancos. This proposed amendment is to correct survey discrepancies submitted with the original resolution. Commissioner Suckla moved to approve the amendment to Resolution P-14-74 for property owners Charles Layer and Lance and Dan Hemby as presented. Second by Commissioner Chappell and carried.

**COMMUNITY SERVICES REPORT:** **James Dietrich** presented a request for a letter of support from the **Town of Mancos** in regards to a cross way on Hwy 184. The Commissioner asked for more information from the Town of Mancos. Also presented for approval was a letter of support from the Commissioners to **Matt Muraro, Environmental Specialist/ Regional Planner** regarding the **Mesa Verde 2014 Transportation Alternatives Program (TAP)** grant application. Commissioner Suckla moved to approve a letter of support for the TAP Grant as presented. Second by Commissioner Chappell and carried. A discussion was held regarding the 2477 roads within the county. James will work on mapping roads with Doug Roth.

**COUNTY ATTORNEY:**

**COUNTY ADMINISTRATOR:** **Melissa Brunner** presented a schedule for the July 24th Reeves Tour Southwest Region to the commissioners, stating she would add it to the County Web site. She reported that she is working on the DOLA Grant and would be presenting it in the near future.

**COUNTY COMMISSIONERS:**

**CORRESPONDENCE:** The following correspondence was read and noted.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Ertel and carried.

**MEETING ADJOURNED 3:15 p.m.**

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County Clerk

July 21, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
July 28, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 28, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of July 28, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 21, 2014 as presented. Motion was seconded by Comm. Chappell and carried.

**LETTER OF SUPPORT: Andrea Phillips** representing the Town of Mancos requested a letter of support for a cross walk in the Town of Mancos. Comm. Chappell moved to sign a letter of support for the Mancos pedestrian crossing, seconded by Comm. Suckla and carried. (See attached)

**PUBLIC COMMENT:**

**Greg Kemp** asked about the growth of commercial hemp in the County. It was explained that was a separate law. He asked about the finances at the hospital.

**ROAD DEPARTMENT: Superintendent Rob Englehart** showed the historic road signs and asked about possible locations. He said the Cortez district is working on Road 21 and doing maintenance in their area. The Dolores district is shoring up Roads V and S and will be grooming the roads. Then they will work on the Dolores-Norwood road and will work on Road S at Hay Camp. Work on the Kinder Morgan routes will begin. He talked about the Roundup district, the

weed program, and how the crushing operation is doing. He informed the Board that they have completed hauling the rip rap from the Montezuma- Cortez high school construction site.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the report from the Board of Social Services was conducted; **Dennis Story and Lori Higgins were present.** Reimbursement agreement between Dolores County Department of Social Services and Montezuma County Social Services Department is attached.

**SHERIFF'S MONTHLY REPORT:** **Sheriff Dennis Spruell and Undersheriff Lynda Carter** presented the monthly report for the Sheriff's Office. They discussed the financial statement, the ability to track the Office vehicles through GPS software, and discussed employment issues. They talked about the suicide rate in the County and the need for mental health assistance.

**SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS:** **Mariam Gillow-Wiles**, director of the Southwest Colorado Council of Governments (SWCCOG), **Shane Hale** representing the City of Cortez, and **Andrea Phillips** with the Town of Mancos met to discuss the program. Ms. Gillow-Wiles informed the Board of the participating counties and towns. They discussed the program and how it works. The funding and services that can go through the CCOG were talked about. Ms. Gillow-Wiles discussed their mission statement, vision, and goals. She said a few of their goals are in the areas of aging, environment, housing, telecommunications, and transportation.

**COUNTY TREASURER:** **Treasurer Sherry Dyess** presented the Treasurer's report. She gave an update on the personal property taxes and discussed the 6 month schedule of receipts and disbursements. Comm. Chappell moved to approve the schedule of receipts and disbursements for the Montezuma County Treasurer Office, seconded by Comm. Suckla and carried. (See attached) Treasurer Dyess asked permission to write off delinquent personal property taxes as of July 24, 2014. Comm. Chappell moved to allow the County Treasurer to dismiss uncollectable taxes that are checked off on the attached list as of July 24, 2014, seconded by Comm. Suckla and carried. (See attached)

**SENIOR SERVICES:** **Mary Holaday** with the senior programs and transportation gave the quarterly update. They thanked the Board for the vehicles they received from the Sheriff's Office.

**LUNCH:** Lunch with the senior citizens

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit application. The roll was called, the public notice read, and the proceedings were recorded for the record. This application is submitted by **Empire**

**Electric Association, Agent Scott Ehmke.** Said request is for the expansion of an existing 1.5 acre, more or less, substation. This proposed expansion would increase the size of the facility by 25% to provide power to the proposed expansion of compressor stations by Kinder Morgan, CO2 Co. It was stated that upon decommission, the area will be reclaimed to agricultural status. Properties are located east of Road 8, north of Road BB, owned by Shell Oil Company, at a TBD Road 8 address, and Empire Electric Association located at 8087 Road BB, Pleasant View. Scott Ehmke with Empire Electric Association gave a detailed overview of the application. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit for Empire Electric Association, Agent Scott Ehmke for the expansion of an existing substation located east of Road 8 at 8087 Road BB contingent upon the road bond information being in place, seconded by Comm. Suckla and carried. (See attached) Comm. Ertel closed the hearing at this time,

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. Said hearing is for the purpose of reviewing a special use permit application submitted by **Empire Electric Association, Scott Ehmke**, agent. Said application is for the construction of a 1/10 acre, more or less, temporary construction power facility to assist in the expansion of the existing substation. After construction the area will be reclaimed. The property is located east of Road 8, north of Road BB, and owned by Roxie Rupe, 25136 Road 8, Pleasant View, Co. Scott Ehmke with Empire Electric discussed the application. Comm. Ertel opened the hearing up to public comment. Bob Clayton commented on the benefit of the temporary substation being a quiet way to supply needed power and asked the Board to grant the application. Hearing no further comments that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the special use permit application submitted by Empire Electric Association for the construction of a 1/10 acre, more or less temporary construction of a power facility to assist in the expansion of the existing substation located on property owned by Roxie Rupe, seconded by Comm. Chappell and carried. Comm. Ertel closed this hearing at this time. (See attached)

**FINDINGS:** Comm. Chappell moved to approve the findings and permit for the special use permit number 14-000013 and findings and permit for the high impact permit number 14-000018, seconded by Comm. Suckla and carried. (See attached)

**FINAL PLAT:** Planning Director LeeAnn Milligan presented the final plat on amendment of Resolution P-14-74 for signature on property owned by Charles Layer, 38223 Hwy. 184, Mancos, and Lance and Dana Hemby, 37831 Hwy 184 Guess, Mancos. This amendment is to correct survey discrepancies submitted with the original resolution.

**EXEMPTION APPLICATION:** Planning Director LeeAnn Milligan presented for review of an exemption application submitted by Kenneth and Linda Davies, 11830 Road 24.4, Cortez,

consisting of 36 acres, more or less, and Danny and Jeanie Wilkin, 11728 Hwy. 491, Cortez, consisting of 30 acres, more or less, wherein the Davies wish to convey 13 acres, more or less to the Wilkin property. Comm. Chappell moved to give preliminary approval of an exemption submitted by Kenneth and Linda Davies to convey 13 acres, more or less, to the Wilkin property, seconded by Comm. Suckla and carried.

**2013 AUDIT:** Chris Majors with Majors and Haley presented the 2013 audit. Mr. Majors explained the audit performed in detail. Comm. Suckla moved to approve the financial statements and account reports received from Majors and Haley on the 2013 audit, seconded by Comm. Chappell and carried. (See attached)

**EMPLOYMENT HEARING: Amber Zickefoose** appeared to appeal her termination. When asked if she wanted the hearing open or closed, she replied to have the hearing open. She asked the real reason she was terminated. Comm. Suckla moved to go to executive session for discussion of a personnel matter pursuant to C.R.S. 24-6-402(4) (f) seconded by Comm. Chappell and carried. Comm. Suckla moved to go out of executive session, seconded by Comm. Chappell and carried.

Comm. Suckla moved to uphold the termination of Amber Zickefoose, seconded by Comm. Chappell and carried.

**COUNTY ADMINISTRATOR: Melissa Brunner** informed the Board that 8 vehicles have been removed from the Sheriff's Office yard and transferred to other county departments and the others may be auctioned off at a later date. Administrator Brunner talked about the various DOLA energy impact grants. She mentioned applications applied for in Montezuma County. One was from the Dolores Fire Protection District for a 50-50 split for a new fire truck, from the Town of Mancos for construction of a new water storage tank, from the City of Cortez for phase II of their fiber optic project, and one from the Cortez Sanitation District for the replacement of sections of their sewer lines in a few areas. She said the application for the court renovation project grant is due this Friday, August 1, 2014. Comm. Suckla moved to approve the grant application for an energy impact mineral impact grant from the State of Colorado Department of Local Affairs for the tier II grant for 2 million, seconded by Comm. Chappell and carried.

**COUNTY ATTORNEY: Attorney Baxter** said he will talk to Rob Englehart about the Kinder Morgan road bonds. He said he will talk to Derek Padilla with the Forest Service regarding RS 2477 roads before filing on August 11, 2014.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: JAMES DIETRICH:** updated the Board of some responses he has had regarding the TDR refunds. He said he will follow up with letters to the TDR holders. Asked where they stood with the Gunnison

Sage Grouse habitat. Montezuma County is a coordinating county and will not attend the upcoming meeting. James will listen to the meeting on a conference call. He talked about the Park Service may be purchasing about 100 acres near the Drew Gordanier property. He said the Trail grant has been completed. He informed the Board of discussions he has had with OPM concerning the clean-up of the Wild Wild Rest facility. He gave a follow up report on the travel management plan and comment period.

**COUNTY COMMISSIONERS: No report**

**CORRESPONDENCE:** The following correspondence was read and noted.

Findings and order for dissolution election case number 09 CV 57

Order for motion for a continuance of trial date case number 2012CW28 (water court)

Letter from USDA in regards to administrative appeal functions.

Letter from US department of Interior regarding Tres Rios Field Office accepting comments on a proposal to reduce hazardous fuels on public lands around Summit Reservoir.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Ertel and carried.

**MEETING ADJOURNED 4:20 p.m.**

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County Clerk

July 28, 2014

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Chairman



**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 4, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 4, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney Absent  
Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of August 4, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated July 28, 2014 as presented. Motion was seconded by Comm. Suckla and carried.

**ACCOUNTS PAYABLE:** The June publication of accounts payable was presented for signature. Comm. Suckla moved to approve the publication of accounts payable for June 1, through June 30, 2014, seconded by Comm. Chappell and carried. (See attached)

**LAW ENFORCEMENT GRANT:** A law enforcement grant for the Sheriff's Office was presented for approval. This grant is for operation safety in the amount of \$7,500.00 for needed equipment and training. Comm. Chappell moved to approve the application for the local law enforcement grant 2014, seconded by Comm. Suckla and carried. (See attached)

**LETTER OF SUPPORT: Jon Leibowitz** with the Montezuma Land Conservancy District asked for a letter of support for their application for a GOCO grant. Comm. Suckla moved to approve a letter of support for the Montezuma Land Conservancy District for the Cox property in Weber Canyon, seconded by Comm. Chappell and carried. (See attached)

**CHIEF JUSTICE OF THE SUPREME COURT Nancy Rice** along with **Judge Walker, and Judge Lawrence** met and thanked the Board on their efforts for the courthouse remodel. Comm. Suckla explained how the DOLA grant they applied for works.

**PUBLIC COMMENT:**

**David Long** asked about how the decision was made to compensate the platted TDR owners. It was explained the decision was made about 10 minutes after the public hearing on July 7, 2014.

**Bob Clayton** talked about conservation easements and mineral interests.

**ROAD DEPARTMENT: Superintendent Rob Englehart** informed the Board of the schedule for the various districts and work they will be doing this week. He talked about the monthly safety meeting. He said they received the funds from the Forest Service for the Transfer parking lot.

**Bob Clayton** with Kinder Morgan asked about the payment of road impact fees and if the road bond is still required. The road impact fees would be used to cover the road use for their projects and the bond or funds set aside would be used for damage caused by heavy equipment and excessive loads. (See attached)

**IT MONTHLY REPORT: Jim McClain** gave the monthly report for the IT Department. He talked about setting up the email exchange. Jim talked about the project with the installation of Tyler Technologies for the Assessor's Office. (See attached)

**GROUNDS & BUILDING:** Grounds and Buildings supervisor **Robert Smith** gave the quarterly update for his department. He talked about the closed tickets with the maintenance department. He said they usually spend two days a week at the Sheriff's Office especially in the detention center. He said he would like to have the inmates pay for any damage they cause. Robert discussed prices for the courthouse roof saying the roof is in need of repair. He discussed areas of work they will begin working on. Robert said he will be attending a backflow class in Grand Junction next week.

**MCEDA: Chris Burkett** representing MCEDA gave an update. He explained how MCEDA works with trying to get new business in the area and how to support the local businesses. He talked about the enterprise zones and avenues available for businesses to sign up for. He discussed a vacancy on the MCEDA Board.

**BOARD OF EQUALIZATION:** It being the time set aside the following Board of Equalization appeal was heard. The roll was called and the proceedings were recorded for the record. The appeal is from **Safeway Stores 46, Inc.** on account P000648. The petitioner says the property is not assessed at fair market value – including adjustments for obsolescence. **Assessor William Scott Davis, Leslie Bugg and Staci Hunt** with the Assessor's Office discussed the petition for appeal. Assessor Davis recommends denial for tax year 2013 due to insufficient supporting

documentation for adjustments, saying the request is unclear for the value. A call to Safeway Stores was made and the receptionist informed us no one was available. After hearing the evidence presented, Comm. Suckla moved to deny the request from Safeway Stores Inc. to adjust the 2013 taxes and to agree with the Assessor's recommendation to deny the appeal, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed the hearing at this time.

**LUNCH:**

**PLANNING:** Planning Director **LeeAnn Milligan** presented for preliminary approval an application to abandon and vacate a public right-of-way submitted by Box Bar Ranch, LLC, agent Larry Pickens. Said right-of-way is located within property located at 2997 Road 20.5, Cortez. It was stated there is a gate on a portion of Road B. More research will be done as to who owns the gate. Director Milligan will discuss the issue with Road Supervisor Rob Englehart. (See attached)

Bob Clayton with Kinder Morgan met to address existing right-of-way notification to land owners on Kinder Morgan's proposed expansion project.

**COUNTY ADMINISTRATOR: Melissa Brunner** informed the Board that she has started updating information for the upcoming budget. She informed the Board that the DOLA grant for the court remodel has been granted.

**COUNTY ATTORNEY: Attorney Baxter** was absent.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: JAMES DIETRICH** updated the Board on the TDR reimbursements. He said he has heard from two TDR owners. He talked about a letter he would like to send to the TDR owners to inform them how to contact his office with a 90 day window to respond back. He has been in continued contact with the owner of the Wild Wild Rest and the landowner would like to meet with the Board. The Board said there is nothing more to discuss. Mr. Dietrich said the contracts are in on the McElmo Flume and will discuss them with Attorney Baxter. He said interviews will begin this week for the Planning Department administrative assistant. Comm. Suckla asked about the gentleman who wanted to plat TDRs. Mr. Dietrich said the TDR certificates were recorded and where platted prior to the decision to do away with them.

**COUNTY COMMISSIONERS: No report**

**CORRESPONDENCE:** The following correspondence was read and noted.

Goodman Point Water District letter regarding the dissolution election of the District.

Region 9 letter concerning application for a USDA Rural Development Rural Business Enterprise Grant (SCAPE plan)

Onward fund activity statement for 2<sup>nd</sup> quarter 2014

Letter from CDOT concerning CDOT Region intersection priority program.

Notice of Forfeiture for Evangel Assembly of God, Four Corners Child Advocacy Cntr, and 3 for Southwest Health System, Inc.

Basic Financial Statements and Auditor's Report for years ended December 31. 2013 and 2012 for the Office of the District Attorney Twenty-Second Judicial District.

District Court Civil Summons 14CV16

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 2:20 p.m.**

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County Clerk

August 4, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 11, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 11, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds Absent
- Melissa Brunner, County Administrator Absent
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of August 11, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 4, 2014 as presented. Motion was seconded by Comm. Ertel and carried.

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of July, 2014. (See attached)

**FIRE BAN:** Resolution 12-2014 to suspend the ban on open fires and the use of fireworks was presented. Emergency Paul Hollar said the human caused fires are down but there is always a threat with lightening caused fires. Comm. Suckla moved to suspend the ban on open fires and the use of fireworks, seconded by Comm. Ertel and carried. (See attached)

**PUBLIC COMMENT: No comments received.**

**ROAD DEPARTMENT: Superintendent Rob Englehart** reported the Cortez District is applying water, doing blade work and rolling non-mag roads. The Mancos, Dolores, and Roundup areas are working on the Kinder Morgan truck routes. He said the weed control and crushing operations are busy. Superintendent Englehart discussed the complaint from Ann Brown and his response. (See attached) He discussed the recent TPR meeting he attended.

