

1995 Montezuma County Commissioners' Minutes

TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
AUTHENTICITY CERTIFICATE.....	2
DISCLAIMER.....	2
Minutes 01/03/1995 Regular.....	3
Minutes 01/09/1995 Regular.....	6
Minutes 01/16/1995 Regular.....	9
Minutes 01/23/1995 Regular.....	13
Minutes 02/06/1995 Regular.....	16
Minutes 02/13/1995 Regular.....	19
Minutes 02/21/1995 Regular.....	23
Minutes 02/27/1995 Regular.....	26
Minutes 03/06/1995 Regular.....	29
Minutes 03/13/1995 Regular.....	32
Minutes 03/20/1995 Regular.....	35
Minutes 03/27/1995 Regular.....	37
Minutes 04/03/1995 Regular.....	39
Minutes 04/10/1995 Regular.....	42
Minutes 04/17/1995 Regular.....	45
Minutes 04/24/1995 Regular.....	48
Minutes 05/01/1995 Regular.....	51
Minutes 05/08/1995 Regular.....	54
Minutes 05/15/1995 Regular.....	57
Minutes 05/22/1995 Regular.....	60
Minutes 06/05/1995 Regular.....	63
Minutes 06/12/1995 Regular.....	66
Minutes 06/19/1995 Regular.....	68
Minutes 06/26/1995 Regular.....	70
Minutes 07/10/1995 Regular.....	72
Minutes 07/17/1995 Regular.....	76
Minutes 07/24/1995 Regular.....	79
Minutes 07/31/1995 – 08/01/1995 Regular.....	82
Minutes 08/01/1995 Board of Equalization.....	85
Minutes 08/07/1995 Regular.....	87
Minutes 08/14/1995 Regular.....	90
Minutes 08/21/1995 Regular.....	93
Minutes 08/28/1995 Regular.....	96
Minutes 09/05/1995 Regular.....	99
Minutes 09/11/1995 Regular.....	102
Minutes 09/18/1995 Regular.....	106
Minutes 09/25/1995 Regular.....	108
Minutes 10/02/1995 Regular.....	110
Minutes 10/09/1995 Regular.....	112
Minutes 10/16/1995 Regular.....	115
Minutes 10/23/1995 Regular.....	117
Minutes 11/06/1995 Regular.....	119
Minutes 11/13/1995 Regular.....	122
Minutes 11/20/1995 Regular.....	124
Minutes 11/27/1995 Regular.....	127
Minutes 12/04/1995 Regular.....	129
Minutes 12/11/1995 Regular.....	133
Minutes 12/18/1995 Regular.....	135

AUTHENTICITY CERTIFICATE

I hereby certify that the text reproduced on this CD-ROM are a true conversion of the original images provided and were converted by MICROFILM & IMAGING OF DURANGO, INC., Durango, Colorado. The records reproduced on this CD-ROM were created during the normal course of official business of this agency. The description and methods of arrangement and dating of the original records have been retained.

DISCLAIMER

Optical Character Recognition is used to convert the images provided us, to a portable digital format (PDF). Montezuma County Clerk to the Board instructed that the text be verified and misspellings corrected. Therefore, the text provided is not an actual replication of the Board of County Commissioners Minutes. However, proper names are not altered from the original images and spelling varies throughout the text file. MICROFILM & IMAGING OF DURANGO, INC. does not guarantee the accuracy of this file. To obtain a certified copy of the Minutes, see the Clerk to the Board.

September 2004

Zane Tracy, President
Microfilm and Imaging of Durango, Inc.
555 S. Camino del Rio
Building A-4
Durango, CO 81303
970-385-5195

Minutes 01/03/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 3, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 3, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Bob Brubaker, Vice-Chairman
Helen McClellan, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, December 19, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

COMMISSIONER ELECT Gene Story attended the meeting.

PAYROLL: General fund vouchers #12743 thru #12865 in the amount of \$140,819.24, #21730 in the amount of \$16,186.62, #21731 in the amount of \$83,883.24 and Road fund vouchers #12866 thru #12903 in the amount of \$56,049.96 and #8316 in the amount of \$39,856.82 were approved for payment.

ROAD DEPARTMENT Supervisor Tim McComb reported the landfill fencing materials have been received. Gale Greenlee will be informed. Cost for any county materials used by Mr. Greenlee will be paid for by him. They are working on CR 34. McElmo and landfill roads are in good shape. Discussed procedure for doing landfill roads, in connection with previously used dust retardant. The following suggestions for new guidelines for the County Road Policy were made and discussed: (1) In cooperation with the County Road Department, any county roads built to county specifications will be maintained by the County. (2) All improvements to bring county roads up to county specs must be done by the landowner. (3) Time limits will be set. Mr. Kraynik's request that the county furnish gravel for him to haul to improve a section of CR U, which is only 12' wide, was discussed. He will be contacted and asked to come in and talk to the Board about his request. Letters will be written to Chris Majors (see January 10, 1994 minutes) and Charles Mahaffey (see October 24, 1994 minutes) informing them that offers given them in 1994 will only be in effect until September 30, 1995.