**LANDFILL:** The Board conducted a site visit at the Landfill. (See attached)

**LUNCH: at Landfill**

**ROAD LAW:** Southwest Public Land Coalition representatives met to discuss road laws. **Dennis Atwater and Casey McClellan** representing the Southwest Public Land Coalition spoke on behalf of the group. Mr. Atwater talked about right-of-ways and rights-of-use on public lands. The Board asked for the Coalitions help in amending the land use code to include the necessary language to address these concerns. Another meeting was requested at a later date. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit and a special use permit application submitted by Kinder Morgan CO2 Company, agents Bob Clayton and Ecosphere Environmental Services. The roll was called, the public notice read, and the proceedings were recorded for the record. Said request is for a pipeline capacity expansion project in the Yellow Jacket area along County Roads U, W, and 15. Bob Clayton informed the Board of the expansion in detail. A discussion was held concerning the process used to cover any road damage caused by Kinder Morgan. Comm. Ertel opened the hearing up to public comment. Hearing none that portion is closed. Comm. Suckla moved to approve high impact permit no. 14-000019 and special use permit no. 14-000014 for the purpose of a pipeline capacity expansion project in the Yellow Jacket area within an existing easement along County Roads U, W, and 15, seconded by Comm. Ertel and carried. (See attached) Comm. Ertel closed this hearing at this time.

**KINDER MORGAN CO2 COMPANY:** Planning Director LeeAnn Milligan presented a high impact and special use permit applications for Kinder Morgan CO2 Company. She is asking the Board to forward said applications on to the Planning and Zoning Commission for their review and recommendation. Said applications include a proposed Cow Canyon Cluster Electrical Distribution Line installation from electrical substation located on Roads BB and 8 to supply power to previously permitted CB, CC, and CD cluster facilities within a 50 foot easement within Sec. 1, 10, 23, & 36, T38 & 39N, R.19W and for the proposed GA cluster facility which would have dehydration and metering capabilities and will increase CO2 capabilities for future production, located on Road N and 16 on property owned by Troy and Shorlene Oliver. Bob Clayton explained the Cow Canyon Cluster Electrical Distribution line. Comm. Suckla moved to forward the Kinder Morgan cluster distribution line installation to the Planning and Zoning Commission, seconded by Comm. Ertel and carried. Mr. Clayton talked about the GA cluster facility on the Oliver property. Comm. Suckla moved to forward the GA cluster facility on the Troy and Shorlene Oliver property to Planning and Zoning, seconded by Comm. Ertel and carried. (See attached)

**BROWNFIELDS:** **Mark Walker** with Brownfield's met to discuss eyesores on the gateways to

Montezuma County. He especially discussed the old M&M Truck Stop. He asked if the County would authorize some research being done to map out any potential projects. He stated he would like to have the County sponsor a Brownfield workshop in the area. He was told they could hold the workshop at the County Annex. The Board would like to discuss the issues concerning doing potential projects with the City of Cortez Manager Shane Hale.

**Mr. Dennis Potteroff** met to talk about a roustabout business exceeding the threshold standards by doing commercial burning at an address on 16201 Road Z. He said the property is zoned as AR35+. Mr. Potteroff talked to Melissa Mathews at the Health Department about this burning. Ms. Mathews responded saying the Health Department would be involved if an air permit would need to be issued. (See attached). More discussions will be held with the various entities involved before any decision will be made.

**Diane McBride and Susan Thomas** who work with a couple of nonprofit groups met to talk about a proposed road bike event they would like to organize and host sometime in October of 2015. They said this event would be about a 97 mile ride. They are asking the Board for road maintenance on County Road 10 and BB prior to the event taking place.

**COUNTY ADMINISTRATOR: No report**

**COUNTY ATTORNEY: No report**

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: JAMES DIETRICH** presented the contract from the State Historical Society on the McElmo Flume for signature. He said he has been in contact with the architectural firm concerning the McPhee Breakwater.

**COUNTY COMMISSIONERS:** Comm. Ertel discussed an intergovernmental review consultation letter for Southwest Memorial Hospital. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted.

Thank You from Ken Charles.

Letter from Don Loweree regarding sale of recreational marijuana in Montezuma County and news article from Mancos Times.

Letter from Ann Brown concerning travel on Road S between Hwy. 491 and Road 24 plus a billing from Dennis Rieb's Autoworks for repairs and a letter about the paving of Road S.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Ertel and carried.

**MEETING ADJOURNED 4:14 p.m.**

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County Clerk

August 11, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 18, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 18, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of August 18, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 11, 2014 as presented. Motion was seconded by Comm. Chappell and carried.

**LIQUOR LICENSE:** Clerk's Deputy **Lynn Dorenkamp** presented the following liquor licenses and special events licenses for approval. The renewal for a beer and wine license for **Kelly Place**, a request for special events license for **United Way of SW Colorado** was presented. This event is scheduled for December 4, 2014 at **Four Seasons Greenhouse and Nursery**, and a special event license for **Southwest Memorial Hospital Foundation** was presented for approval. The Southwest Memorial Hospital Foundation event will be held at the **Trail Canyon Ranch** on October 19, 2014. Comm. Chappell moved to approve the applications for Kelly Place, United Way of SW Colorado and Southwest Memorial Hospital Foundation, seconded by Comm. Suckla and carried. (See applications attached)

**PUBLIC COMMENT:**

**Greg Kemp** informed the Board that the EPA has finished its work on the Red Arrow Mine.



**ROAD DEPARTMENT: Superintendent Rob Englehart** reported on the road and bridge schedule. He said the Cortez district has bladed some non mag roads. The district has been working on erosion control on Road H and other county roads. The Cash Canyon road needs work. Mancos district is working on Road BB then up to work on the parking lot at Transfer Park. The Dolores district is working the same schedule as the Mancos District. Roundup is working on road 23. He said the weed control program is working and mowing weeds. He talked about the costs for materials involved in various road projects. Superintendent Englehart researched how many trucks pass through the Port of Entry in one month. He said they informed him that an average of 12,500 trucks passes through the port on a monthly basis. (See schedule attached)

**FEDERAL LANDS:** Representatives **Debbie Kill, Derek Padilla, and Marietta Eaton**, met to update the Board on various projects. Debbie Kill discussed the Kinder Morgan seismic program clean up. She and Derek Padillia discussed the Russ Saw Mill project being on track. The Tri State power line upgrade is in progress. Ms. Kill mentioned the Boggy-Glade motor vehicle road map is on line and they are installing signage there. Ms. Kill said the Rico -West Dolores panel workshop is scheduled for September 11, 2014 and once the proposed action is done they will do a broad informative outreach. Mr. Padilla said they are working on the McPhee Breakwater designs from Blue Water. They said work on the layout of Dolores-House Creek trail is in progress. Marietta Eaton representing the Canyon of the Ancients National Monument discussed acquisition of properties. She stated a casual use permit will be issued for the seismic work being done around the Goodman Point area. She talked about Sand Canyon saying she has had 2 retirements and wishes to put emphasis on education. She said the Southwest Colorado Canyons Alliance has received their 501(c)3 status and that will help in obtaining grants. **Connie Clementson** was unable to attend due to having to attend an after action review. A discussion was held concerning the Gunnison Sage Grouse habitat and the feeling is that there is no potential habitat in the Canyon of the Ancients. Ms. Eaton presented the new brochure for the CANM. (See attached) The Board talked about forest service roads that they feel are county owned.

**FAIRGROUNDS: Fairground Manager Tanner Young** reported on attendance, income and events recently held. He informed the Board on upcoming events. Mr. Tanner talked about the progress on the new sign saying work is to begin this week. He said he would like to request an exception to comp time for his employees during the time he is gone. Comm. Suckla moved to grant comp time exemption for **Tim Cook** and **Larry Copeland** during Manager Young's absence and for the time to be used by the end of this year, seconded by Comm. Chappell and carried. (See attached)

**TREASURER Sherry Dyess, Kathy McCully, and Kathi Bjorkman** with Echo Basin Ranch met to discuss prior year's property taxes. Treasurer Dyess informed the Board that in tax years 2008 and 2009 the taxes were not paid in a timely manner and the property went to tax sale.

Abatements were done and refunds were processed and applied to the tax lien holder. Ms. Bjorkman said they feel they did not receive all the monies they were entitled to. The Board asked the county attorney to look into this issue. (See attached)

## **LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. The applications for a high impact permit and special use permit is being submitted by Geophysical Land Services, Inc., Agent Larry Smith, client; Kinder Morgan CO2 Company. The permits are for the purpose of conducting a 3D geophysical seismic survey project within approximately 47 square miles of the Goodman Point area. Public notice is hereby given to mineral interest owner(s) located in the proposed test area which is situated within Townships 36 & 37 N and ranges 17 & 18 W N.M.P.M. It was explained this survey will provide data to develop a three dimensional image of the geologic structure and stratigraphy underlying the project area. The data generated from this survey will significantly enhance evaluation of the potential of CO2 mineral resources. Larry Smith discussed the applications in detail. Planning Director Milligan talked about the Planning and Zoning Commission's concerns. Mr. Smith addressed those concerns. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the high impact and special use permit applications submitted by Geophysical Land Services, Inc. for a 3D geophysical seismic survey on approximately 47 acres in the Goodman Point area, seconded by Comm. Suckla and carried. (See attached.) Comm. Ertel closed the hearing.

**FINAL PLAT:** Planning Director LeeAnn Milligan presented the final plat for a 2 lot minor development on property owned by the Ronald and LaDean Chadwick Trust, consisting of 31.78 acres, more or less, located at 12264 Road 29.4, Dolores. The final plat was presented and signed by the Board.

**FINAL PLAT:** The final plat for a single lot development, known as the Casa De Negro Single-Lot Development, consisting of 10 acres, more or less, on property owned by Black Land, LLC, located at 13048 Road 16, Cortez was presented. The final plat was signed by the Board.

**FINAL PLAT:** Final plat for an exemption request on properties owned by Deana R. Whitmer, located at 21730 and 21430 Road C, Cortez was presented for approval. Said property is located in Sec. 5 T. 36N, R.17W., N.M.P.M. creating one three acre, more or less tract and one 104 acre, more or less, tract from the two existing tracts of 80 acres, more or less, and 27 acres, more or less. Director Milligan said no additional tract would be created by granting the exemption. Comm. Suckla moved to approve the after-the-fact resolution 14-000010, seconded by Comm. Chappell

and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit request. The roll was called, the public notice read, and the proceedings were recorded for the record. This request is for a proposed retail store and pawn shop on property owned by Joys of the Southwest, LLC, agent H.D. Randolph. Said property is located at a to be determined Road G.2 address, Cortez, consisting of 3 acres, more or less. Planning Director Milligan explained the plans for the retail store and pawn shop. Mr. Randolph was not in attendance. Comm. Ertel opened the hearing up to public comment. Hearing none that portion of the hearing was closed. After hearing all the evidence presented Comm. Suckla moved to approve high impact permit 14-000026 for H. D. Randolph for property located on G.2, Cortez, seconded by Comm. Chappell and carried. (See attached)

**FINAL PLAT: Planning Director LeeAnn Milligan** presented the final plat for an exemption request on property owned by Celeste and Kevin Lambson, with property located at 19489 Road 22, Lewis and Kenneth and Karen K. Thomsen, with property located at 19430 Hwy. 491, Lewis. The Lambson property consists of 38.8 acres, more or less, wherein they wish to convey 25 acres, more or less, to the adjacent land owners, the Thomsens. It was stated that no new lot will be created. The final plat was presented and signed.

**EXEMPTION:** Comm. Chappell moved to approve exemption ATF14-000008 on the Lambson property, seconded by Comm. Suckla and carried. (See attached)

**COUNTY ADMINISTRATOR: Melissa Brunner** said she and Social Service Director Dennis Story will be going over a job description to fill his position. She talked about the County health insurance program.

**COUNTY ATTORNEY: Attorney Baxter** talked about the law suit on the Dolores River Valley Plan. Attorney Baxter was asked by Erin Johnson, attorney for the Protect Montezuma County Water group not to send the letters to platted TDR owners Attorney Baxter was informed the letters to platted TDR owners have not gone out yet and he asked them not be sent out at this time.

**Planning Director LeeAnn Milligan** introduced **Renette Karo** as the new Planning Department assistant.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: No report**

**COUNTY COMMISSIONERS: No report**

**CORRESPONDENCE:** The following correspondence was read and noted.

Dolores Water Conservancy District Minutes and notice or regular meeting.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and



county web site. It was stated this week's agenda was there however you would have to hover over the date for a second or two then the agenda appeared.

**ROAD DEPARTMENT: Superintendent Rob Englehart** reported the Cortez area worked on a portion of Road R and he said the work on E. Empire is completed. He said they will move to Webber Canyon to repair some erosion damage. Mancos and Dolores will be working on Road 42. He informed the Board that the contract between Montezuma County and the Forest Service has been signed. (See attached) The Roundup area is working on Road 23/184 access. Weed control is busy with weed control and mowing. Superintendent Englehart said the new equipment will be in this week. (See schedule attached)

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the report from the Board of Social Services was conducted; **Lori Higgins was present.** Ms. Higgins presented the Core Services Program. Comm. Ertel and Director Story signed the request for state approval of the plan. (See attached)

**SHERIFF'S MONTHLY REPORT: Undersheriff Lynda Carter** gave the update for the Sheriff's Office. She talked about line item changes.

**VETERAN'S QUARTERLY REPORT: Rick Torres** talked about the activities in the Veteran's Office. He said the number of clients is up and talked about the indirect income coming into the County. He discussed outreach efforts the office conducts. (surveys attached)

**HEALTH INSURANCE: County Administrator Brunner** discussed the county health insurance program.

**K-9 SEARCH AND RESCUE:** Members of the K-9 Search and Rescue met to request a donation. **Chuck Melvin and Vanessa Malloy** talked about insurance needs. They asked the Board to consider financial support for the remainder of 2014 and line item support for 2015 if possible. The department has been in existence for 30 years. Comm. Chappell moved to appropriate \$2500.00 to the K-9 Search and Rescue and to continue through 2015, seconded by Comm. Suckla and carried.

**WESTERN SLOPE COLORADO** regarding hemp growing will be rescheduled.

**Comm. Suckla** talked about the TDR programs, the Comprehensive Plan definitions, public lands and public highways.

**FAIR: Paula Neal** talked about the need to invest in our kids. She said the 4-H programs are not

organized or promoted in our area. **Jay Lawrence** talked about the lack of leadership.

**FAIR BOARD: Todd King along with Jay Lawrence and Brandee Simmons** with the Fair Board gave a financial report and update on the recent Fair. They talked about the Cowboy Gathering of the Four Corners and the expenses involved. Todd King explained the Fair Board agreed to bring in performers for the Fair for between \$5,000.00 and \$6,000.00. Mr. King talked about other expenses and various financial shortfalls for the Cowboy Gathering. Mr. Lawrence said the Cowboy Gathering costs \$18,903.00 which is in excess of the \$6,000.00 that was approved. When asked about Fair Board bylaws it was stated there are no bylaws only operating guidelines. (See attached) The Board has asked for a full accounting of the financials. The next Fair Board meeting will be held on September 15<sup>th</sup>. **LATER:** Comm. Suckla moved to require the Fair Board to sell assets purchased this year with funds to be applied to the deficient spending by the Fair Board and to add Administrator Brunner to their checking account with 2 signatures being required to sign the checks, seconded by Comm. Chappell and carried.

**LUNCH: 1:25 p.m.**

**EXECUTIVE SESSION:** Comm. Suckla moved to go into executive session for a conference with the attorney for the purpose of receiving legal advice on the current law suit with Greg Kemp and to the monies with the Fair Board per C.R.S. Section 24-6-402(4)(b), seconded by Comm. Chappell and carried. Comm. Suckla moved to go out of executive session, seconded by Comm. Chappell and carried.

**COUNTY ADMINISTRATOR: Melissa Brunner** said she has scheduled budget talks with the various departments this week. She said they have hired **Billye Morgan** to fill the vacancy in the HR department. Ms. Morgan will begin September 8<sup>th</sup>.

**COUNTY ATTORNEY: Attorney Baxter** talked about notification required to the County when the BLM will be purchasing land. An objection letter could be written since the Board has been notified by Ms. Marietta Easton of such an impending purchase of lands.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: No report**

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**COUNTY COMMISSIONERS: No report**

**CORRESPONDENCE:** The following correspondence was read and noted.

Abstract of Assessment from Assessor Davis.

Letter from Charlie C. Porter, Jr. regarding the abandonment of Road 20.5

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried.

**MEETING ADJOURNED 4:25 p.m.**

County Clerk

August 25, 2014

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 8, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 8, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of September 8, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated August 25, 2014 as presented. Motion was seconded by Comm. Chappell and carried.

**ACCOUNTS PAYABLE** for the July publication was presented for signature. Comm. Chappell moved to approve the accounts payable for July, seconded by Comm. Suckla and carried. (See attached)

**FAIR BOARD:** Letters of resignation from the Montezuma County Fair Board were received from Todd King, Shawn Treinen, and Kathi Marler. Comm. Suckla moved to approve the resignations from the Montezuma County Fair Board for Shawn Treinen, Todd King, and Kathi Marler, seconded by Comm. Chappell and carried. (See attached)

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of August, 2014. (See attached)

**JAG GRANT:** Sheriff Spruell and Wanda Martin with the Sheriff's Office presented the JAG Grant for pre-trial services indigent population for signature. (See attached)

**PUBLIC COMMENT:** John Thompson spoke about a letter concerning a CO2 production assessment for the Eagle's Nest Subdivision, a 320 acre subdivision. Mr. Thompson said the intent is to keep the subdivision as natural as possible and feels the big trucks driving over the lots could cause irreparable damage. He is asking the Board for a special dispensation to exclude this subdivision from this assessment. It was suggested for Mr. Thompson and Mr. Larry Smith to discuss the options.

**ROAD DEPARTMENT:** Superintendent Rob Englehart reported the Cortez and Mancos districts are re-graveling roads and he said Road 42 is completed. Work is beginning on Road 41 this week. After work on Road 41 is done the department will move to Cash Canyon. The Dolores district is working on the Dolores Norwood Road. The Roundup district is doing culvert work on roads T, BB, and 8 after that is done they will gravel road T then on to Road 8. The weed program is working with the Forest Service on weed control and mowing is being done in the Yellow Jacket area. He stated he and two gravel trucks were stopped on a portion of Road P and Hwy. 145 due to Cortez and Dolores school students changing busses. Rob will write a letter to the schools for a solution.

**LANDFILL:** Landfill Manager Debby Barton presented the profit and loss statement for the month of August, 2014. (See attached)

**IT:** Jim McClain presented the monthly report for the IT Department. He informed the Board that Jody Payne resigned. He discussed the website and streaming the meetings for public access. Mr. McClain talked about budgeting to upgrade the County computer systems.

**LANDFILL OPTIONS:** Kirt Mautz discussed options for the Landfill. He talked about recycling and waste streams at landfills. Landfill Manager Barton informed Mr. Mautz as to why baling is done and talked about the compaction process.

**VETERANS SERVICE:** Comm. Chappell moved to approve the County Veterans Service Officers monthly report and Certification of pay for August, 2014, seconded by Comm. Suckla, motion carried (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for an appeal of a retail liquor license for a hotel and restaurant license. The roll was called, the public notice read and the proceedings were recorded for the record. Clerk's Deputy Lynn Dorenkamp presented the appeal for Mary Janes at Stoner LLC, Frank McDonald, owner. Attorney Ryan Brungard and Frank



**McDonald** spoke as to the appeal. Attorney Brungard talked about setbacks as to the reasons why the facility has not opened. Mr. McDonald explained what he is doing to repair things and get the facility ready to open and has hired a contractor. Comm. Ertel opened the hearing up to public comment. **Dan Naiman** said he is the architect working on this project. He stated there is a lot of research involved and has taken part of the blame for the delay. He stated he is trying to just get the big picture first then proceed with the project. **Darrin Carei**, on a conference call, is an investor in the construction and a licensed general contractor in the State of Colorado. He said he is building the metal building. **Jennifer Vanian** would like to see a restaurant however she talked about campers and problems with sewage. She stated she has not seen any progress in the construction and stated other problems that occurred. She said she opposes the renewal of the liquor license. Hearing no further comments, that portion is closed. Mr. McDonald answered the questions. After hearing all the evidence presented Comm. Chappell moved to stand by the previous decision to deny the renewal of the liquor license, seconded by Comm. Suckla and carried. Comm. Ertel closed the hearing.

**MCELMO FLUME:** Cancelled

**LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is regarding an application to abandon and vacate the public and/or county right-of-way of Road 20.5, Cortez, consisting of 1 mile, more or less, in length ending in the center of property located at 2997 Road 20.5 owned by **Box Bar Ranch, LLC, agent Larry Pickens**. Mr. Pickens discussed the application in detail. Mr. Pickens stated instead of abandoning the portion of road 20.5, he would like to see the National Park Service do a boundary adjustment and let him have access to his property further down off of Road B. **Cliff Spencer** Superintendent of Mesa Verde National Park and Manager of Yucca House, explained the National Park Service's stand on this access. He explained that portion of land off Road B into Yucca House was a donation from **Hallie Ismay** years ago. Mr. Spencer read a statement into the record about how Yucca House came into being. He said the Park Service opposes the abandonment/vacation of Road 20.5. Comm. Ertel opened the hearing up to public comment at this time. **Jim Skorvc** spoke as to keeping roads open, he doesn't see what the urgency is now, and since there are transactions ongoing with the Park Service why not come back at a later date. **Bernard Karwick** talked about the deal with the Park Service saying nothing has happened. He talked about access and is opposed to the vacation of the road. **Phil Pearl** representing the Grand Canyon Trust, a conservation organization said he agrees with Mr. Spencer's comment. He asked the Board to suspend any action at this time. **Gala Pock** talked about the vacation not closure of the road. She talked about the prescriptive easement and public access. **Gary Lewis** is a nephew of Hallie Ismay and talked about how she felt about

Yucca House. He said it is his feeling she would not approve of this vacation. **Charlie Porter** asked about what happens if they move the fence, would it go to the center of the road? **Drew Gordanier** gave history saying what happened to the property after Ms. Ismay donated the property. He commended Mr. Pickens for his efforts. **Carol Taylor** asked about the parking issues to the Yucca House. Hearing no further comment, that portion was closed. After hearing all the evidence presented Comm. Suckla moved to maintain 20.5 in its current state until negotiations between the two landowners are worked out as to the access to Yucca House, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed the hearing at this time.

**AMENDMENT:** Planning Director **LeeAnn Milligan** presented a request for an amendment to Resolution P-29-97E for preliminary review. Said property is owned by **Gerald M. and Nancy R. Goodall** who wish to amend the location of the 5 acre tract created by the original resolution. The property is located at 19600 Road 20, Lewis.

**FINAL PLAT:** Planning Director LeeAnn Milligan presented the final plat for the request for amendment of existing subdivision common lot line application submitted by **Robert and Vicki Englehart** with property located at 21321 Road S, Cortez and **James and Grace McNeley**, with property located at 21035 Road S, Cortez within the Heritage Hill 3 lot minor subdivision. The plat was signed.

**H.D Randolph** appeared to discuss the road impact fees for his retail/pawn shop business. Comm. Chappell moved on the recommendation of Road Superintendent Rob Englehart to use the light industrial road impact fee category for Cortez Cash and Pawn, seconded by Comm. Suckla and carried. (See attached)

**COUNTY ADMINISTRATOR:** Administrator Brunner discussed the applications received for the Director of Social Services and she will schedule interviews. She said a proposal from Reilly Johnson Architecture for the plans for the Court renovations was received. The Board felt the costs were excessive.

**COUNTY ATTORNEY:** **Attorney Baxter** talked about the impending annexations with the City of Cortez.

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT:** **James Dietrich** talked about the McElmo Flume Project. The Colorado Department of Transportation is claiming the Flume may be on their property. He said after a survey, the right-of-way goes through the middle of the Flume. A Thank You letter was sent to Surveyor Maness for conducting the survey on the Flume. He presented a letter regarding opposition to the BLM land purchase. Comm. Suckla moved to send a letter to Secretary of State Scott Gessler with Montezuma County's opposition to the BLM's purchase of 940 acres, seconded by Comm. Chappell and carried. (See attached) Mr. Dietrich said he has been in contact with Connie Clementson about the master leasing plan. He informed the Board on the McPhee Breakwater project saying they are waiting

on approval from the Forest Service. He discussed the contract with Blue Water Design and the bill they sent for the second phase. A letter will be sent concerning payment pending approval of the final plan from the Forest Service. He talked about another bill from Chaney Consulting on the project oversight of this breakwater project. He will send a letter for reimbursement to the State of Colorado in the amount of \$151,151.92 on this project. Updated the Board on the TDR reimbursements to those who plated their TDRs. He said he has had questions regarding the EPA Waters of the U.S. He said he has been in conversation with Dennis Atwater regarding revisions to the Land Use Code.

**COUNTY COMMISSIONERS:** **Comm. Ertel** talked about the Club 20 meeting. **Comm. Chappell** talked about the Housing Solutions meeting.

**CORRESPONDENCE:** The following correspondence was read and noted.

Thank you from School Community Youth Collaborative concerning Teen Maze.

Invitation to grand opening Forth and Associates, PC

Correspondence to Kathy Bjorkman concerning her tax abatements.

Dolores Water Conservancy District agenda and minutes.

Letters from Donal Lindsey and William Jobin regarding the Yellow Jacket Cemetery.

Thank You letter from Leslie D. Wolff thanking the various County Offices.

Case number 14-CV-05 Marion Harper v Sheriff Dennis Spruell, MCSO

**MOTION TO ADJOURN** was made by **Comm. Suckla**, seconded by **Comm. Chappell** and carried.

**MEETING ADJOURNED 4:35 p.m.**

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County Clerk

September 8, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 15, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 15, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of September 15, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 8, 2014 as presented. Motion was seconded by Comm. Suckla and carried.

**SCHEDULE OF RECEIPTS** from August 1, 2014 through August 31, 2014 was presented. (See attached)

**FOREST SERVICE:** Additional funding for the West Mancos Road was discussed. **Tom Horn** said he has no dollar amount yet but is hoping there will be some available for the Mancos Transfer Road. They discussed options on the Dolores Norwood Road.

**BERN HEATH** asked for a letter of support for their application to become a New Access Point, HRSA – supported Community Health Center in Cortez. Comm. Suckla moved to approve a letter of support for Axis Health Systems, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC COMMENT:**

**Zane Odell** met to inform the Board regarding his E.A. allotment on Forest Service lands. This is

his Tenderfoot Allotment. He said the Western Watersheds Project is challenging said allotments. Mr. Odell will keep the Board informed concerning this project.

**Greg Kemp** reported on a letter he received from the National Grange on Bill H.R. 5078 that was passed by The House of Representatives. (See attached)

**ROAD DEPARTMENT: Superintendent Rob Englehart** reported the Cortez District is working at Cash Canyon and on to Road B. The Mancos and Dolores District is doing blade work on USFS schedule A roads and resurfacing Road 23 between Roads U and W. The Roundup District is installing culverts on Roads T, BB and 8. The crusher is crushing 1 1/2 inch gravel at Ormiston Pit. (See attached) He discussed proposed changes to the road standards. Comm. Chappell moved to adopt the recommendation to the road standards for the Road and Bridge Department, seconded by Comm. Suckla and carried. (See attached)

**FEDERAL LANDS** representatives with the Forest Service and BLM met. **Connie Clementson** introduced **Tyler Fouss** who is the new Supervisory Law Enforcement Ranger. Mr. Fouss talked about his qualifications and said the number one concern is for resource protection and to patrol BLM and public lands. **Marietta Eaton** informed the Board that she will be giving a lecture at the Heritage Center on Sunday about the Weatherills. A discussion about storage for the artifacts was held. Ms. Clementson and **Tom Horn** said the Tres Rios is working on transportation planning.

**KIDS COUNT DATA: Montelores Early Childhood Council coordinator Vangi McCoy and Mary Dodd** gave a report on the Kids Count program. Ms. McCoy informed the Board on how the kids are doing. She said the big picture is to taking a whole child approach to well being. Montezuma County is ranked 24 out of 25 on the child well being index. They gave a power point presentation regarding the various statics for Montezuma County.

**KINDER MORGAN: Planning Director LeeAnn Milligan** presented a high impact and special use permit application submitted by Kinder Morgan CO2 Company, Inc. for review. Said application is for a discharge pipeline gathering pipeline which involves installation of a 16" steel/HDPE lined CO2 pipeline and a 4" fiberglass produced water pipeline between Kinder Morgan's Cow Canyon area CB cluster facility and the Cow Canyon compressor station facility, a distance of approximately 2.2 miles; included in the applications, a proposed CB3 well pipeline to the CB cluster facility which is located at 7113 Road BB in Pleasant View, Co. will be utilizing the same corridor. Director Milligan is asking for this application to be forwarded to the Planning and Zoning Commission for their recommendation. **Barbara Wickeman and Andrew Antipas** represented the application for Kinder Morgan. Comm. Suckla moved to forward the high impact and special use permit application to the Planning and Zoning Commission for their recommendations for a discharge gathering pipeline which involves installation of a 16" steel lined CO2 pipeline and a 4" fiberglass produced water pipeline, seconded by Comm. Chappell and

carried.

**PLANNING DIRECTOR LeeAnn Milligan** presented another high impact and special use application from Kinder Morgan CO2 Company, Inc. for a discharge pipeline gathering pipeline which involves installation of a 16” steel/HDPE lined CO2 pipeline and a 4” fiberglass produced water pipeline between Kinder Morgan’s Cow Canyon area CD cluster facility and the Cow Canyon compressor station facility, which is located at 22534 Road 10, Pleasant View, Co. She again is asking for the applications to be forwarded to the Planning and Zoning Commission for recommendation. **Barbara Wickeman and Andrew Antipas** represented Kinder Morgan’s application and explained the project in detail. Comm. Suckla moved to forward this high impact and special use permit application to the Planning and Zoning Commission for their review and recommendations on the discharge gathering pipeline as well, seconded by Comm. Chappell and carried.

**HOSPICE OF MONTEZUMA** is planning a pancake breakfast. **Ronda Lancaster** with Hospice is asking for the use of the annex and to see if the fees could be waived. Comm. Chappell moved to waive the annex fees for Hospice of Montezuma and to require a cleaning deposit that will be refunded upon acceptable cleaning being done for their event scheduled for November 7, 2014, seconded by Comm. Suckla and carried.

#### **LUNCH:**

**SIGNED** Findings and Permit number HIP14-000026 for Cortez Cash Trade and Pawn. (See attached)

**SIGNED** Findings and Permit number HIP 14-000020 and special use permit number 14-000015 for Geophysical Land Services Inc. (See attached)

**VARIANCE REQUEST: Planning Director Milligan** presented a variance request of the County Land Use Code Setback Standards for auxiliary structures on property owned by **Patrick and Patricia White** who own property located at 23634 Road L, Cortez. Mr. and Mrs. White wish to construct a proposed garage which would be located 2 feet, more or less, from their western property line. A non-opposition letter is on file from the affected adjacent property owner. Comm. Suckla moved to approve the variance for Patrick and Patricia White for property located at 23634 Road L to construct a proposed garage located 2 feet from their property line, seconded by Comm. Chappell and carried. (See attached)

**VARIANCE REQUEST: Planning Director Milligan** presented a variance request of the County Land Use Code Setback Standards for auxiliary structures on property owned by Vickie Sue Paxton located at 25066 Road L.4, Cortez. Ms. Paxton wants to construct a horse barn which would be located 20 feet, more or less, from her southern property line. A non-opposition letter is on file from the affected adjacent property owner. Ms. Paxton was present and explained the

variance. Comm. Chappell moved to grant the variance to 20 foot from the setbacks for Vickie Sue Paxton, seconded by Comm. Suckla and carried. (See attached)

**NATURAL RESOURCES PLANNING AND FEDERAL LANDS REPORT: James Dietrich** presented a letter to the Dolores Public Lands Office concerning Zane Odell's allotment and the Western Watershed's challenge. Comm. Suckla moved to sign the letter to Derek Padilla at the Dolores Public Lands Office regarding the Western Watershed, seconded by Comm. Chappell and carried. (See attached)

He said he talked to Connie Clementson and Marietta Eaton with regard to access to BLM ground that is surrounded by private land. They mentioned having red signed roads for the access to said BLM land.

**COUNTY ADMINISTRATOR: Administrator Brunner** said she is working on getting interviews for Social Service Director ready. She will be on a call this week with CCI regarding health insurance.

**COUNTY COMMISSIONERS:** Comm. Suckla reported on a meeting he attended where CCI discussed legislative issues. He said one issue is ATV licensing. Another topic was concerning navigable waters.

**Comm. Ertel** said he attended a Workforce Board meeting where they discussed how to enhance job provided services. He said he will be attending another Workforce meeting. He mentioned another meeting he attended concerning the Rico West Dolores travel plan.

**CORRESPONDENCE:** The following correspondence was read and noted.

Letters from Charlie Porter Jr., U.S. Department of Interior, Kelly Place, Diana Marie Zinkl regarding Road 20.5

Invitation from Montezuma County Extension Office to the 2014 Achievement Program Saturday, October 11<sup>th</sup>.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 2:20 p.m.**

**INTERVIEWS** for the Social Services Director was conducted at this time.

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County Clerk

September 15, 2014

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Chairman





said he has not heard back from the Forest Service. He reported on the recently held auction saying it went well.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the report from the Board of Social Services was conducted; **Dennis Story and Lori Higgins were present.**

**SHERIFF'S MONTHLY REPORT:** **Sheriff Spruell** gave the monthly report for his office. He said he has a large inventory of items he would like to get rid of.

**FAIRGROUNDS MONTHLY REPORT:** **Fairgrounds Manager Tanner Young** reported on the Fairgrounds attendance being up from last year. He talked about the income and discussed the events recently held saying they all went well. Manager Young informed the Board of upcoming events. He said the employees will be working 4 ten hour days till end of year to extend open riding. He said the oil heater needs replaced and updated on the status of the new sign saying it should arrive in Farmington today and might be installed in about a week's time. (See attached)

**HEMP TALKS:** **Sharon Stewart and Diana Mosher**, representatives from Western Slope Colorado gave a power point presentation about growing industrial hemp. Ms. Stewart said there have been two permits issued by the State in Montezuma County. One permit was for a research development plot and another for a commercial plot. They reported have difficulty in obtaining seed. The group is dedicated to the education and outreach in growing hemp. They talked about the history of hemp growing. She talked about the various uses of hemp and the technology enhancements.

**HEALTH DEPARTMENT:** **Allison Duran, Debbie Meyer Christa Zubiek and Bobbie Lock** reviewed the Nurse Family Partnership program. Ms. Duran informed the Board of what the Nurse Family Partnership Program does and how it helps with first time pregnant women and improve child health care through education.

#### **LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a light industrial (INDLZ) zoning request. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing is for a request for INDLZ zoning made by GP, LLC, Denise Baca and Teralyn Jeffs, agents. Said property is located at 40498 Hwy 160, Mancos, Co., consisting of 39 acres, more or less, of which 1 acre, more or less, will be utilized for a business situated east of Road 39, north of Road J. Denise Baca represented the application and informed the Board of their intention. She said they would like to establish a retail certified organic soil amendment bulk sale business. Comm. Ertel opened the hearing up to the public. Hearing none that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the light industrial zoning request for GP LLC agents Denise Baca and Teralyn Jeffs on property located at 40498 Hwy 160, Mancos, consisting of 39 acres, seconded by Comm. Suckla and carried (See attached) Comm.. Ertel closed this hearing at this time.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determine the necessity of a potential rezoning request on property previously owned by Zane O'Dell and granted to the Fairview Cemetery, Ray Patterson, agent. The property is located at 16904 Road Z, Yellow Jacket, Co., consisting of 6 acres, more or less. **Attorney Jon Lewis Kelly** approached the Board to request mediation between neighbors rather than a public hearing, therefore this public hearing is cancelled.