PLANNING: A planning resolution P-1-95E was presented whereas Richard Tibbits dba Cold Storage, a Partnership, is the owner of 45.73 acres and desires to record a 5.01 tract in Section 23, T.37N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-20-86 (Second Amendment) was presented whereas Paul Long and Michael Fleming, owners of 240 acres in Section 18, T.36N., R.13W., desire to amend for the second time P-20-86. This amendment is to change Tract 1 from 13.25 acres to 12.25 acres. The remaining one acre will be attached to another piece of property owned by Mr. Fleming. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried.

MARK JOHNSON (MERRITT) SUBDIVISION: Comm Brubaker made a motion to approve and sign, as corrected, the Mark Johnson Subdivision plat. The motion was seconded by Comm McClellan and carried.

JACQUES SUBDIVISION: Comm Brubaker made a motion to approve and sign the final plat for the Jacques Subdivision. Motion was seconded by Comm McClellan and carried.

THE VIEWS SUBDIVISION (WAYNE LEE) final plat was signed.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for "Change of Premises" for Hilltop Liquor and Skyline Foodmart. The business is increasing its size. Comm Brubaker moved to accept this application," seconded by Comm McClellan and carried.

LANDOWNER Verna Fahrion asked to split 6 acres from a 31.83 acre tract. She was referred to Ginger Black for an application for a 2-lot subdivision.

1995 BUDGET: Comm Brubaker moved to accept the corrections submitted for Resolution 14-94 - To Set Mill Levies, seconded by Comm McClellan and carried.

1994 CERTIFICATION OF LEVIES AND REVENUES by Montezuma County Commissioners: Comm Brubaker moved to sign the 1994 Certification of Levies and Revenues Mill Levies report to Assessor Bob Cruzan, seconded by Comm McClellan and carried.

INITIAL ATTACK AIRCRAFT AGREEMENT FOR WILDFIRE SUPPRESSION between the Colorado State Forest Service and Montezuma County was discussed.

ADMINISTRATOR Weaver reported on space allocation percentages at the Justice Building. The Inter-governmental Agreement between the county and city was discussed.

ADJOURNED FOR LUNCH with the City of Cortez.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented a process outline for the comprehensive land use plan. Suggestions for the process after January 15th were prioritized as follows: (a) appoint the working group, (b) have several informal meetings to address community needs and concerns, (c) compile technical information, and (d) hold the formal Public Hearing.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) representative Peter Tregillus and Steve Williams met to discuss the Housing Rehab Program for 1995. Mr. Tregillus explained that there is no new construction money available this year from the Division of Housing. He proposed that the monies be recovered from a 3% loan construction fee, and 2% from the Revolving Loan. He will compile figures and submit them at a later date to the Board. Mr. Tregillus stated that an Environmental Certifying Official of the project needs to be appointed. Comm Brubaker moved to appoint Peter Tregillus seconded by Comm McClellan and carried.

HEALTH DEPARTMENT Nurse Bette Sutter stated the department has new phones. The phone company will try and sell the old ones, and any monies recovered will be applied to the new system costs. Nurse Sutter presented the Immunization Contract between the Department of Public Health and the Montezuma County Commissioners for signature. Comm Brubaker moved to sign the Immunization Contract, seconded by Comm McClellan and carried. Increase in staff time requested by WIC, and ways to handle the extra work load without adding personnel were discussed. She presented and explained the Civil Penalty Policy for Food Service Establishments. She stated that if an establishment doesn't agree with a written warning, they can appeal to the Board of Health which is the Board of County Commissioners.

01-03-95

3

PROPOSED CELLULAR COMMUNICATIONS TOWER: CommNet Cellular representatives ROn Nall and Mark Ray met informally to discuss their proposed tower south of Cortez on private land. The formal public hearing will be held next Monday, January 9th.