**SIGNED LETTER** of support to Tracy Perfors, BLM Natural Resource Specialist, Tres Rios Field Office for Kinder Morgan's Drilling proposal. (See attached)

**REVIEW AND DETERMINE** a high impact and special use permit application submitted by Kinder Morgan CO2 Company, LP. Said applications are for the proposed temporary staging area on property owned by Jeff and Carol Wells and located at 15548 Road CC, Pleasant View. Co. **Matt Ammenman and Jamie Conway** explained the permits. They will fill out all the paperwork then begin work.

**LETTERS** from Kinder Morgan signed by James W. Conway, production Manager with regard to the high impact permit and special use permit for the YEYF-YA loop line and letter regarding road repairs for Kinder Morgan CO2 Company with regard to future permits. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is to determine a perpetual high impact, special use permit applications for an annual fundraising event for the Southwest Memorial Hospital Foundation on property owned by David Temple, agent Susan Thomas. The property is located at 18501 Road J, Cortez, consisting of 417 acres, more or less, situated north of Road G, west of Hwy 160-491. Comm. Suckla recused himself from these proceeding. Susan Thomas represented the application. She is asking to have the high impact, special use permit fee waived. Comm. Ertel opened the hearing up to public comment at this time. Hearing none, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to waive the high impact and special use permit fees and approve the perpetual permit for Southwest Memorial Hospital Foundation on property owned by David Temple agent Susan Thomas on property located at 18501 Road J, Cortez, seconded by Comm. Ertel and carried. Comm. Ertel closed this hearing

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine an AR3-9 rezoning request and sketch plan for a single-lot development on property owned by James and Dorothy Porter. The roll was called, the public notice read, and the proceedings were recorded for the record. Said property is located at 20580 Road B, Cortez, consisting of 5 acres, more or less. James Porter represented the application. He said he is transferring the property to Bryon Porter who stated he will be living there. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the rezoning request of an AR3-9 rezoning and sketch plan for a single-lot development on property owned by James and Dorothy Porter on property located at 20580 Road B, Cortez, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed this hearing.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining a high impact and special use permit applications submitted by Kinder Morgan CO2 Company, agent Ecosphere Environmental Services. The applications are for the installation of 10 miles of electric power distribution lines to provide power to three cluster facilities. Public notice is also hereby given to mineral interest owner(s) located in the area which is situated within Sections 1, 10, 23, and 36, Townships 38 and 39N, and Range 19W. Planning Director Milligan said the Planning and Zoning Commissions has some concerns with the line not providing power to the area landowners and the lines being installed above ground. **Matt Ammenman and Jamie Conway** represented the applications explaining the installations in detail. He said there are a couple of sections where they will bury the lines. Comm. Ertel opened the hearing up to public comment. **Jo Shane** said several residents in that area expressed concerns with the way the lines are going in, how much voltage will be produced and how this voltage will affect children and they wish the lines be placed underground and she questioned how this will affect property values. She wanted to know how much this will cost. (See attached) **Travis Daves** owns property on the corner and is putting in center pivots on that property and said this would be one foot on his field. He said they should adjust their polls around his pivot or put them underground. He said he heard Kinder Morgan is in the process of purchasing ground he farms and if this happens he will be losing about 200 acres of farm ground. **Joe Lanier** lives on Road 10 and has the same

concerns Mr. Daves has. He would rather have them go underground instead of using power polls. **Gary Conrad** said they will be going down his property with the polls and he does not want their power line on his place. **Lynn Anderson** voiced the same comments as the previous speakers. **Jerry Berg** asked about values of the proposed electric lines and the voltage that will be coming through the lines. Mr. Ammenman said the lines will carry 12.47 KV. **Scott Ehmke** works for Empire Electric explained the voltage and explained other facts. Letter of opposition were received from **Jim Farrier, Sue and Ray Dusenberry and Rod Tanner** called saying he agrees with Mr. Farrier's comments. Hearing no further comments, Comm. Ertel closed this portion of the hearing. Mr. Ammenman answered the questions that were raise. **Rob Johnston** with Johnston Land Co. provided the written documentation Kinder Morgan works with. He explained potential placement of the power polls on private property. After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit and special use permit applications submitted by Kinder Morgan CO2 Company for the purpose of installing 10 miles of electric power distribution lines to provide power to three cluster facilities contingent upon having letters from the surface owners, seconded by Comm. Suckla and carried (See attached) Comm Ertel closed the hearing at this time.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining high impact and special use permit applications for Kinder Morgan CO2 Company, Ecosphere Environmental Services Inc. The roll was called, the public notice read, and the proceedings were recorded for the record. Kinder Morgan CO2 Company will be constructing and operating a cluster facility to be known as the GA Cluster on property owned by Troy and Shorlene Oliver, located at 15757 Road N, Cortez. Matt Ammenman explained the application. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Suckla moved to approve the high impact permit and special use permit applications on the Troy and Shorlene Oliver property located at 15757 Road N, Cortez contingent upon Kinder Morgan getting the road video to the County Road Superintendent, seconded by Comm. Chappell and carried. (See attached) Comm. Ertel closed the hearing.

**EXECUTIVE SESSION:** Comm. Suckla moved to go into executive session to discuss personnel matters and contractual negotiations, seconded by Comm. Chappell and carried. Comm. Suckla moved to go out of executive session, seconded by Comm. Chappell and carried.

**COMMUNITY SERVICES REPORT:** Letter from U.S. Department of Interior from Cliff Spencer Superintendent of Mesa Verde National Park saying they are in the process of developing a transportation and visitor distribution plan

**COUNTY ATTORNEY Baxter** informed the Board of the status on impending lawsuits.

**COUNTY ADMINISTRATOR: No report**

**COMMISSIONERS: No report**

**CORRESPONDENCE:** The following correspondence was read and noted.

Thank You letter from the Montezuma County Historical Society.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 5:00 p.m.**

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County Clerk

September 22, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 29, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 29, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of September 29, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 22, 2014 as presented. Motion was seconded by Comm. Suckla and carried.

**CDOT CONTRACT:** The contract between CDOT and Montezuma County Senior Services for a new transit bus was presented and signed. (See attached)

**PUBLIC COMMENT:**

**Bob Candelaria** stated he has an issue with the MVI canal around Road 27 washing out and causing damage. Road Superintendent Englehart will discuss this issue with MVI.

**ROAD DEPARTMENT: Superintendent Rob Englehart** said the Cortez District is continuing work on resurfacing Road B, C, D, and F. Mancos and Dolores are finishing work on Road 23 then will be working on the Schedule A roads. The Roundup District is working on Road T. He said he is seeking some guidance on what forest service roads the County will plow. The weed mowing is finishing up in Pleasant View then will move to Dolores and Mancos. The crusher is crushing 2” minus.(See attached) He gave a rundown on what has been done in the Department for the last month. Superintendent Englehart stated he has responses from his letter to the Cortez and Dolores school districts regarding the exchange of students on the county roads.

**EXECUTIVE SESSION:** Comm. Suckla moved to go into executive session, seconded by Comm. Chappell and carried. This session is for a conference with the attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for discussion of a personnel matter under C.R.S. 24-6-402(4)(e). Comm. Suckla moved to go out of executive session, seconded by Comm. Chappell and carried.

Comm. Suckla moved to approve sending Planning and Zoning Commission Board member Gala Pock notice of removal from said Board due to her of disruption of the Planning and Zoning Commissions board meetings and her right to present evidence to the contrary, seconded by Comm. Chappell and carried.

**REPORTS AND UPDATES:** **Administrator Brunner** presented the 2015 County Health Pool rates. (See attached)

**MANCOS TOUR:** The Board left for Mancos.

**TOUR:** The Board conducted a tour of the Western Excelsior Plant.

**CORRESPONDENCE:** The following correspondence was read and noted.

Notice of 112c construction materials.Reclamation permit release request consideration for Nolan Inc., Willburn Gravel Pit, Permit No. M-1983-004.

Colorado State Board of Equalization notice of public hearing.

**LUNCH:** Lunch with the Senior's program in Mancos

**MEETING ADJOURNED AFTER LUNCH:**

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County Clerk

September 29, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 6, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 6, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds Absent
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Carol Tullis, County Clerk

**CHAIRMAN Ertel** opened the meeting of October 6, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 29, 2014 as presented. Motion was seconded by Comm. Ertel and carried.

**EMERGENCY OPERATIONS PLAN:** The final emergency operations plan was submitted. Emergency Manager **Paul Hollar** discussed the plan in detail. He said this will be a 3 year plan. Comm. Suckla moved to approve the Montezuma County Emergency Plan revised in 2014, seconded by Comm. Ertel and carried. He talked about the fire ban saying he has been in touch with the area fire chiefs and they like the exemptions that are in place now and do not want to go to stages. Mr. Hollar discussed the wildfire agreement with the State. **Karen Dickson** with the Health Department and Manager Hollar talked about emergency operations grants concerning command centers and disaster exercises and other needs that go along with disasters. Emergency Manager Hollar and Ms. Dickson invited the Board to a table top exercise on Nov. 13, 2014 at the Hospital Annex. This exercise will deal with a pandemic.

**PUBLIC COMMENT:**

**Greg Kemp** informed the Board at the end of the year, the printing process at the Cortez Journal will be moving to Farmington, New Mexico. He talked about a comment from a Kinder Morgan agent asking why there were so many Texas license plates around and wondered why Kinder Morgan doesn't hire locally.

**ROAD DEPARTMENT: Superintendent Rob Englehart** talked about the safety meeting held this morning. He reported the Cortez district is working on resurfacing Roads B, C, D, F, and building a spillway on Road 27. He mentioned that the jurisdiction of the Rocky Ford Ditch has been returned to the property owners. The Mancos and Dolores districts are doing blade work on the USFS schedule A roads. He said the Round-up district is spreading and rolling sub-grade 2” minus on Road T and the trucks are hauling the 2” from the Ormiston Pit. Superintendent Englehart said after talking to the Forest Service he was informed there is no additional funding for 2014.

**2015 BUDGET PRESENTATIONS:** The following departments presented budget requests:

**GROUNDS AND BUILDINGS: Robert Smith** presented his budget requests for 2015.

**EXTENSION OFFICE AND FAIR BUDGET: Tom Hooten** talked about the Extension and Fair budget and upcoming needs. He informed the Board there is an open position available in the Extension Office.

**HEALTH SERVICES QUARTERLY REPORT AND BUDGET PRESENTATION:**

**Health Director Bobbi Lock and Laurie Schafer** updated the Board on the various programs they oversee. Ms. Lock reminded them that they will be administering flu shots to county employees this Tuesday. Ms. Lock and Ms. Schafer discussed the Health Department’s 2015 budget requests and needs. A United Way car seat agreement was presented. Comm. Suckla moved to sign the United Way car seat program for 2014-2015, seconded by Comm. Ertel and carried. (See attached)

**CORTEZ CAB: Yvonne Valdez Gilbert and Edward Gilbert,** representing Cortez Cab discussed transportation issues. Mr. Gilbert said they are a private transportation provider and they do more than just provide cab rides. They provide services for Medicaid transports. This service is growing but they are having problems with communication between them and Social Services. They were informed they need to talk to the Social Services Director.

**VETERANS SERVICE BUDGET PRESENTATION: Veteran’s Administrator Rick Torres** explained his budget requests.

**PLANNING AND ZONING COMMISSION** appointee review. No review held.

**LUNCH:**

**PLANNING:**

**KINDER MORGAN: Planning Director LeeAnn Milligan** presented a high impact permit and special use permit application to be forwarded to the Planning and Zoning Commission for review and recommendations. The applications were submitted by Kinder Morgan CO2 Company and Exosphere Environmental Services, agents Phil Kennedy, Laura Getts, and Barb

Wickman. Said applications are for the construction and operation of a CO2 production well known as CX-2. The property is owned by Sylvia Louise Kleckowski located at 7638 Road BB, Pleasant View, Co. The agents explained the permit applications in detail.

**Director Milligan** presented a high impact and special use permit application to be forwarded on to the Planning and Zoning Commission for their review and recommendation. The applications were submitted by Kinder Morgan CO2 Company and Exosphere Environmental Services, agents are Phil Kennedy, Laura Getts, and Barb Wickman. The application are for the construction and operation of a CO2 production well known as CX-5, on property owned by Dillon and Heather Oliver at a to be determined Pleasant View address on Road BB.

**Director Milligan** presented a high impact and special use permit application to be forwarded on to the Planning and Zoning Commission for their review and recommendation. The applications were submitted by Kinder Morgan CO2 Company and Exosphere Environmental Services, Phil Kennedy, Laura Getts, and Barb Wickman agents. The permits are for the construction and operation of a CO2 production well known as CX-7 on property located at 8984 Road BB, Pleasant View and owned by Bessie White.

**Director Milligan** presented a high impact and special use permit application to be forwarded on to the Planning and Zoning Commission for their review and recommendation. The applications were submitted by Kinder Morgan CO2 Company and Exosphere Environmental Services agents Phil Kennedy, Laura Getts and Barb Wickman. This is for the construction and operation of a dry gas loop pipeline which will originate at the Yellow Jacket Compressor Station consisting of 4 miles, more or less, and involves installation of a 16" steel/HDPE lined CO2 pipeline within a mostly existing 50' right-of-way within roads U, W, and 15.

**Director Milligan** presented a high impact and special use permit application to be forwarded on to the Planning and Zoning Commission for their review and recommendation. The applications were submitted by Cortez Pipeline Company, agent Exosphere Environmental Services. Said permits are for the construction and operations of the Hovenweep Cow Canyon Pump Station which would be installed on the south side of Road BB just east of CR 12, across the road from the existing Hovenweep/Cow Canyon meter site. The facility's purpose is to allow increase flow rate through the existing dry gas (CO2) pipeline. The facility will include four 1000 HP pumps enclosed in a building approximately 100 ft. long and 60 ft. wide, 23 ft. tall. There will also be a small office building (approximately 14 ft. by 25 ft.) and variable frequency drive building (approximately 65 ft. by 14 ft.) on site. The entire site will be fenced by 6' chain link fence and lit with downcast security lighting.

**Mr. Tom Hayden** asked questions about the noise from the booster station. Mr. Kennedy asked him to observe other stations already in place and running. Mr. Hayden also asked about the size of the buildings. It was suggested Mr. Hayden attend the Planning and Zoning Commission meetings with such questions and talk to Kinder Morgan's District Manager.

**Comm. Suckla** moved to forward all five applications for CO2 production wells, CX2, CX5, CX7, the dry gas booster, and the Yellow Jacket loop line on to the Planning and Zoning Commission, seconded by Comm. Ertel and carried. (See attached)



**Matt Ammenman** talked about discussions with some landowners about the placement of the power poles. Attorney Baxter discussed the service user's agreements saying Kinder Morgan disagrees with said agreements. More discussions will be held.

**FINAL PLAT:** The final plat on an exemption application submitted by **Kenneth and Linda Davies**, 11889 Road 24.4, Cortez consisting of 36 acres, more or less, and **Danny and Jeanie Wilkin**, 11728 Hwy 491, Cortez, consisting of 30 acres, more or less, wherein the Davies wish to convey 13 acres, more or less, to the Wilkin property. Comm. Suckla moved to approve the final plat for Kenneth and Linda Davies and Danny and Jeanie Wilkin properties ATF number 14-000009, seconded by Comm. Ertel and carried. (See attached)

**BUDGET PRESENTATIONS:**

**ADMINISTRATION: Administrator Brunner** explained the administrator's budget.

**COUNTY ATTORNEY Baxter** discussed the County Attorney budget.

**PLANNING DEPARTMENT: Planning Director LeeAnn Milligan** discussed the budget requests for 2015.

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS: James Dietrich** presented his 2015 budget.

**MAPPING AND GIS: Doug Roth** talked about the 2015 budget requests.

**COUNTY CLERK: Clerk Carol Tullis** presented the budget requests for the Clerk and Recorder's Office and the Election's budget.

**COUNTY TREASURER: Treasurer Sherry Dyess** presented her 2015 budget requests.

**COUNTY ASSESSOR William Scott Davis** gave his budget presentation.

**COUNTY ATTORNEY REPORT No report**

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS: James Dietrich** showed a map of FS roads. He talked about the Dolores Community Towers and KSJD. He said he has talked to Jeff Pope with KSJD regarding the writing of a grant to acquire backup generators for that facility and others. He talked about the Garfield County Energy Advisory Board meeting he recently attended. He said he has received an acceptance letter from the Forest Service in regards to the McPhee Breakwater project but there are other issues that need to be addressed.

**COUNTY ADMINISTRATOR REPORT No report**

**COUNTY COMMISSIONERS REPORT No report**

**CORRESPONDENCE:** The following correspondence was read and noted.  
CDPHE solid waste financial assurance review.  
Region 9 economic development district annual report.  
Final determination Pinon Project.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Ertel and carried,  
**MEETING ADJOURNED 5:50 p.m.**

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County Clerk

October 6, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 20, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 20, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of October 20, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 6, 2014 as presented. Motion was seconded by Comm. Chappell and carried.

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of September, 2014. (See attached)

**LIQUOR LICENSES: Clerk’s Deputy Lynn Dorenkamp** presented the following liquor license renewal applications: Maverick Inc. Store located at 10223 Hwy 491, Cortez and Woody’s Food Stores located at 158 US Hwy 160, Cortez. Commissioner Suckla moved to approve Liquor license renewal applications for Maverick Inc. Store and Woody’s Food Store as presented. Motion Second by Commissioner Chappell and carried. (See attached)

**PUBLIC COMMENT:** No Comments were made.

**ROAD DEPARTMENT: Superintendent Rob Englehart** presented the schedule of projects they will be working on for the time period of October 15 through October 30, 2014. The schedule included; resurfacing will begin on Roads B, C, D, F. and that the department will continue to blade and roll roads 33, 34, 37, 38, 42, M. and P. Other roads scheduled for work in the Round Up area were Roads 20, 21, Road DD and Road T. (See attached) Rob also presented his 2015 budget requests.