BAKER SANITATION owner Les Baker, representative Charles Hill and Attorney Hazen Brown met to discuss the new Landfill rates for out-of-state trash. The rate, which is double the in-state rate, is \$11.00 for loose trash and \$12.00 for compacted. Mr. Baker proposed that the out-of-state fees be the same as the in-state fees. Mr. Baker stated that because of Federal contracts and a sufficient landfill in the Farmington, New Mexico area, they cannot pay the double rate. He said if Montezuma doesn't want the out-of-state trash at the rate of in-state trash there is no problem, they will just use the New Mexico facility. The proposal was taken under advisement. He also asked if the Board would consider giving a cost-break for large volume users. This was denied. The question was asked if the company could pay any increase above the in-state -fee. The answer was they doubted they could. Company's personnel was discussed. Market Participant cases were read. It was noted that a Public Hearing will need to be held if landfill fees are changed and all designated fees of each category must be the same for all users. Landfill manager Ron Lanier will compile figures to compare the pros and cons for use of the landfill.

ADJOURNED at 4:30 p.m.
Deputy Clerk Chairman
January 3, 1995

Minutes 01/09/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 9, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 9, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Bob Brubaker, Vice-Chairman
Helen McClellan, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk.
Gene Story, Commissioner-elect

MINUTES of the previous meeting held on Monday, January 3, 1995, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer reports for the month of December 1994 were received.

911 AUTHORITY BOARD: Motion was made by Comm McClellan to direct the Clerk to issue Order Number 0-01-95 to the Treasurer to pay \$647.06 from the 911 account, to U.S. West Communications, Denver, Colorado 80171. The motion was seconded by Comm Brubaker and carried.

RESIDENT Chester Tozer stated that McElmo Road (CR G) is rough. He felt that not enough time is being spent to maintain it. He said commercial trash truck use has an impact on the its condition. This will be checked. The county Vicious Dog Ordinance was discussed in connection with a dog being picked-up at the Agriculture Forum meeting.

LANDOWNER Bob Sift stated that Dunlap Hill needs to be repaired. He was told that the Forest Service is drawing up the plans and the repair will be paid for by Federal Highway funds.

RURAL RESIDENTS Bob Gift, Jim Johnson, R. R. Hollen, Jr., Jeff Coulon, Chester Tozer, Leroy Oliver, Tom Pedigo and Ken Banks met to talk about the Agriculture Forum meeting held at the Fairgrounds January 5, 1995. They suggested the following for appointing the working committee for the Comprehensive Land Use Plan: (1) representation for the committee be by percentage of land ownership, (2) no one be selected that is already serving on another board, and (3) the agriculture representatives should be people who actually farm and raise livestock. The group expressed that they felt that no one should regulate what they do with their land. Comm Colbert reminded them that if agriculture lands were staying the same as in years past, there would be no need for any kind of regulations. But, when growth takes place, the county's services, roads and schools are impacted, thus there is a need for some type of comprehensive land use plan to address these issues and how to fund them. It was noted that the development of this plan was voted for by the people of the County. Comm Colbert stated that rural residents need to be a part of the land use process in a positive way.

RESIDENT Joe Krajnik met to ask if the county could help bring a section of unmaintained CR U up to county specs. He was told the county does not have the funds to do this.

ROAD DEPARTMENT Supervisor Tim McComb reported they plowed snow last week. A hay trailer had trouble with snow on CR BB. Snow was plowed to the Porter property on McElmo (CR G). They are working on fencing at the landfill. One-half more mile of clearing needs to be done.

PUBLIC HEARING - COMM NET CELLULAR COMMUNICATIONS TOWER FACILITY: It being the time set aside, a Public Hearing was conducted for an application for a permit to construct a proposed cellular communication facility for CommNet of Englewood, Colorado. The roll was called and the Public Notification was read. Comm McClellan asked to be excused because of a conflict of interest. The request was granted. CommNet representatives Mark Ray and Ron W. Nall and employees John Fletcher and Charles Path were present. Public present and stating support for the tower were Chris Rubino and Gary Gnas. No adverse comments were received. Mr. Ray stated that the proposed 180' guyed communication tower and a 10' x 14' equipment building would be constructed on private land south of Cortez, 3/4 mile from the nearest residence. He explained the extended coverage for the area. The proposal has been registered with the FCC and FAA. Comm Brubaker moved to approve the application and issue the permit, seconded by Comm Colbert and carried. These proceedings were taped for the record.

RESOLUTION #01-95 was presented, whereas Robert D. Brubaker has served Montezuma County as a County Commissioner for four (4) years, and his dedicated service and leadership to Montezuma County is recognized officially by the County; and, the Montezuma County Board of Commissioners express, on behalf of Montezuma County and its employees, their appreciation. Comm Colbert moved to adopt this resolution, seconded by Comm McClellan and carried. A plaque was also presented to Comm Brubaker.