**WEED DEPARTMENT: Don Morris** presented the 2015 budget requests for the weed department.

**FEDERAL LANDS UPDATE: Derek Padilla** and **Tom Rice** met with the Commissioners to update them on future projects. Tom discussed 2 motorized grant applications he is currently working on and requested letters of support from the Commissioners regarding said applications. Tom will send information to Jim Dietrich regarding the letter to present to the Commissioners. Derek discussed scheduling an internal meeting between Commissioner Representatives from Dolores and Montezuma County to discuss the recommendation plan for presentation of the Rico West Dolores Travel Management process project to the public. Derek presented a response letter to Attorney Baxter in regards to the County's intent to file suit to quiet title for Forest Service Road (FSR) 526. **Stan Folsom** from **DOCS** presented a video and held a discussion concerning a new Marina at McPhee, the discussion including the requirements, bid suggestions and time frame of completion from the Forrest Service. Tom will return with the information requested to the Commissioners.

**COLORADO PARKS AND WILDLIFE:** Cancelled

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave the monthly report on the Fairgrounds. He reported the Fairgrounds income to date was \$63,310.00 he also reported the events schedule and projects they were currently working on. (See attached) Tanner presented his 2015 budget requests.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of September, 2014. (See attached) She also discussed the budget requests for 2015.

**LUNCH**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining a commercial (COMZ) rezoning request for a proposed daycare home business on property owned by Jesse and Sarah Hanson. Said property is located at 39811 Hwy 160, Mancos. **Planning Director Lee Ann Milligan** and owner **Jesse Hanson** presented the application. Commissioner Ertel opened the hearing for public comments, no comments were made. The public comment period of the hearing was closed. Commissioner Chappell moved to rezone the parcel to commercial as requested by owners Jesse and Sarah Hanson at 39811 Hwy 160, Mancos consisting of 6.2 acres as presented. Second by Commissioner Suckla, and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose reviewing and determining an AR3-9 rezoning request and sketch plan for a single lot development. The roll was called, the public notice read, and the proceedings were recorded for the record. The request is for property owned by Donald and Jeanette Magnuson located at 22187 Road 189, Yellow Jacket and consists of 3 acres, more or less. **Planning Director LeeAnn Milligan** and **County Surveyor Ernie Maness** presented the application on behalf of the owners. Commissioner Ertel opened the hearing for public comments, no comments were made. The public comment period of the hearing was closed. Commissioner Suckla moved to approve a request for AR3-9 zoning request and sketch plan for a single lot development for property owned by Donald and Jeanette Magnuson located at 22187 Road 189, Yellow Jacket. Second by Commissioner Chappell and carried. (See attached)

**PUBLIC HEARING:** Kinder Morgan Cancelled

**PUBLIC HEARING:** Kinder Morgan Cancelled

**BUDGET PRESENTATIONS:** The following departments presented their 2015 budget requests.

**COUNTY SURVEYOR: Ernie Maness** discussed a 2015 Surveyor budget request with the Commissioners.

**DISTRICT ATTORNEY: Will Furse and Clarisa Folsom** met with the Commissioners to discuss the 2015 budget requests for the District Attorney's office.

**IT DEPARTMENT: Jim McClain** presented his budget requests for 2015.

**SENIOR NUTRITION: Sue Fletcher** discussed the Senior Nutrition budget requests for 2015.

**TRANSPORTATION: Mary Holaday** presented the Senior Transportation 2015 budget requests.

**PLANNING AND ZONING ISSUES: LeeAnn Milligan** met to discuss openings within the Planning and Zoning commission. Lee Ann will advertise for available positions.

**COUNTY ATTORNEY REPORT:** No Report.

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS: James Dietrich** No report.

**COUNTY ADMINISTRATOR REPORT : Melissa Brunner** discussed the conference she had attended the previous week, stating she made good contacts and learned some new training ideas.

**COUNTY COMMISSIONERS REPORT:** Commissioner Ertel reported that he had attended the MCEDA meeting and their annual meeting will be coming up. Commissioner Chappell had attended the Housing Solutions meeting stating that a representative could come from the community but Commissioner Ertel felt that a Commissioner Representative was good. Their next meeting will be next February. Commissioner Suckla reported that he had made a visit to Alamosa County and had received a tour of their Landfill operations.

**CORRESPONDENCE:** The following correspondence was read and noted.  
Email from Roxie Rupe re: Kinder Morgan development  
Customer Satisfaction Surveys from the Veterans Services.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried,

**MEETING ADJOURNED 4:00 p.m.**

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County Clerk

October 20, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 27, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 27, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of October 27, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 20, 2014 as presented. Motion was seconded by Comm. Chappell and carried.

**4-H PROGRAM UPDATE:** **Tonya Yates** met with the Commissioners to give an update on the County 4H Program stating that they had a high completion rate also that the program was growing and maintaining. She also thanked the Commissioners for their support of the program.

**HEALTH DEPARTMENT:** **Bobbi Lock** presented the Commissioners a new Core Immunization Contract, stating that the contract would now be yearly. Commissioner Chappell moved to sign the Colorado Department of Public Health and Environment FHHA-IMM contract as presented. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC COMMENT SESSION;** **Kevin Barlow** met with the Commissioners as a representative for the **Kokopelli Bike Club** to discuss funding of a gravel project for Road 31.1. It was decided for the Bike club to get some cost estimates to present to both the City and the County for a combined project. (See attached) Kevin

also requested a letter of support regarding an expansion of the Phil's World trail system. Commissioner Suckla moved to sign a letter of support for the Kokopelli Bike club regarding the expansion of the trail system at Phil's World. Second by Commissioner Chappell and carried. (See attached)

**ROAD 44 & M GUARDRAIL DISCUSSION:** James Cody, Perry Lewis, Karla Fausett, and Sue Jackson met with the commissioners to discuss safety concerns for a section of road on Road 44 and M. Ideas discussed were patrolling the area, better signage, guardrails, rumble strips, and motion censored lighted signs. (See attached)

**ROAD DEPARTMENT:** Superintendent Rob Englehart presented the schedule of projects they will be working on for the time period of October 27, 2014 through November 7, 2014. Rob reported that the 5 day work week will begin November 3, 2014. (See attached) He reported that he would like to purchase a back hoe, 2 water trucks and a plow truck. Commissioner Chappell moved to approve the purchase of a John Deere 410K backhoe with funds coming from the Road Department purchase budget, Second by Commissioner Suckla, motion carried. Commissioner Suckla moved to approve the purchase of a 2007 International Plow truck for \$47,850.00 with a trade in of a Kenworth Lube truck valued at 24,000.00 with funds coming from the Road Department purchase budget as presented. Second by Commissioner Chappell and the motion carried.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted; Dennis Story, Josiah Forkner and Lori Higgins were present. (See attached) Director Dennis Story presented the 2015 budget request. Commissioner Chappell moved to appoint Josiah Forkner as the Montezuma County Social Services Director as of November 1, 2014. Second by Commissioner Suckla, motion carried.

**SHERIFF'S OFFICE:** Linda Carter and Wanda Martin presented the 2015 budget request for the Sheriff's Department.

**EMERGENCY MANAGER REPORT:** Emergency Manager Paul Hollar presented his budget requests for 2015.

**FIREWISE:** Rebecca Samulski and Pam Wilson representing Firewise of Southwest Colorado updated the Board on current and future projects. Pam presented the 2015 budget requests.

**FAIR BOARD MEMBER APPOINTMENTS:** Jim Hooten and Brandy Simmons presented appointment candidates to the Commissioners. Commissioner Suckla moved to approve the Fair Board appointments of Sammie Coulon, and Kaytlynn Alexander for one year terms, LeeAnn Milligan for a two year term and Dan Janz for a four year term. Second by Commissioner Chappell and carried. Commissioner Chappell moved to approve the resignation of board member Brent McClain, seconded by Commissioner Suckla and carried. (See attached)

**KINDER MORGAN:** Val Brock from Kinder Morgan presented an overview slide show pertaining to the McElmo Dome Development Plan. The planning department requested that the presentation be recorded. (See attached)

**LUNCH:**



**PLANNING DEPARTMENT: LeeAnn Milligan Planning Director** presented a Final Plat for a Single-Lot Development on property owned by Donald & Jeanette Magnuson located at 22187 Road 18, Yellow Jacket, Co. consisting of 3 acres, more or less, situated west of Hwy 491, north of Road Y, located in S.21, T.38N., R.17W., N.M.P.M. for signatures.

Preliminary review of an After- the- Fact Exemption Application submitted by Breitenbach Chiropractic, 18483 Hwy 145, Dolores, Co. consisting of 0.31 acres, more or less, and the David & Carol Nichols Revocable Living Trust, 18479 Hwy 145, Dolores, Co. consisting of 2.37 acres, more or less, located in Section: 11, Township: 37, Range: 15, N.M.P.M. Commissioner Chappell moved to approve the After the Fact exemption to David & Carol Nichols Revocable Living Trust for .08 acres and also an exemption to the existing exemption for the Higgins property. Second by Commissioner Suckla, and carried.

#### **TOUR OF SOCIAL SERVICES:**

**LANDFILL: Landfill Manager Debby Barton** met with the Commissioners at their request. Attorney Baxter explained to Landfill Manger Debby Barton that she could request the session be a closed executive session or she could keep it open and that the session would be recorded. Debby Barton stated she wished to be transparent, therefore the session remained open. The proceedings were recorded for the record. Commissioner Suckla moved to remove our landfill manager with a 45 day time frame to look for a replacement, second by Commissioner Chappell and the motion carried.

#### **COUNTY ATTORNEY REPORT:**

**EXECUTIVE SESSION:** Pursuant to Attorney Baxter's suggestion, Comm. Suckla moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402 (4)(b) for a conference with the attorney for the purpose of receiving legal advice on specific legal questions. Seconded by Comm. Chappell and carried. Comm. Ertel said the Board voted to return to regular sessions.

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS: James Dietrich** presented a letter of support to the Colorado Parks and Wildlife OHV manager in regard to the San Juan National Forest's funding request from the State of Colorado's Off Highway Vehicle (OHV) program to back the Good Management Crew Program and the Stoner Mesa Trail Project. Commissioner Chappell moved to sign the letter of support as presented. Second by Commissioner Suckla and carried. (See attached)

**COUNTY ADMINISTRATOR REPORT: Melissa Brunner** presented Orders # 6 through 8 for the Commissioners review. Commissioner Suckla moved to approve Order #6 the transfer from the County General Fund to the Public Health Fund \$38,110.50 for the 2013 per capita calculations (not transferred in 2013) and Order #7 the transfer from County General Fund to Public Health Fund \$38,905.50 for 2014 per capita calculations (per DOLA projected census data) and Order #8 the transfer from Road & Bridge Fund to County General Fund \$708.00 for Road and Bridge Check#27133 cleared 3/18/2014 in error by bank from the General Fund instead of the Road and Bridge Fund as presented. Second by Commissioner Chappell and carried. (See attached)

**COUNTY COMMISSIONERS REPORT:** No Report

**CORRESPONDENCE:** The following correspondence was read and noted.

Letter from Colorado State Land Board, re: state trust properties included in the agencies Stewardship Trust program. Letter from the DAV Project Outreach invite to open house November 11, 2014. Region 9 Economic Development District Corporate Annual Report. Community Services Block Grant Annual Report.

**MOTION TO ADJOURN** was made by Commissioner Chappell seconded by Commissioner Suckla and carried.

**MEETING ADJOURNED 5:30**

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County Clerk

October 27, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 3, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 3, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of November 3, 2014 with the Pledge of Allegiance.

**MINUTES:** Comm. Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 27, 2014 as amended. Motion was seconded by Comm. Suckla and carried.

**LIQUOR LICENSE:** Clerk’s Deputy Lynn Dorenkamp presented a license renewal for **Log Cabin Liquors**, located at 41900 Hwy 160, Mancos Co. Commissioner Suckla moved to approve the Liquor license renewal for Log Cabin Liquors located at 41900 Hwy 160, Mancos as presented. Second by Commissioner Chappell and carried. (See attached)

**PUBLIC COMMENT SESSION; COUNTY TREASURER:** Treasurer **Sherry Dyess** along with Clerk **Cathy McCully** met with the Commissioners to discuss ORDER # 8-14 stating that the bank posting error had been corrected in March of 2014. Administrator Brunner requested that the order be rescinded. Commissioner Chappell moved to rescind Order #8-14. Second by Commissioner Suckla, motion carried. (See attached)

**ROAD DEPARTMENT: Superintendent Rob Englehart** presented the schedule of projects they will be working on for the time period of October 29, 2014 through November 14, 2014. He reported that he had a productive meeting with the Forrest Service. Subjects discussed were an extension of a gravel contract from 5 to 10 years and that there would be no funding for mag chloride next year for the Dolores Norwood Road. Rob reported that he was looking into a grant for funding of bridge repairs stating that he thought there were a couple bridges within the county that would qualify. Rob discussed Colorado Code 43-5-303 Overflowing highways- penalty, regarding water flow upon any public road or highway. He also discussed Ordinance 1-83 regarding the dumping of trash in the county right of way and electric fences getting tangled on county roads. (See attached)

**IT MONTHLY REPORT: Jim McClain** gave a monthly project status for the IT Department. A discussion was held regarding a new fiber connection for Attorney Baxter. It will affect the network budget and he would need an adjustment to the 2015 IT budget request previously turned in. A discussion was held in regards to video streaming and one option discussed was to join with the City of Cortez and creating a government channel. Jim will set up a meeting with the City to discuss this option. Jim and **Fairgrounds Manager Tanner Young** held a discussion about the Fairgrounds sign and the replacement of said sign with a larger one that would be easier to see. He and Commissioner Ertel will meet with the State of Colorado to discuss options of placement for the sign. (See attached)

**Property/ Casualty Insurance Bid Opening:** Commissioner Ertel opened the single returned bid from **Walcott Insurance Services Inc.** with a total premium amount of \$229,825.33. Bentley Colbert and Larry Shupe represented Wolcott Insurance Services, Inc. and Travelers Companies. Commissioner Chappell moved to accept the bid from Wolcott Insurance Service and Travelers in the amount of \$229,825.33 for Montezuma County insurance for the fiscal year of 2015 as presented. Second by Commissioner Suckla and carried. (See attached)

#### **LUNCH:**

**PLANNING DEPARTMENT: LeeAnn Milligan Planning Director** along with Kinder Morgan representatives **Jamie Conway, Phil Kennedy** and **Barbara Wickman** presented an update to a High Impact and Special Use Permit application submitted by **Kinder Morgan CO2 Company, Inc.** for a discharge pipeline gathering pipeline which involves installation of a 16" steel/HDPE lined CO2 pipe line and a 4" fiberglass produced water pipeline between KM's Cow Canyon Area CB Cluster facility and the Cow Canyon Compressor Station facility, a distance of approximately 2.2 miles; included in the applications, utilizing the same corridor, is a proposed CB3 Well Pipeline to the CB Cluster facility which is located at 7113 Road BB, Pleasant View.

An update was also presented on a High Impact and Special Use permit application submitted by **Kinder Morgan CO2 Company, Inc.** for a discharge pipeline gathering pipeline which involves installation of a 16" steel/HDPE lined CO2 pipeline and a 4" fiberglass produced water pipeline between KM's Cow Canyon Area CD Cluster facility and the Cow Canyon Compressor Station facility which is located at 22534 Road 10, Pleasant View. These projects will be presented for final approval on November 17, 2014.

Phil presented the Kinder Morgan O&M procedure as previously requested by the Commissioners.

(See attached)

**Final Plat for a Single-Lot Development** on property owned by **James & Dorothy Porter**, located at 20580 Road B, Cortez, Co., consisting of 5 acres, more or less, situated west of Hwy 491, south of Road B, located in S.1 T.34N., R.17., N.M.P.M. was presented for signatures.

Preliminary review and recommendation to forward to the Planning and Zoning Commission a High Impact Permit Application submitted by **Empire Elect Assn., Inc., Agent Scott Ehmke**, for the construction and operation of a new electrical substation on property owned by **Alta Vista Land Company**, 15250 Road 19 Guess, Cortez, Co. located in Section: 26, Township: 37, Range: 17, N.M.P.M. Commissioner Chappell moved to forward this proposition to construct and operate a new electrical substation to the Planning & Zoning Commission. Second by Commissioner Suckla and carried.

**MESA VERDE COUNTRY UPDATE: Ami McAlpin, April Ralph, Tom Butler, Heather Hughes and Ignacio Martinez** met with the Commissioners to give an update on the progress the program has made.

**MONTEZUMA COUNTY HOSPITAL DISTRICT AND SOUTHWEST HEALTH SYSTEMS**

**UPDATE: Representative Sue McWilliams** met with the Commissioners to inform them of a new project. They are preparing to start an In-Patient Wing at the hospital.

**Ken Curtis with the Dolores Water Conservancy District and Travis Daves** met with the Commissioners to mention their concerns with the Kinder Morgan Power Line project regarding the communication with the local farmers. Concerns were the easements into private property and the proposed power line.

**2015 BUDGET WORKSHOP: Administrator Brunner** discussed her recommendations for the proposed 2015 budget with the final approval of the budget set for December 8, 2014.

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS: James Dietrich** gave updates on projects including the McElmo Flume project they have a commitment for the funding and all the clearances to get started. He wanted to verify the insurance requirements with CDOT. He also reported on the Breakwater project. He had a meeting schedule with the Forrest Service to discuss the issue. Jim reported that the Motor Boat Fund would not be available for the future and he was looking into other funding opportunities.