LANDFILL MANAGER Ron Lanier reported on cost figures to operate the landfill with and without out-of-county (which includes out-of-state) trash. He stated that fees effective January 1st would need to be increased 65 cents per yard if the county takes only in-county trash. He recommended that the county accept out-of-county trash at the in-county fee. It was noted that fees are reviewed each year. Comm Brubaker moved to hold a Landfill Public Hearing on Monday, January 23, 1995, at 10:00 a.m. to address the following two fee options; (1) Accept in-county trash with an increase of 65 cents per yard, or (2) Accept in-county and out-of-county trash at the current fee for in-county. The motion was seconded by Comm McClellan and carried. Because of a time conflict, Comm Brubaker moved to change the time of the Landfill Public Hearing from 10:00 a.m. to 2:00 p.m., on January 23, 1995, seconded by Comm McClellan and carried.

BOARD OF SOCIAL SERVICES was conducted.

OFFICE OF COMMUNITY SERVICES: In connection with the Land Use Plan, Mike Preston presented a revised Planning Process Sheet, Work Plan, and maps showing growth in the county. A proposal to have outreach meetings in Cortez, Mancos, Dolores, and Pleasant View was discussed. The meetings would give residents the opportunity to discuss their needs and concerns about the proposed comprehensive land use plan.

LANDFILL ROADS (CR F AND CR 25): Road Supervisor McComb and Landfill Manager Lanier met to discuss water utilities to the Landfill. Supervisor McComb stated that he was informed that a proposal for a new water line will be made to the Water Board by the Montezuma Water Company. If the proposal is approved, the new line would be installed in the barrow ditch of CR F and CR 25 before these two roads are paved next year, and would involve several road cuts. Manager Lanier said that the new landfill will need enough water for a fire hydrant. The Board agreed that an offer will be made to waive county permit fees, if the water company will install the new line to the entrance of the landfill area. Supervisor McComb and Manager Lanier will present this offer to the water company.

RESIDENT Steve Hinton asked if a turn-around on CR G will be plowed. The area is used by a school bus to pick up students attending the Battlerock Charter School. This was affirmed.

01-09-95

3

TREASURER Bobbie Spore presented and explained the investment pools. The Board asked that she submit a "List of County Investments" report each month. Treasurer Spore stated this will be done.

SAN JUAN SKYWAY Advisory Board appointment request was given to Mike Preston. He will coordinate the selection with other entities receiving the same request.

BONDS: Comm McClellan moved to accept Performance Bonds for Clerk Evie Ritthaler, Treasurer Roberta "Bobbie" Spore, Assessor Robert N. Cruzan and Sheriff Sherman Kennell, and Trustee Bond for Treasurer Roberta "Bobbie" Spore, seconded by Comm Brubaker and carried.

ADJOURNED at 3:15 p.m.

Deputy Clerk Chairman

January 9, 1995

SEAL

Online Copy

Minutes 01/16/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY COLORADO
JANUARY 16, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 16, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
E. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, January 9, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ELECTION OF OFFICIALS FOR 1995. Comm McClellan moved to elect Comm Colbert as Chairman of the Board of Commissioners, seconded by Comm Story and carried. Comm Story moved to elect Comm McClellan as Vice Chairman, seconded by Comm Colbert and carried. Comm McClellan moved to elect Comm Story as Commissioner of Deeds, seconded by Comm Colbert and carried.

APPOINTMENTS FOR 1995: Comm McClellan made a motion to appoint the following persons to the several different offices and boards. The motion was seconded by Comm Story and carried.

County Attorney: Bob Slough
Road Supervisor: Tim McComb
Administrator and Budget Officer: Thomas J. Weaver
Director of Social Services: Thomas J. Weaver
Health Officer: Dr. Kent Aiken
Auditor: Gale Greenlee
Montezuma County Housing Authority Board: Robert D. Brubaker
Southwest Community Resources Board: Terry Wheeler
Long-term Health Care Board: Comm McClellan
Region 9 Economic Development Board: Comm Colbert
Area Agency on Aging (AAA) Board: Comm McClellan
Veteran's Officer. W. (Bud) Carriere (1994-1995)

LEGAL PUBLICATION, Comm McClellan moved to continue the rotation system and appoint the Cortez newspapers, the Cortez Sentinel and Montezuma Valley Journal, as the legal publication for 1995, seconded by Comm Story and carried.

STATIONERY BID: Comm McClellan made a motion to accept the bid from Pleasant Press for printing and stationery for 1995. Motion was seconded by Comm Story and carried. Pleasant Press was the only bidder.

ACCOUNTS PAYABLE: General fund vouchers #21719 thru #21903 in the amount of \$131,046.99 and Road fund vouchers #8323 thru #8372 in the amount of \$29,343.64 were approved for- payment.