**COUNTY ATTORNEY REPORT:**

**EXECUTIVE SESSION:** Pursuant to Attorney Baxter's suggestion, Comm. Suckla moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402 (4)(b) for a conference with the attorney for the purpose of receiving legal advice on specific legal questions. Seconded by Comm. Chappell and carried. Comm. Ertel said the Board voted to return to regular sessions.

**COUNTY ADMINISTRATOR REPORT:** **Melissa Brunner** reported she would set up a lunch meeting with Judge Walker to discuss the DOLA presentation. A discussion was held regarding the signage requirements for the Fair Board checking account. Melissa will also set up a meeting with the County Retirement plan CORA to discuss changes to the program.

**COUNTY COMMISSIONERS REPORT:** No Report

**CORRESPONDENCE:** The following correspondence was read and noted.  
Letter from Colorado Office of Administrative Solutions regarding Reimbursement 2013 County Cost Allocation Plan. (See attached)

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried,

**MEETING ADJOURNED 5:30**

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County Clerk

November 3, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 10, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 10, 2014 at the courthouse in Cortez, Colorado, there were present:

Keenan Ertel, Chairman  
Larry Don Suckla, Vice-Chairman.  
Steve Chappell, Commissioner of Deeds  
Melissa Brunner, County Administrator  
John C. Baxter, County Attorney  
Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of November 10, 2014 with the Pledge of Allegiance.

**MINUTES:** Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 3, 2014 as presented. Motion was seconded by Commissioner Chappell and carried.

**ACCOUNTS PAYABLE PUBLICATION:** The accounts payable publication was presented for signature. Commissioner Chappell moved to approve the September 2014 accounts payable for publication, seconded by Commissioner Suckla and carried. (See attached)

**VETERANS SERVICE OFFICERS:** Commissioner Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for September 2014 as presented, seconded by Commissioner Suckla, motion carried (See attached)

**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of October, 2014. (See attached)

**PUBLIC COMMENT SESSION:** **Bill Utrup** expressed his thanks for support on his recent candidacy for Commissioner stating that he learned a lot and hoped to be back next time. **Jeanne Cain**, discussed her concerns regarding the rampart development of resources within the county and hoped it would not be a detriment to the health of citizens. **Ellen Foster** asked that the public be notified when the joint meeting for all entities would be scheduled. **Greg Kemp** suggested to the Commissioners that going forward they use the term Public Lands rather than the term Federal Lands. **Eric Howser** stated he would like to be informed of the high impact permit process and would like to be part of any partnerships created with the Gas and Oil Companies and the County.

**ROAD DEPARTMENT:** **Superintendent Rob Englehart** presented the schedule of projects they will be working on for the time period of November 5, 2014 through November 21, 2014. Roads currently on the schedule are Roads B, C, D, and F, 31, T, T.5, 26, 27, 22 and the area of Road 37. He showed the Commissioners pictures of the improvements made on Road M, which included reflective paint on the road and florescent green “Reduced speed dangerous curve ahead” signs. Rob also presented a monthly spread sheet of man-hours for the month of October 2014. (See attached)

**LANDFILL:** **Shalako Powers** with the Landfill presented the Commissioner’s with October revenues. A discussion was held regarding a Single Stream Collection system. Shalako presented the Understanding Economic and Environmental Impacts of Single-Stream Collection Systems for the Commissioners to read. Other topics discussed were the purchase of a compactor, Grinding, Up cycling, current rates and the arrangement of a meeting between the City of Cortez, Baker Sanitation, Waste Management and Four Corners recycling. Administrator Brunner requested that the Landfill employees receive Comp time and overtime pay during the transition period before a new manager will be appointed. Commissioner Suckla moved to approve comp time and overtime pay to the Landfill employees through the end of 2014. Second by Commissioner Chappell and carried. (See attached)

#### **LUNCH:**

**PLANNING DEPARTMENT:** **LeeAnn Milligan Planning Director** presented a Final Plat of an Exemption Application submitted by Gerald M. and Nancy R. Goodall, 19600 Road 20, Lewis, Co. consisting of 75 acres, more or less, located in Section: 1, Township: 37, Range: 17, N.M.P.M., of which a 5 acre tract was previously created by exemption P-29-97E and approved by the Board of County Commissioner on October 27, 1997. Since that time said tract has not been deeded to another person and has subsequently been used by the applicants for agricultural production; because of this the applicants request to relocate the 5 acre tract from the northwest corner of their property to the southwest corner of their property. Commissioner Chappell moved to approve the Exemption: ATF14-000015 Amended Resolution P-29-97E for Gerald M. and Nancy R. Goodall property located at 19600 Road 20, Lewis as presented. Second by Commissioner Suckla and carried. (See attached).

**OIL and GAS and LOCAL AUTHORITY DISCUSSION: Cancelled.**



As there were many citizens who appeared for this cancelled discussion Commissioner Ertel opened the time for Public Comments. **Betty Ann Kolner** expressed her concerns that the Commissioners be totally aware of the current venting of the gasses and burn offs and the components of said gas. **John Wolf** is concerned with health issues associated with said gas and would like to have a gas monitor and prior information when such venting of the gasses or burn offs will take place. **M.B. McAfee** suggested to the Commissioners that with the outpouring of interested persons present that it would be an opportunity for them to ask for a citizens group to educate the community on the Special Use Permits process and if it covers the public health issues in these instances. She felt that an independent tester would help reassure the public.

**CONVEY PUBLIC LANDS TO THE STATES:** **Bud Garner** met with the commissioners to discuss a resolution to be presented to the Commissioners in regards to the sale of public lands to the Federal Government. He stated that the resolution tells the State Legislature to pursue this issue, "It's our land and our right to get this done". Attorney Baxter explained that there was a state law giving approval for the Federal Government to buy land in the State of Colorado, and the County could not turn over a State law.

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS:** **James Dietrich** presented for review two contract agreements associated with the McElmo Flume project. After review the contracts were returned to James for adjustment and will be presented again at a further date. James reported that he will attempt to set a joint Oil and Gas Local Authority Community meeting for the first or second week of December. He also reported that the Oil and Gas Information Web site County link could be developed from the results of said meeting and hoped to have a feedback option included in the web site.

**EMPLOYMENT HEARING:** **Deborah Barton** appeared to appeal her termination. When asked if she wanted the hearing open or closed, she replied to have the hearing open. The hearing was recorded for the record. Deborah presented to the Commissioners for review copies of her Notice of Suspension and Intent to Terminate dated 10/31/2014, a Memorandum from Administration to all Department Heads and Elected Officials dated 4/1/2010, and a copy of the Adopted Employee Handbook amended: January 1, 2010 along with a Character Resolution #14-2004. (See attached) She requested the Commissioners invalidate her termination. Commissioner Ertel asked the other Commissioners if they had heard anything to invalidate the termination. The Commissioners did not invalidate the termination.

**COUNTY ADMINISTRATOR REPORT:** **Melissa Brunner** presented a recommendation from the Housing Authority of the County of Montezuma for a Board appointment of Mr. Chris Ludington. Commissioner Suckla moved to appoint Chris Ludington to be a Board member to the Montezuma County Housing Authority for no more than a five (5) year term. Second by Commissioner Chappell and carried. (See attached) Melissa reported that a quote for the Fairgrounds sign included a restocking fee for the previously purchased sign. A discussion was held regarding the Sheriff Department pay of comp time with Melissa stating the department had been short staffed and the funds were available. Commissioner Suckla moved to approve pay of Comp time and Vacation holiday pay for the Sheriff Department, down to the 40 hour maximum in amounts for Patrol: \$21,689.58, Detectives: \$956.28 and Detention \$22,456.73 with a total amount of \$45,102.59 as presented. Second by Commissioner Chappell and carried. (See attached)

**COUNTY ATTORNEY REPORT:**

**EXECUTIVE SESSION:** Pursuant to Attorney Baxter's suggestion, Commissioner Chappell moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402 (4)(b) for a conference with the attorney for the purpose of receiving legal advice on specific legal questions. Seconded by Commissioner Ertel and carried. Commissioner Chappell moved to return to regular sessions. Second by Commissioner Ertel and carried. (See attached)

**COUNTY COMMISSIONERS REPORT:** Commissioner Ertel reported that he had attended an AAA meeting and they would like to join SWCOG. A meeting will be held Friday November 14, 2014 where Melissa will represent the Commissioners to discuss the benefits.

**CORRESPONDENCE:** The following correspondence was read and noted.

**MOTION TO ADJOURN** was made by Commissioner Chappell seconded by Commissioner Ertel and carried,

**MEETING ADJOURNED 3:00**

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County Clerk

November 10, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 17, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 17, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator (Absent)
- John C. Baxter, County Attorney
- Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of November 17, 2014 with the Pledge of Allegiance.

**MINUTES:** Commissioner Chappell moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 10, 2014 as amended. Motion was seconded by Commissioner Suckla and carried.

**SPECIAL EVENT PERMIT:** Clerk’s Deputy **Lynn Dorenkamp** presented a special event permit application for **Southwest Health Systems, Inc** to hold a Christmas party at Four Seasons Green House & Nursery. Commissioner Suckla moved to approve the special event permit for Southwest Health Systems to hold an event at Four Seasons Greenhouse & Nursery on December 12, 2014 from 6pm. until 11pm. as presented. Second by Commissioner Chappell and carried. (See attached)

**PUBLIC COMMENTS:** **Ellen Foster** read a letter regarding land owners concern as to the components of the gas that Kinder Morgan vents. (See attached)

**COMMUNITY CHRISTMAS DINNER:** Mayor **Karen Sheek** from the City of Cortez dropped off a letter requesting to hold the annual event at the County Annex and requested that the Annex fees be waived. Commissioner Chappell moved to waive the fees for the County Annex for the Community Christmas Dinner contingent on the dates being open. Second by Commissioner Suckla and carried. (See attached)

**ROAD DEPARTMENT: Superintendent Rob Englehart** presented the schedule of projects they will be working on for the time period of November 12, 2014 through November 26, 2014. Roads currently being worked on include roads B, C, D, and F, 22, 12, and an area of road 32-37. Rob held discussions regarding Road 22, bridges on Roads N and 37, an access road near the new high school and the purchase of a new mechanical truck. (See attached)

**PUBLIC LANDS: Tom Rice, Michael Jensen and Marietta Eaton** met with the Commissioners to update them on various projects. The discussion included the Yellow Jacket grazing allotments, and the time frame of completion for said project. Tom gave an update on the process of the McPhee Marina breakwater project, stating that the prospectus of said project should be published soon.

**MESA VERDE PARK: Cliff Spencer** met with the Commissioners to update them on the Yucca House land donation and the time frame of said process. (See attached)

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave the monthly report on the Fairgrounds. He reported the Fairgrounds income to date was \$64,805.00 he also reported the events schedule and projects they were currently working on. Current projects include the indoor arena lighting and the sign project. Tanner presented bids for a Clean Burn Used-Oil Furnace. Commissioner Suckla moved to approve the purchase of a Clean Burn Used-Oil Furnace for the amount of \$10,895.00 from Interstate Energy. Second by Commissioner Chappell and carried. (See attached)

**APPEAL: Petition to State Board of Assessment Appeals**, from Daniel L Bjorkman (Deceased) Katherine A. Bjorkman and Daniel L. Bjorkman Trust. Property located at 43747 Road M. Mancos. (See Attached)

#### **LUNCH:**

**PLANNING DEPARTMENT: LeeAnn Milligan Planning Director** presented for preliminary review a request for amendments and boundary line adjustments of Resolution P-38-93, Resolution P-6-75 and Resolution P-9-79 to correct the location of a described 5 acre, more or less, tract, on properties owned by **Mary Lynn Lively**, 24277 Road U, Dolores, Co. and **Kerry & Anita Mayhew**, 18078 Road 24,25, Dolores, Co, located in Sec 10, T.37N, R. 16W., N.M.P.M. Commissioner Suckla moved to approve the preliminary requests for amendments and boundary line adjustments to Resolutions P-38-93, P-6-75 and P-9-79 to correct the location of a 5 acre tract, owners Mary Lynn Lively and Kerry & Anita Mayhew as presented. Second by Commissioner Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a High Impact Permit and Special Use permit application request submitted by **Kinder Morgan, CO2 Company, Agents Phil Kennedy, Jamie Conway and Eric Swenson and Ecosphere Environmental Services**. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing is to develop CO2 and produced water discharge pipelines over a distance of approximately 2.2 miles between two previously permitted Kinder Morgan facilities, the CB Cluster and the Cow Canyon Compressor Station and the installation of a flow line between Well CB3 and the CB Cluster facility using mostly the same corridor as the Cluster discharge pipelines on multiple properties located in Sec. 1, 2, 11 & 15, T.38N., R.18 & 19 W., N.M.P.M. Commissioner Ertel opened the hearing for public comment. **Gala Pock**, said she approved of requirements of Surface Owner agreements and that production from January through June would impact the local farmers. **Betty Ann Kolner** asked the Commissioners if they were aware of the Colorado Land Protection

act and reported to the audience that it was available to them on line. **Trent Rype** was concerned with the wording included within his contract in regards to future development of the land. Hearing no further comments Commissioner Ertel closed the public comment part of the hearing. Commissioner Chappell moved to approve High Impact Permit No. 14-0000-30 and Special Use Permit No. 14-00023 contingent on the Planning Commission recommendations. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a High Impact Permit and Special Use permit application request submitted by **Kinder Morgan, CO2 Company**, Agents **Phil Kennedy, Jamie Conway and Eric Swenson** and **Ecosphere Environmental Services**. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing is to develop approximately 5.8 miles of CO2 and produced water pipelines between two previously permitted Kinder Morgan facilities, the CD Cluster and the Cow Canyon Compressor Station on multiple properties located in T.38N., R.18 & 19 W., N.M.P.M.; Commissioner Ertel opened the hearing for public comment. **Gala Pock** felt that the Commissioners should not approve these requests until all Surface Owner agreements had been signed. **Ken Curtis** with **Dolores Water Conservation District** wanted it on the record that they were currently in discussions with Kinder Morgan regarding the placement of said lines. **Jim Farrier's** concerns included, maintaining a corroder for the entities going through the property, the congestion of the details in the project, some felt that signing the Surface agreement was similar to signing a blank check, and the pipeline design was hard to follow because of the power line. **Travis Daves** felt the contracts should read one pipeline per contract instead of pipelines. **Jo Shane** stated the project did not impact her property but would impact her driveway and was concerned about the use of said driveway. **Trent Rype** showed the Commissioners the language within the contract he had previously mentioned in the first public hearing. **Scott Ehmke** with **Empire Electric** notified the Commissioners that he had received an email from Kinder Morgan stating they would like to re-visit a discussion regarding Empire Electric providing the service to the Cluster. **Lynn Anderson** asked if Empire Electric were to provide the service would they have the same disruptions then they would with Kinder Morgan? **Jerry Berg** felt that it was the unknown specifics of the lines that the public feared. **Karl Looff** requested an explanation of the procedure and the process of the waste water. Hearing no further comments Commissioner Ertel closed the public comment part of the hearing. Commissioner Suckla moved to approve High Impact Permit No. 14-0000-28 and Special Use Permit No. 14-0000-22 for the purpose of the construction and operation of 5.8 miles, more or less, of 16" steel CO2 discharge lines and 4" Fiberspar water line from Kinder Morgan facilities with the contingencies brought forth by the Planning Commission. Second by Commissioner Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a High Impact Permit and Special Use permit application request submitted by **Kinder Morgan, CO2 Company**, Agents **Phil Kennedy, Jamie Conway and Eric Swenson** and **Ecosphere Environmental Services**. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing is to add a booster pump station adjacent to an existing valve station along County Road BB to boost gas pressure in the Cortez Pipeline interstate system, and be connected via pipeline running under CR BB on property owned by **Gordon Steves**, 12224 Road BB, Pleasant View, CO, Sec.10 T.38N., R.18W., N.M.P.M. Commissioner Ertel opened the hearing for public comment. **Destry Daves** stated that the Surface Agreements should be in an understandable language, that he did not appreciate the attitude of the agent that spoke to him and he hoped the property would remain in agriculture. Others speaking with concerns of agriculture irrigation problems were **Travis Daves** and **Jim Farrier**. **Betty Ann Kolner** asked what the lighting and noise expectations would be with the project. A letter from **Bonnie Hildebrand** was presented to add to the record (See attached). Hearing no further comments Commissioner Ertel closed the public comment part of the

hearing. Commissioner Suckla moved to approve High Impact Permit NO. 14-0000-36 and Special Use permit No. 14-0000-28 for the purpose of the construction and operation of a booster station adjacent to the existing valve station on Road BB contingent on the recommendations by the Planning Commission. Second by Commissioner Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a High Impact Permit and Special Use permit application request submitted by **Kinder Morgan, CO2 Company**, Agents **Phil Kennedy, Jamie Conway and Eric Swenson** and **Ecosphere Environmental Services**. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing is to add approximately 4 miles of 16" carbon steel/HDPE lined gas pipeline to loop, or duplicate, approximately four miles of the existing dry gas (CO2) pipeline between the Yellow Jacket compressor station on County Road U and a new valve station near County Road X; added pipeline capacity will allow more CO2 to flow from the Yellow Jacket Compressor station into the Cortez Pipeline interstate system on multiple properties located within T.37N., R.18W., N.M.P.M.. Commissioner Ertel opened the hearing for public comment. **Linda Honeycutt** is concerned with the truck traffic and the running of a stop sign on Road 15. **Ken Curtis** with **Dolores Water Conservation District** stated that they preferred that Kinder Morgan put lines underneath their laterals but they would continue to work out the details. Hearing no further comments Commissioner Ertel closed the public comment part of the hearing. Commissioner Chappell moved to approve High Impact Permit No. 140000-35 and Special Use Permit No. 14000-27 with the contingencies put forth by the Planning Commission. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a High Impact Permit and Special Use permit application request submitted by **Kinder Morgan, CO2 Company**, Agents **Phil Kennedy, Jamie Conway and Eric Swenson** and **Ecosphere Environmental Services**. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing is for the construction, drilling and operation of a CO2 well, known as CX-2, on 6.69 acres, more or less; after construction site will be reclaimed to 0.86 acres, more or less, on parcel of land owned by **Sylvia Kleczkowski**, located at 7638 Road BB, Pleasant View, CO; Sec.12, T.38N., R.19W., N.M.P.M.. Commissioner Ertel opened the hearing for public comment. **Gala Pock** on behalf of her sister Sylvia Kleczkowski stated that her sister had questions that needed answered before she would sign the Surface Owner agreement. **David Long** reporter for the **Free Press** asked who and how the determination of the safety levels and standards were for the released gas. Hearing no further comments Commissioner Ertel closed the public comment part of the hearing. Commissioner Chappell moved to approve the High Impact Permit No. 140000-32 and Special Use Permit No. 140000-24 for a CO2 well known as CX2 with contingencies put forth from the Planning Commission. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a High Impact Permit and Special Use permit application request submitted by **Kinder Morgan, CO2 Company**, Agents **Phil Kennedy, Jamie Conway and Eric Swenson** and **Ecosphere Environmental Services**. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing is for the construction, drilling and operation of a CO2 well, known as CX-5, on 6.63 acres, more or less; after construction site will be reclaimed to 0.86 acres, more or less, on parcels of land owned by **Karl & Barbara Loeff** and **Dillon & Heather Oliver**, located at 25490 Road 10, Pleasant View, CO; Sec.5 & 6, T.38N., R.18W., N.M.P.M.. Commissioner Ertel opened the hearing for public comment. **Karl Loeff** stated that there

were no current negotiations between him and Kinder Morgan and he recommended that the request was denied or postponed until real negotiations began. He felt that it was a unique position for each property owner and should be handled as such stating the drainage design should be altered. **Jim Farriar** an adjacent land owner stated he had not been notified of the public hearing in due time and that he also recommended denial or delay of the approval, feeling that the drainage will affect other land owners. **Joe Lanier** another adjacent land owner also expressed concern with the current drainage design. Hearing no further comments Commissioner Ertel closed the public comment part of the hearing. Commissioner Suckla moved to approve High Impact Permit No. 140000-33 and Special Use Permit No. 140000-25 with contingencies put forth by the Planning Commission. Second by Commissioner Chappell and carried. (See attached).

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a High Impact Permit and Special Use permit application request submitted by **Kinder Morgan, CO2 Company, Agents Phil Kennedy, Jamie Conway and Eric Swenson and Ecosphere Environmental Services**. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing request is for the construction, drilling and operation of a CO2 well, known as CX-7, on 6.03 acres, more or less; after construction site will be reclaimed to 0.86 acres, more or less, on parcel of land owned by **Bessie White**, located at 8984 Road BB, Pleasant View, CO; Sec.12, T.38N., R.19W., N.M.P.M. Commissioner Ertel opened the hearing for public comment. **Brad White** wanted to clarify the position of the pipe was adjacent to the road. **Gala Pock** reminded the Commissioners that there were several residents living in the area that would be affected by this well. Hearing no further comments Commissioner Ertel closed the public comment part of the hearing. Commissioner Chappell moved to approve High Impact Permit No. 140000-34 and Special Use Permit No. 140000-26 for the well site CX7 CO2 Production Well contingent upon the conditions set forth by the Planning Commission. Second by Commissioner Suckla and carried. (See attached)

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS:** **James Dietrich** presented for signature two contract agreements associated with the **McElmo Flume** project. Commissioner Suckla moved to approve a contract agreement for professional services from **Atkinson-Noland & Associates Inc.** for work on the McElmo flume and to approve a professional service contract from **Ecosphere Environmental Services** for a flume restoration- statement of work on the McElmo Flume as presented. Second by Commissioner Chappell and carried. (See attached)

**COUNTY ADMINISTRATOR REPORT:** **Melissa Brunner** No Report

**COUNTY ATTORNEY REPORT:**

**EXECUTIVE SESSION:** Pursuant to Attorney Baxter's suggestion, Commissioner Suckla moved for the Board of County Commissioners to go into executive session pursuant to C.R.S. statutes 24-6-402 (4)(b) for a conference with the attorney for the purpose of receiving legal advice on specific legal questions regarding former employee Deborah Barton. Seconded by Commissioner Chappell and carried. Commissioner Chappell moved to return to regular sessions. Second by Commissioner Ertel and carried. (See attached)

**COUNTY COMMISSIONERS REPORT:**

**CORRESPONDENCE:** The following correspondence was read and noted.

Letter from the Commissioners to Chris Ludington regarding Board appointment to the Housing Authority.  
Letter from Colorado Department of Local Affairs regarding the Limited Gaming Impact Grant Funds.

Minutes of the September 11, 2014 Dolores Water Conservancy district meeting.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried,

**MEETING ADJOURNED**

\_\_\_\_\_  
County Clerk

November 17, 2014

\_\_\_\_\_  
Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 24, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 24, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney (Absent)
- Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of November 24, 2014 with the Pledge of Allegiance.



**MINUTES:** Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 17, 2014 as presented. Motion was seconded by Commissioner Chappell and carried.

**SENIOR TRANSPORTATION: Mary Holaday** with Senior Services presented a CDOT contract for review and signature. Commissioner Chappell moved to approve the FTA Fiscal Year 2015 Certifications and Assurances as presented. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC COMMENTS: Raquel “Rocky” Moss Director Dolores Chamber and Marie Chiarizia Director Mancos Chamber** met with the Commissioners to introduce themselves and gave a general update on their Boards.

**ROAD DEPARTMENT: Superintendent Rob Englehart** presented the road and bridge schedule for the time period November 19, 2014 to December 5, 2014. Road work maintenance is planned on roads B, C, D, F, G, H, J, Y, CC, W, 39, 22, 15 and road 12. (See attached) Rob made a request to purchase a new service truck. Commissioner Suckla moved to approve the purchase of a 2005 International service truck from Salt Lake City Utah, with a purchase price of \$55,900.00 or less. Second by Commissioner Chappell and carried.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted; **Josiah Forkner and Lori Higgins were present.**

**SHERIFF’S MONTHLY REPORT: Sheriff Dennis Spruell** presented the monthly report for October 2014 He discussed the financial statement, the ability to track the Office vehicles through GPS software, and a response he wrote to the local newspaper. (See attached)

**VETERANS SERVICE: Veteran’s Officer Rick Torres** reported the 2014 Veterans Services Activity Summary through October 2014. He reported the number of veteran /families served were 1,658, that they had digitally scanned 11,999 documents up to date, and that they assisted in the Four Corners Homeless Veteran Stand Down where 75 Veterans attended to and of those 18 were homeless. (See attached)

**GROUNDS AND BUILDINGS QUARTERLY REPORT: Robert Smith Maintenance Supervisor** reported on the grounds and buildings, giving an overview of the maintenance calls made in the time frame of August 2014 through November 2014. (See attached)

**GROUNDS & BUILDING BID OPENINGS:** Commissioner Ertel opened the bids for the 2015 **Cleaning Services for Montezuma County. Busy “B” Janitorial** provided a bid for the Montezuma County Courthouse of \$2,100.00 per month, Annex 2 (plus small office) of \$1,150.00 per month and the Justice Building for \$1,250.00 per month. A bid from **Laurel Schaffer Cleaning Services** was for the Health Department, Senior Services and the Annex Offices for \$62.50 per night or \$1,354.17 per month. Commissioner Chappell moved to approve the Cleaning services for the 2015 Cleaning Service bid for the County Courthouse of \$2,100.00 per year, Annex 2 (plus small office) for \$1,150.00 per year and the Justice building \$1,250.00 per year from Busy “B” Janitorial as presented. Second by Commissioner Suckla and carried. (See attached) Commissioner Suckla moved to approve the Cleaning Services bid for the Health Department, Senior Services, and Annex Offices of \$1,354.17 per month from **Laurel Schafer Cleaning Services** as presented. Second by Commissioner Chappell and carried. (See attached)

Commissioner Ertel opened the bids for the 2015 **Electrical Maintenance Work** for **Montezuma County**. Bids presented were: **Cortez Electric** at \$40.00 per hour licensed electrician and \$30.00 per hour for an apprentices and **Matthews Electric** of \$45.00 per hour per person. Commissioner Chappell moved to appoint the Montezuma County 2015 Electrical Maintenance work to Cortez Electric of \$40.00 per hour for a licensed electrician and \$30.00 per hour for the apprentice. Second by Commissioner Suckla and carried. (See attached)

Commissioner Ertel opened the bids for the 2015 **HVAC** for **Montezuma County**. **JNL Mechanical, LLC** presented a bid of \$70.00 per hour for a journeyman and \$32.50 per hour for an apprentice. **Brett's Heating and Sheet Metal, LLC** bid was for \$45.00 per hour per person. Commissioner Suckla moved to appoint Brett's Heating & Sheet Metal at a \$45.00 per person per hour rate for the 2015 HVAC contract for Montezuma County. Second by Commissioner Chappell and carried (See attached)

Commissioner Ertel opened the bid for the 2015 **Lawn Care** for **Montezuma County**. **Sprinkler Pros LLC**. presented a bid of \$420.00 per month, and a yearly bid of \$3,780.00. Commissioner Chappell moved to appoint the lawn care for 2015 to Sprinkler Pros LLC at \$420.00 per month negotiated by Robert Smith for the months of service in the Maintenance Department. Second by Commissioner Suckla and carried. (See attached)

Commissioner Ertel opened the bids for the 2015 **Pest Control** for **Montezuma County**. **Guardian Pest Control** presented a bid of \$55.00 per facility with a total cost of \$375.00 per month. Commissioner Suckla moved to appoint the 2015 Pest control services for Montezuma County to Guardian Pest Control for an amount of \$375.00 per month as presented. Second by Commissioner Chappell and carried. (See attached)

Commissioner Ertel opened the bids for the 2015 **Window Cleaning Services** for **Montezuma County**. **Crazy Dog Window Washing** presented a bid of \$1,149.00 but did not include any exterior windows. Robert will revisit the bid requirements with Crazy Dog Window Washing. (See attached)

## **LUNCH:**

**PLANNING DEPARTMENT:** **LeeAnn Milligan Planning Director** presented Review and determination of a Variance Application presented by Janice Bankert and Delores Fosnot on property located within the Lebanon Townsite, 24917 Road T, Dolores, CO, Sec.15 T.7, R. 16 W., N.M.P.M wherein applicants, recently purchased the property which had an existing home; an addition was added to the residence prior to the Applicants purchasing the property. The addition was constructed to the west of the home, putting it within inches of the platted road known as "B Street" within the subdivision. Applicants are requesting a Variance to the 25' Setback Standard for this reason. Damon and Jennifer Johnston, the neighbors directly to the west, have signed the application and are not opposed to the request. The Applicants will not cause additional construction to be placed within "B Street. Commissioner Suckla moved to grant a variance for land owners Janice Bankert and Delores Fosnot property located at 24917 Road T, Dolores within the Lebanon Townsite Block 7 Lot 9 as presented. Second by Commissioner Ertel and carried. (See Attached)

**FAIR BOARD:** **Brandee Simmons, Katlyn Alexander, Carlos Whitmer, Sammi Coulon, Jay Lawrence, Lee Ann Milligan and Don Janz** met with the Commissioners to discuss the 2015 Fair Board budget requests. (See attached)

Review of a proposed expansion of Mancos Valley Storage, owners Will & Sandra Lochte, located at 40575

Highway 160 BR, Mancos, CO, Sec. 29, T.36, R.16W., N.M.P.M. Applicants propose to add two additional mini storage units to the property. The Commissioners stated that no further permits were required.

Review and determination to forward to the Planning & Zoning Commission for review and recommendations, High Impact and Special Use Permit Application submitted by Kinder Morgan CO2 Company, LP, Agents Phil Kennedy and Ecosphere Environmental Services, for a construction and operation of a proposed CO2 well, known as CD-3, on property owned by the Thomas W. & Ima Jean Revocable Living Trust, located at 24261 Road 8 Guess, Pleasant View, Co. Sec 13, T.38N., R19W., N.M.P.M..

Review and determination to forward to the Planning & Zoning Commission for review and recommendations, High Impact and Special Use Permit Application submitted by Kinder Morgan CO2 Company, LP, Agents Phil Kennedy and Ecosphere Environmental Services for a construction and operation of proposed 5.2 miles, more or less, of produced water pipeline between two previously permitted Kinder Morgan (KM) facilities, the Cow Canyon Compressor Station (also known as a Central Processing Facility or CPF) and the HWD-1 water disposal well, Pleasant View, Co, located within Sec. 1,3,4,5,6,9,10, t.38N., R18 & 19W., N.M.P.M..

Commissioner Suckla moved to forward to the Planning & Zoning a High Impact and Special Use Permit application by Kinder Morgan CO2 Company, LP, Agents Phil Kennedy and Ecosphere Environmental Services for a proposed CO2 well known as CD-3 on property owned by the Thomas W. & Ima Jean Revocable Trust, located at 24261 Road 8 and moved to forward a High Impact and Special Use Permit application submitted by Kinder Morgan CO2 Company, LP, Agents Phil Kennedy and Ecosphere Environmental Services for a construction and operation of proposed 5.2 miles, more or less, of produced water pipeline for the Kinder Morgan facility Cow Canyon Compressor Station as presented. Second by Commissioner Ertel and carried.

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS:** No Report

**COUNTY ADMINISTRATOR REPORT:** Administrator Melissa Brunner presented the **Cooperator Service Agreement for Wildlife Specialist with USDA**. The Commissioners requested time to review the document and would like to talk to a representative of said program at a future date.

**COUNTY ATTORNEY REPORT:** No Report

**COUNTY COMMISSIONERS REPORT:** Commissioner Ertel presented a letter of support of the Tres Rios Field Office's grant application to the State of Colorado's Off Highway Vehicle (OHV) program entitled **Tres Rios Trail Crew**. Commissioner Suckla moved to sign a letter of support for an Off Highway Vehicle program Grant application entitled the Tres Rios Trail Crew for non-motorized trails as presented. Second by Commissioner Chappell and carried. (See Attached) Also presented was a letter of support to the Monticello Field Office Bureau of Land Management. Commissioner Chappell moved to sign a letter of support to the Monticello Field Office regarding the competitive oil and gas lease sale for the Bureau of Land Management Canyon County District as presented. Second by Commissioner Suckla and carried. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted.

Letter from the United States Department of Interior Bureau of Land Management re: The Tres Rios Field Office completion of an environmental assessment of land within Montezuma County.

Letter from the United States Department of Interior National Park Service re: a boundary revision of the Yucca House National Monument.



**COOPORATIVE WEATHER OBSERVER, NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of November, 2014. (See attached)

**LAW ENFORCEMENT GRANT:** A law enforcement grant for the Sheriff's Office was presented by **Wanda Martin** for signatures. This grant is from the **Department of Public Safety, Division of Criminal Justice** in the amount of \$7,500.00 for needed equipment and training. (See attached)

**PUBLIC COMMENTS: Bill Utrup** held a discussion on the differences of the price of gas in Montezuma County and the price of gas in New Mexico. Ellen Foster asked if there had been any progress made on the Oil and Gas Local Authority Community meeting. James Andrus asked if the Commissioners had any landowner feedback regarding the release of gases from Kinder Morgan sites.

**ROAD DEPARTMENT: Superintendent Rob Englehart** presented the Road and Bridge schedule for December 3, 2014 through December 19, 2014. Roads scheduled for work are Roads H, 39, 22, 21, CC, BB, 8, and Road 16. Other projects include the maintenance of drainage ditches. (See attached)

**VETERANS SERVICE:** Comm. Suckla moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for October 2014, seconded by Comm. Ertel, motion carried. (See attached)

**LANDFILL: Shaklo Powers** from the Landfill presented the rate schedule for the year of 2015. Commissioner Suckla moved to keep the 2014 Landfill rate schedule for the year of 2015 as presented. Second by Commissioner Ertel and carried. (See attached)

**IT MONTHLY REPORT:** Jim McClain with the IT Department gave the project status for the month of December 2014. (See Attached)

**2015 BUDGET HEARING AND APPROVAL: Administrator Melissa Brunner** presented the 2015 proposed Budget for approval. **Rebecca Samulski** from Firewise thanked the Commissioners for including Firewise within the budget. **Casey Fuller** and **Rich Fleming** from the maintenance department held a discussion with the commissioners regarding their salaries. Commissioner Suckla moved to approve the 2015 Montezuma County Budget as presented by Administrator Brunner. Second by Commissioner Ertel and carried.

**LODGERS TAX COMMITTEE: Susan Scott, Lee Cloy, Judith Swain, Chris Page and Val Truelsen** from the Montezuma County's Lodgers Tax Committee and **April Ralph, and Ignacio Martinez** from the Mesa Verde Country Board met with the Commissioners to give an overview of their funding, income, expenses, terms of office, and the bylaws of each committee. The Commissioners would like to see all entities working together to promote tourism for Montezuma County. (See attached)

**LUNCH:**

**PLANNING DEPARTMENT: LeeAnn Milligan Planning Director** along with **Greg Kemp** from **Cedar Mesa Ranches** met with the Commissioners to discuss a potential setback violation of the Montezuma County Land Use Code within a Subdivision. Greg was asking the Commissioners for a verification of said potential violation. As the only two affected landowners of said property have never contacted Planning, the Commissioners felt that the Home Owners Association would proceed with this matter. (See attached)

Lee Ann Milligan Planning Director presented for Preliminary review a proposed Exemption request on property owned by Dwight L. Williams & Dennis L. Williams, located at 35280 Hwy 184, Mancos, CO and Howard M. & Alma J. Williams located at 35100 Hwy. 184, Mancos, CO, Sec.33, T.37N, R.14W, N.M.P.M., wherein applicants propose 5 acres, more or less, of the parcel owned by Howard and Alma Williams be conveyed to the parcel owned by Dwight and Dennis Williams. Commissioner Suckla moved to approve the preliminary review of a proposed Exemption request on property owned by Dwight L. & Dennis L. Williams located at 35280 Hwy 184, Mancos as presented. Second by Commissioner Ertel and carried.