ROAD DEPARTMENT Supervisor Tim McComb reported they are working on fencing at the landfill Comm Colbert and Comm McClellan relayed compliments they have received from residents about the job the road department is doing. Road department personnel responsibilities and policies in regard to snow removal was discussed. Sheriff Kennell was present. County road problems pertaining to speed and road conditions that might affect human safety and how these situations need to be handled were discussed. Sheriff Kennell stated the procedure of the Sheriff-s department when notified of problem areas, and stated that any they have knowledge of are relayed to the road

department. Comm Story reported that Forest Service representative Jim Webb offered to meet with the Board about the Kelly and Dunlap hills. Comm Story will contact him and schedule a meeting time. Letters to Chris Majors and Chuck and Daisy Mahaffey were signed stating that the county's commitment date to help them with their roads is September 30, 1995.

SHERIFF Kennell stated that a new area for a rifle and pistol range is being developed south of town. They are working with the Bureau of Land Management and property owners in the area. He said the Dispatch Agreement needs to be reevaluated. Comm McClellan requested cost statistics. These will be compiled. Several meetings with the entities involved will be held to discuss the two options: (1) stay with the State Highway Patrol system or (2) have a separate system. It was noted that some funding needs to be obtained from the special fire districts.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) representatives Peter Tregillus and Joyce Troxel presented a report on the Housing Rehab Program. Responsibilities of the lead county were discussed. It was noted and reaffirmed (see August 22, 1994 minutes) that Montezuma County will serve as the lead county for these programs. Comm McClellan moved to approve and sign the CDBG contract between the State Divisor of Housing and Montezuma County, and the sub-contract between Southwest Community Resources (SCR) and Montezuma County seconded by Comm Story and carried. Comm McClellan moved to sign the resolution to approve changes in the Revolving Loan Fund policy reflecting a 3-1/2% fee with a \$1,000 cap, seconded by Comm Story and carried. A letter appointing Mr. Tregillus as the Environmental Certifying Official (see January 3, 1995 minutes) of the Revolving Loan Fund project was signed. Mr. Tregillus asked if the Board would like to be included an their mailing list to receive a one page flow-chart once a month, and if they would like for him and a member of the Housing Board Authority to meet quarterly with the Commissioners. This was affirmed.

COUNTY EXTENSION Agent Kenny Smith and Office Director Jan Brandt presented a brochure summarizing the changes proposed for Colorado State University's reinvention plan for Extension offices in the State. These were discussed.

LIQUOR LICENSE: Deputy Bette Davis and Tammy Neely presented a new application for a retail liquor store license for the Stoner Creek, owned by Tura Peterson. A Public Hearing will be scheduled for February 13, 1995 at 10:00 a.m. An investigation will be done by the Sheriff's Department with a set radius of 3 miles.

SENIOR BUS REPLACEMENT FUND representative Jim Antholz made a request for \$2,500 for the fund. Comm McClellan moved to transfer \$2,500 from the Lottery fund to the Senior Bus Replacement Fund, seconded by Comm Story and carried.

HEALTH DEPARTMENT Nurse Bette Sutter presented two contracts. Comm McClellan moved to sign the following contracts between the Health Department and the San Juan Basin Agency on Aging (AAA), with changes: Title III-D Contract (to purchase equipment), and the Title III-F Contract (a preventive health program), seconded by Comm Story and carried.

SENIOR NUTRITION CONTRACTS: Comm McClellan moved to sign the two following contracts between Montezuma County and the San Juan Basin Agency on Aging (AAA), with changes: Title III-B Service Contract (transportation, Cortez Senior Center, Home Chore), and the Title III Contract (catered meals), seconded by Comm Story and carried.

STATE CONTIGUOUS COUNTY GAMING IMPACT ADVISORY COMMITTEE letter, recommending gaming funds for projects proposed by Montezuma County was noted.

Recommendations for funding were as follows: Cortez Fire Sub-station, \$13,550; Cortez Police Computer, \$7,332, Road Maintenance and Chip Seal Roads G and 21, \$11,123; and Social Services Automation, Mail, Telephone System, and Clerical Support, \$18,000 (see attached).

COUNTY ANNEX BUILDING proposed landscaping by the Havran family in memory of Hattie Havran was discussed. The county will do the digging and pour concrete for the planters.

ROAD MILL LEVY distribution meetings will be scheduled with the Town of Mancos and Town of Dolores Boards.

PLANNING: A verbal request for an exemption to the subdivision regulations was tentatively approved for Ben Lanier to split 3 acres from the family farm. Other items presented and discussed: Layne Kabonick has met the criteria for a minor impact subdivision. Claudia Ferguson has met the criteria for a minor subdivision. Herman Tsosie has met the criteria for a minor impact subdivision, contingent on a 60' easement to the property. Suggestion that developers submit in writing how water will be supplied to a subdivision was discussed.

RESOLUTION #02-95 was read, whereas Jean DeGraff Winbourn has served Montezuma County as an employee and County Clerk for 41 years, and her dedicated service and leadership to Montezuma County is recognized officially by the County; and, the Montezuma County Board of Commissioners desires to express on behalf of Montezuma County and its employees our appreciation. Comm McClellan moved to adopt this resolution seconded by Comm Story and carried. A plaque was also prepared for Ms. Winbourn.

RESOLUTION #03-95 was presented, whereas Timothy F. Wood has served Montezuma County as an employee and Sheriff for 8 years, and his dedicated service and leadership to Montezuma County is recognized officially by the County; and, the Montezuma County Board of Commissioners desires to express on behalf of Montezuma County and its employees our appreciation. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A plaque was also presented to Tim Wood. Sheriff Sherman Kennell was present.

REALTOR Carol Stepe, representing Hospice, stated that Hospice is interested in building a six to ten bed facility, maybe in the county. She asked if there are any building regulations that they need to know about. She was informed that at this time, there are no regulations other than the If a driveway has to be put in, they would need a driveway permit.

BOARD OF SOCIAL SERVICES was conducted.

01-16-95

4

OFFICE OF COMMUNITY SERVICE: Mike Preston presented three projects to be prioritized and submitted to the Department of Local Affairs under the Energy Mineral Impact Assistance Program. Comm Story moved that the three projects be prioritized as follows: (1) \$100,000 for the Comprehensive Land Use Plan, (2) Search and Rescue facility, and (3) Fire Station, seconded by Comm McClellan and carried. A draft application for funds from the Energy Mineral Impact Assistance Program for the Comprehensive Land Use Plan was presented. Comm Story moved to submit this application to Local Affairs, seconded by Comm McClellan and carried. STATUTES on lottery monies were read and discussed.

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

January 16, 1995

Online Copy

Minutes 01/23/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY COLORADO
JANUARY 23, 1995

STATE OF COLORADO)
) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 23, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
E. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, January 16, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT Supervisor Tim McComb reported they are still working on landfill fencing; this was discussed. They have finished crushing at the Mancos gravel pit. Two years of gravel has been crushed for the Town of Mancos and U.S. Forest Service agreements. Charges billed to the Town of Mancos for oil on CR J were discussed. This will be addressed at the mill levy meeting with the Mancos Board.

RESIDENTS Richard Stimler and Jerry Rapp asked if the county would improve a section of CR 41 that is shown as unimproved. The Board stated there are no funds to do this. They were told that the current road policy is, if the section of road is brought up to county specs, the county would accept it for maintenance. They asked if they could do it a little at a time. This was approved. Road Supervisor McComb reminded everyone that any county maintained road has to have a 60' easement.

MOSQUITO CONTROL representatives T.J. Knight and Floyd Ray asked if they could place a receiver on the County Tower for their mobile radios. This was approved. They were told that there will be a maintenance charge if they decide to do this. Suggestion was made that they check with other entities that have towers that might provide better coverage of the area. They will be notified of an upcoming meeting to discuss the dispatch agreement with the State Highway Patrol and other entities. Pros and cons concerning airplane spraying for mosquitoes was discussed.

COLORADO DIVISION OF HUMAN SERVICES representatives Karen Beye, Patrick Horton, and Tom Graham met about projected short-fall for 1995 Social Service programs. Several other Social Service employees were present (see attached). Director Weaver presented an informational packet showing revenues and expenditures (see attached) and the Social Services Budget audited figures for 1993, estimated for 1994 and projected for 1995. Comm Colbert explained that the Director position was combined with the Administrator position to save money, and that the County Attorney duties now include Social Service cases. He stated that he felt both these positions have used more time than reported in order to help the county budget. The question was addressed of how to recover salaries. The Board asked for assurance that the State would pick up any difference. Options were discussed. Representative Karen Beye stated that the following concerns need to be addressed as options to help with any short-fall. (1) look at day care part-time, full-time issue, (2) documentation of any definite problems, (3) possible reclassification of AFDC cases, (4) track the fund cap and allocations on a month-to-month basis. Representative Horton suggested that at this time communication between He and Director Weaver be monthly to address any short-fall. A possible shift of money between mandated programs was discussed.