Review and determination of a Variance request by William & Dawn Utrup on property located at 27418 Road N, Dolores, CO, Sec.7, T.36N, R.15W, N.M.P.M., wherein applicants request Setback requirements of 25' for auxiliary structures be relaxed to 10' in order for the applicants to construct a loafing shed in a location which would not interfere with agricultural production. Commissioner Suckla moved to approve the Variance request based on the non-opposition of affected landowners for owners William and Dawn Utrup located at 27418 Road N. Dolores. Second by Commissioner Ertel and carried. (See attached)

**Ernie Maness, County Surveyor**, held a discussion regarding implementation of a plat review process and fees for development and exemption applications. He will finalize this process and present it to the Commissioners at a future date.

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS:** No report.

**COUNTY ADMINISTRATOR REPORT: Melissa Brunner** presented the 2015 Official County Holidays schedule. Commissioner Suckla moved to approve the 2015 Official County Holiday schedule as presented. Second by Commissioner Ertel and carried (See attached). Melissa held a discussion regarding holiday time, the clarification of said time and to create a consistency of said time for all departments. Melissa reported that of the applicants for the Landfill Manger, only Shaklo Powers had the requisite experience, training, and professional qualifications. She recommended the position be appointed to Shaklo Powers. Commissioner Suckla moved to appoint Shaklo Powers as the new Landfill Manger with a starting salary of \$57000.00 per year. Second by Commissioner Ertel and carried.

**COUNTY ATTORNEY REPORT:** No Report

**COUNTY COMMISSIONERS REPORT:** Commissioner Suckla reported a meeting would be held on the December 19, 2014 with the Forrest Service.

**CORRESPONDENCE:** The following correspondence was read and noted.

Letter from the BLM – Colorado Southwest District Fire Management re: Firewise funding.

Letter from Bob and Sue Scott Sundance Bear Lodge re: support of Firewise.

Notice of Forfeiture Rescinded for the Four Corners Child Advocacy Ctr. Sent by State of Colorado Division of Property Taxation Department of Local Affairs.

**MOTION TO ADJOURN** was made by Commissioner Suckla, seconded by Commissioner Ertel and carried,

**MEETING ADJOURNED 3:00**

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County Clerk

December 8, 2014

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
December 15, 2014**

STATE OF COLORADO        )  
                                          ) ss.  
COUNTY OF MONTEZUMA    )

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 8, 2014 at the courthouse in Cortez, Colorado, there were present:

- Keenan Ertel, Chairman
- Larry Don Suckla, Vice-Chairman.
- Steve Chappell, Commissioner of Deeds
- Melissa Brunner, County Administrator
- John C. Baxter, County Attorney
- Kim Percell, Chief Deputy Clerk

**CHAIRMAN Ertel** opened the meeting of December 15, 2014 with the Pledge of Allegiance.

**MINUTES:** Commissioner Suckla moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated December 8, 2014 as corrected. Motion was seconded by Commissioner Chappell and carried.

**2015 MONTEZUMA COUNTY CDOT FTA 5311 GRANT – Mary Holaday** with Senior Services presented the CDOT Division of Transit and Rail Agreement for Administration and Operating expenses for signature. Commissioner Chappell moved to sign the 2015 Division of Transit and Rail FTA Section 5311 Grant Agreement with Montezuma County. Second by Commissioner Suckla and carried (See attached)

**DOLA GAMING GRANT: Wanda Martin** with the Sheriff’s Office presented a Gaming Impact Grant Agreement between the State of Colorado Department of Local Affairs and Montezuma County for signature. Comm. Suckla moved to sign the Gaming Impact Grant for 2015 as presented. Second by Comm. Chappell and carried. (See attached)

**PUBLIC COMMENT:** Ellen Foster thanked the Commissioners for their stand with the Kinder Morgan power line at Pleasant View, she also suggested that the County set up the Oil and Gas Local Authority Community Meeting by stages of availability of interested entities.

**IT DEPARTMENT: Jim McClain** along with **Rick Smith** with the City Of Cortez met with the Commissioners to discuss Video Streaming, the cost sharing of a Content server and the development of a Local government TV channel. Jim discussed the 2015 audio technology upgrades planned for the Commissioners meeting room.

**ROAD DEPARTMENT: Superintendent Rob Englehart** presented the Road and Bridge schedule for December 10, 2014 through December 24, 2014. Roads scheduled for work are Roads G, DD, 21, CC, BB, 8, 16, and 22. Rob reported that a section of road bank caved off Road G and that it will need repair also. That he would be attending an equipment auction and would like to make some bids for equipment. Commissioner Chappell moved to approve Rob Englehart as the County representative to attend an auction with funds not to exceed the original \$55,900.00 for a service truck and an additional amount of \$120,000.00 to purchase equipment as needed. Second by Commissioner Suckla and carried. (See attached)

**FEDERAL LANDS: Derek Padilla** representative with the Federal Lands Agencies met with the Commissioners to give an overview of projects. A discussion was held regarding the McPhee Recreational Area and the management of said area. The Commissioners would like the County to manage the Recreational Area and would like to expedite the process so the people would have the opportunity to enjoy the area. Derek and the Commissioners reviewed the San Juan National Forrest map.

**USDA COOPERATOR SERVICE AGREEMENT for WILDLIFE SPECIALIST:** John Tidwell held a phone conference to discuss a Cooperative Service Agreement between Montezuma County and the United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services. Comm. Chappell moved to approve the signing of the USDA work and financial plan, agreement between Montezuma County and the Department of Agriculture Wildlife Services #15-7308-0310-RA, seconded by Comm. **Suckla** and carried. (See attached)

**HEALTH DEPARTMENT: PUBLIC HEALTH DIRETOR Bobbie Lock** and **Melissa Mathews** presented the 2015 Health Department Immunization Contract for signatures. Commissioner Suckla moved to approve the 2015 Health Department Immunization Contract for Montezuma County as presented. Second by Commissioner Chappell and carried. (See attached) Also presented was the Montezuma County Public Health Department 2015 Fee Structure. Commissioner Chappell moved to approve the Montezuma County Public Health Department Fee schedule for Immunization and Septic Permits as presented except for the omission of the final sentence of said schedule. Second by Commissioner Suckla and carried. (See attached)

**MAINTENANCE: Supervisor Robert Smith** discussed the Exterior Window Cleaning bid from **Crazy Dog Window Cleaning** of \$ 2452.00 per year. Commissioner Suckla moved to approve the Crazy Dog Window Cleaning Service contract for the exterior window cleaning for Montezuma County. Second by Commissioner Chappell and carried. Also discussed was an amendment for approval on the Lawn Care Contract. Commissioner Chappell moved to amend the Lawn Care contract from 9 months to 7 months. Second by Commissioner Suckla and carried.

LUNCH



**FINAL PLAT: Planning Director LeeAnn Milligan** presented a request for amendments and boundary line adjustments of **Resolutions P-38-93, Resolution P-6-75 and Resolution P-9-79** to correct the location of a described 5 acre, more or less, tract, on properties owned by **Mary Lynn Lively**, 24277 Road U, Dolores, CO and **Kerry & Anita Mayhew**, 18078 Road 24.25, Dolores, CO, located in Sec. 10, T.37N., R.16W., N.M.P.M. Commissioner Suckla moved to approve resolution P-38-93 1<sup>st</sup>. Amended/Boundary Adjustment, amending the south tract and 5 acre exception tract (a.k.a. Res. P-6-75) of Res. P-38-93 (Resolution P-9-79 was amended by Resolution P-38-93) properties located at 24277 Road U and 18078 Road 24.25 Dolores, as presented. Second by Commissioner Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit application. The roll was called, the public notice read, and the proceedings were recorded for the record. Said Public Hearing is for the purpose of reviewing and determining a Heavy Industrial (INDHZ) rezoning request and Sketch Plan for a Single-Lot Development submitted by **Empire Electric Assn., Agent Scott Ehmke**. Property is located east of Road 18, north of Road P, owned by **Alta Vista Land Company, Inc.**, 15250 Road 18 Guess, Cortez, CO; located in Sec.26, T.37N., R.17W., N.M.P.M. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Commissioner Chappell moved to approve a single lot development submitted by Empire Electric and a Heavy Industrial rezoning request for property located at 15026 Road 18 contingent on plat review by staff and Commissioner approval at a later date. Second by Commissioner Suckla and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit application. The roll was called, the public notice read, and the proceedings were recorded for the record. Said Public Hearing is for the purpose of reviewing and determining a High Impact Permit Application submitted by **Empire Electric Assn., Agent Scott Ehmke**. Said request is for the construction and operation of an electrical substation to serve the Cortez Pipeline Company CO2 Industrial Plant operated by **Kinder Morgan, CO2 Co**. Property is located east of Road 18, north of Road P, owned by **Alta Vista Land Company, Inc.**, 15250 Road 18 Guess, Cortez, CO; located in Sec.26, T.37N., R.17W., N.M.P.M. Comm. Ertel opened the hearing up to public comment. Hearing none that portion was closed. After hearing all the evidence presented Commissioner Suckla moved to approve a **High Impact Permit #14-000037** application submitted by Empire Electric for construction and operation of an electrical substation to serve the Cortez Pipeline, Company CO2 Industrial plant operated by Kinder Morgan, CO2 Co. on property located 15026 Road 18, owned by Alta Vista Land Company, Inc. as presented. Second by Commissioner Chappell and carried. (See attached)

**A discussion was held concerning the Planning Commission member seats.** The Commissioners decided to keep the member count at 5 for now. Planning Director LeeAnn Milligan also presented for Review and determination a proposed amendment to the Fee Schedule for the Montezuma County Planning Department regarding the implementation of Plat Review fees. Commissioner Suckla moved to approve the Planning and Zoning Application Fee Schedule with the insertion of a Review of Plat by the County Surveyor fee of \$75.00 with review of complex, Moderate to Major developments will be subject to additional review fees at \$50.00 per hour. Second by Commissioner Chappell and carried. (See attached)

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS:** No report.

**COUNTY ADMINISTRATOR:** County Administrator Brunner presented **Resolution #13-2014** for signatures a resolution adopting the previously approved budget. Also presented was **Resolution #14-2014** a resolution levying General Property taxes for the year 2014. Commissioner Chappell moved to approve Resolution #14-2014 a resolution levying of general property taxes for the year 2014 to help defray the costs of Government for Montezuma County for the 2015 budget, summary of funds County General 10.338, Social Services 1.300, Road and Bridge 2.616 with a total county mill levy of 14.254 as presented. Second by Commissioner Suckla and carried. Administrator Brunner presented **Resolution #15-2014**, a resolution Levying General property taxes for the year 2014 to help defray the cost of the **Law Enforcement Authority** of Montezuma County. Commissioner Suckla moved to approve Resolution #15-2014 and reduce the Law Enforcement Authority mill levy from 1.45 to 1.20 as presented. Second by Commissioner Chappell and carried. (See Attached) Administrator Brunner held a discussion regarding the county Per Diem policy she also noted that the scheduled Budget Adjustments for 2014 was not ready for review and will be presented at a later date.

**COUNTY ATTORNEY REPORT:**

**EXECUTIVE SESSION:** Commissioner Suckla moved to go into executive session, seconded by Comm. Chappell and carried. This session is for a conference with the attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). ), regarding Deb Barton and ongoing matters. Commissioner Suckla moved to go out of executive session, seconded by Commissioner Chappell and carried. (See attached)

**COUNTY COMMISSIONERS REPORT:** No Report

**CORRESPONDENCE:** The following correspondence was read and noted.

Letter from United States Department of the Interior Bureau of Land Management re: an environmental assessment on land surrounding Summit Reservoir.

Letter re: 10-9-2014 minutes from the Dolores Water Conservancy District.

Veteran Services Customer Satisfaction Surveys.

**MOTION TO ADJOURN** was made by Comm. Suckla, seconded by Comm. Chappell and carried,

**MEETING ADJOURNED: 4:05**

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County Clerk

December 15, 2014

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Chairman



**Order #13 to transfer from Montezuma County General Fund to Capital Fund \$2,500.00 for the 2014 Grant match for the McEmo Flume Project. (Other matching funds from other agencies are being deposited to the Capital Fund). (See attached)**

**Order #14 to transfer from the LEA Fund to the General Fund \$747,000.00 for January through December 2014 LEA expenditures. (2014 total of \$925,000.00 less transfer of \$178,000.00 for vehicle installment payment). (See attached) All orders seconded by Comm. Suckla and carried,**

**BUDGET AMENDMENT FOR 2014: Comm. Chappell moved to approve Resolution 16-2014, a resolution to amend the 2014 budget, seconded by Comm. Suckla and carried. (See attached)**

**RESOLUTION: Comm. Chappell moved to approve Resolution 15-2014 (revised), a resolution levying general property taxes for the year 2014 to help defray the costs of the law enforcement authority for budget year 2015 adjusting the mill to 1.20 mills of the authorized 1.45 mills per voters, seconded by Comm. Suckla and carried. (See attached)**

**MILL LEVY CERTIFICATION for Montezuma County to DOLA was presented for signature. Comm. Suckla moved to approve the levies and revenues for Montezuma County for budget year 2015, seconded by Comm. Chappell and carried. (See attached)**

**VETERANS SERVICE: Comm. Chappell moved to approve the County Veterans Service Officers monthly report and Certification of pay for November 2014, seconded by Comm. Suckla, motion carried (See attached)**

**PUBLIC COMMENT:**

**Greg Kemp informed the Board that the money for the City of Cortez' planning department was received from grant monies.**

**Dexter Gill expressed his appreciation to the Board for the support on issues presented and listening to opinions from the public**

**ROAD DEPARTMENT: Road Superintendent Rob Englehart reported all districts will be doing general maintenance and he said the necessary repairs on Road G were done. He will be sending letters to various land owners regarding their irrigation ditches and maintenance of said ditches. Superintendent Englehart said culvert work is being done on Roads H, 22 and in the Mancos District. He said he has contacted the Forest Service that the County's obligation at the Ormiston Pit has been completed on Phase One. He informed the Board of sales and purchases he made at an auction he recently attended.**

**BOARD OF SOCIAL SERVICES MONTHLY REPORT: It being the time set aside, the Board of Social Services was conducted. Josiah Forkner and Lori Higgins was present. Comm. Chappell moved to sign the CDHS Certification of Compliance County Merit System for 2015, seconded by Comm. Suckla and carried. (See attached). Director Forkner presented a budget amendment for 2014. Comm. Suckla moved to approve Resolution 17-2014 a resolution to change the budget, seconded by Comm. Chappell and carried. (See attached)**

**EMERGENCY MANAGER: The 2015 EMPG-LEMS emergency management grant for 2015 was presented. Paul Hollar and Trevor Denney discussed and explained the changes to the grant. Comm. Suckla moved to approve the Emergency Management Program Grant, Local Emergency Manager Support staffing pattern for calendar year 2015, seconded by Comm. Chappell and carried. (See attached)**

**SHERIFF'S MONTHLY REPORT:** Sheriff Spruell reported the office going well. He discussed the staff situation telling the Board several are resigning.

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young updated the Board on the Fairgrounds income and attendance. He said recently held events all went well. He presented a list of the scheduled events for 2015. Manager Young said the new oil heater is installed and discussed the light bid, and post hole digger bids for the skid steer. (See attached) Comm. Suckla moved to approve the bid for the T5 lighting for the indoor arena to Cortez Electric in the amount of \$7,345.00, seconded by Comm. Chappell and carried

**VIDEO:** Jim McClain with the IT department gave an update on the video streaming project. Jim Lindvall with SKC Communication Experts was on a video conference and explained the quote. (See attached)

**MOU:** An MOU was presented for storage space at the Fairgrounds from the County Stakeholders. Tonya Yates explained the MOU. Comm. Suckla moved to approve the renewal of the MOU between the BOCC and the County Stakeholders for the use of the yellow storage building at the Fairgrounds, seconded by Comm. Chappell and carried, (See attached)

**LODGERS TAX BOARD:** Sue Scott, Judith Swain and Deanna Truelson discussed a summary letter regarding tourism.

**ROAD IMPACT FEES:** The road impact fees schedule was discussed. James Dietrich and Renette Karo explained the proposed schedule. Discussed revisions will be made and brought back at a later date.

**COUNTY ATTORNEY:** No report

**NATURAL RESOURCES, PLANNING AND FEDERAL LANDS:** James Dietrich gave a power point presentation on criteria for solar farm site selection. Mr. Dietrich said he had been contacted by the State Land Board concerning dropping the Hodges Tract from the State Trust Program. The Board had no objections.

**COUNTY ADMINISTRATOR REPORT:** No report

**COUNTY COMMISSIONER REPORT:** No report

**CORRESPONDENCE:** The following correspondence was read and noted:

Letter from David Sanford regarding berming practices on County roads.

Letter from DOLA regarding EIAF 07615 Montezuma County Courts Consolidation.

**MOTION TO ADJOURN** was made by Comm. Chappell, seconded by Comm. Suckla and carried.

**MEETING ADJOURNED 12:50**

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County Clerk      Dec. 22, 2014

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Chairman