SHERIFF Sherman Kennell and Deputy Steve Nowlin reported that they have met with Bureau of Land Management (BLM) personnel about acquiring by lease or BLM lands adjoining County property proposed for a rifle and pistol training and practice range. Two options were discussed: (1) 10+ acres be leased for \$2.00 per acre. (2) 10+ acres be acquired by a lease going to a patent at the end of the first year. Items involved with this are (a) submit a non-refundable application fee of \$100, (b) area be placed on Notice in the newspaper, (c) after 45 days complete an Environmental study, (d) talk with adjoining landowners and any permittees, (e) purchase the acreage for \$10 an acre. It was noted that posting the area might be preferred to fencing it. The Sheriff's department was authorized to look into the matter.

STATUTES on lodgers tax board appointments were read.

PUBLIC HEARING - LANDFILL: It being the time set aside, a Public Hearing was conducted to again fix, modify and collect service charges from users of Montezuma County's solid waste disposal sites and facilities for the purpose of financing solid wastes management. The roll was called and the Proof of Publication was read. Baker Sanitation owner Les Baker stated the out-of-county rate effective January 1, 1995 is too high. Since the fee increase, they have been taking their out-of-county trash to a landfill in New Mexico. Administrator Weaver submitted information on costs and operating expenditures and figures showing cost per yard taking out-of-county trash, versus cost per yard by not taking out-of-county trash (see attached). Resident Patricia Flint stated a concern that she felt that the land space problem is not being addressed. She submitted a letter stating that in the long-term, it was irresponsible to take out-of-county

trash. City of Cortez representative Bruce Smart stated the concerns about preservation of space and the fee increase for in-county trash. He suggested that increases be considered on a smaller- percentage basis. The purchase of a baler and the benefits of this equipment to conserve space were discussed. Comm McClellan stated that the Board had received concerns from McElmo Canyon residents about the use of that road by Baker Sanitation. Mr. Baker explained their routing, and stated that trucks that can be routed a different way will be. Comm Story made a motion to change effective January 23, 1995, the fees for out-of-county trash to be the same as in-county trash. Fees will be reevaluated in January 1996. Motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

PLANNING: A verbal request for an exemption to the subdivision regulations for High Country Transportation (Crowley) to split off and sell 3 acres to Empire Electric for a sub-station was tabled until the public hearing on the sub-station is held.

PUBLIC HEARING - MC PHEE SUBDIVISION UNIT I, PHASE II: It being the time set aside, a Public Hearing was conducted regarding the McPhee Subdivision. The roll was called and the Proof of Publication was read. Owner and developer Larry Worth was present. Others present were Stan Pierce and Ernest Maness. Administrator Weaver reported that the subdivision has met all the specifications of the Planning Commission and no written adverse comments about the subdivision were received. Mr. Worth presented the plat. He explained that the access problem, which was the reason for the delay in submitting the subdivision for final approval, has been resolved. The State Highway has issued approval for access off Hwy 184 for Phase II. It was noted that Phase II falls under the old subdivision regulations. Phase III will be under the new subdivision regulations. Comm McClellan moved to approve the McPhee Subdivision Unit I, Phase II, seconded by Comm Story and carried. The plat was signed.

LANDOWNERS Dudley and Ruth Riffe appeared to ask about land use and acquire about an exemption. They were directed to the administration office.

BOARD OF SOCIAL SERVICES was conducted.

01-23-95

3

SOUTHWEST EMERGENCY MEDICAL COUNCIL BOARD APPOINTMENT: Comm McClellan moved to appoint Chris Carlile to the Board, seconded by Comm Story and carried.

ANIMAL DAMAGE CONTROL PROGRAM: Clarification was made and noted that lottery funds were not designated for use, and will not be used to fund support for the program (see December 5, 1995, minutes).

DURANGO HERALD reporter Karen Kunde interviewed the Commissioners, Assessor and Administrator about loss of revenue in Montezuma County due to lower assessed valuations. Also discussed were the effect that the Galleger Amendment and Amendment 1 has had on Montezuma County revenues.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

January 23, 1995

SEAL

Online Copy

Minutes 02/06/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 6, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 6, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
E. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, January 23, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General fund vouchers #12913 thru #13038 in the amount of \$140,907.71 #21907 in the amount of \$16,132.15, #21908 in the amount of \$84,390.15, Road fund vouchers #13039 thru #13073 in the amount of \$53,219.55, #8374 in the amount of \$37,562.93, and Landfill fund vouchers #13074 thru #13077 in the amount of \$5,620.74 were approved for payment.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented a draft letter outlining orientation workshops for the appointed Comprehensive Land Use Plan Working Committee. The final letter, with the changes discussed, was submitted and signed later in the day. Ms. Erin Johnson was present. She stated she was on the Governor's Task Force that prepared the White Papers. This document sets forth growth tools for Colorado communities and is available for use by the county.

RESIDENT Jim Sparks asked if the road department could snow plow the Big Bend fishing access to McPhee Reservoir. He has checked with the Forest Service and they stated they have no objections. The suggestion was made that he ask the Bureau of Reclamation (BOR) to do it. Approval was given for the county to do the snow removal, if it is not done by BOR. He will contact BOR and relay this information to Road Supervisor McComb.

LEWIS-ARRIOLA CEMETERY DISTRICT representative David Totman met to ask that the county fee be waived or partially waived for a road cut permit to install a water line. The cemetery district will receive 5 shares of water, out of approximately 280 shares which will go to other entities. Comm McClellan noted that the Cemetery District is a tax collecting entity. Comm Story moved to deduct a percentage amount of \$10.00 from the fee, seconded by Comm Colbert. Comm Story voted aye, Comm Colbert voted aye, Comm McClellan voted nay. Motion carried.

LANDFILL: Road Supervisor Tim McComb reported that all the utility companies have been contacted about the planned improvements on the landfill roads (CR F and CR 25). Manager Ron Lanier gave estimated cost figures for the 4-inch water line. Items about the water line installation will be discussed with the Montezuma Water Company. Fencing around the landfill area is completed. Manager Lanier stated there is a vandalism problem. A letter will be submitted to the Sheriff Department asking for more patrolling of the area. Manager Lanier also reported that he attended a good meeting on recycling. Tires at the landfill were discussed. They will be stockpiled for a month to arrive at a figure of how many are acquired during that time.

ROAD DEPARTMENT Supervisor McComb stated that the Forest Service has notified him that monies for repairs of Kelly and Dunlap hills will be available February 15, 1995. Comm Story noted that Forest Service representative Jim Webb will meet with the Board later in the month and any problems can be addressed at that time. Supervisor McComb reported that the Sheriff Department requested them to remove snow so a stolen car could be recovered. This was done. Contacting private companies for this type of situation was discussed. Information on workshops scheduled in Durango that might be applicable to the Road Department was given to Supervisor McComb.

RESIDENT Chester Tozer stated that Baker Sanitation trucks are still coming up McElmo road with out-of-state trash. The company will be contacted (see January 23rd minutes).

PROPOSED COMPREHENSIVE LAND USE PLAN: Landowners Chester Tozer, Neva Kindred, R. R. Hollen, Jr., Mike Reed, Leo Poff, and Bob Gift presented a petition (see attached) signed by approximately 300 people with concerns about the process to draft the plan. Mr. Tozer stated the group approved the appointed working group, but did not want any part of the 1989 Land Use Plan used as a guideline. Comm Story assured them that it will not be used. It was noted that Mike Preston will only be collecting data information for consideration by the working group. Other issues discussed with the group are as follows: (1) \$100,000.00 grant monies and use of; (2) legislature governing who can vote on issues (city and county); and, (3) November vote - a survey. The group asked if the final proposed plan will be published and available to the public before approval by the Board of County Commissioners. This was affirmed. Comm Colbert stated that all constructive input is welcome.

BOARD OF SOCIAL SERVICES was conducted.

LOTTERY FUNDS: Tri-City Soccer representatives Kevin McGarigal and Wayne Lee asked for lottery funds or other in-kind help for the proposed Calkins Soccer Field Complex. Mr. McCarigal, who is also the Head Coach for the soccer program at the High School, explained that the Tri-City entity includes participants from Cortez, Mancos and Dolores. He presented the proposed improvements and justifications for them. Growth figures showing only Tri-City participation were requested. These will be compiled and submitted later to the Board. The proposal has also been presented to the School Board. The request was tabled contingent on the School Board decision.

HEALTH DEPARTMENT Nurse Bette Sutter met to explain the Food License Law which restricts the serving of any home prepared food from the kitchen of a licensed facility. It was noted that the fairgrounds will not be a licensed facility. The Annex facility will be a licensed facility. Nurse Sutter also presented the summary of her 1994 Budget.

SENIOR NUTRITION CENTER Director Sue Fletcher reported an funding changes proposed by the "Contract with America" that will impact Senior Nutrition programs. She stated that the Hospital District will pay \$4,000 for use of the Senior bus to transport patients to therapy, nursing home, etc. She asked permission to put any present or future excess monies from this account into the Bus Replacement Fund, and earmark it for construction of a car-port type cover for the bus and van at the Annex. Last year's carry over monies have been put into the General Fund. Permission was given. She will look over the AAA Contracts before they are mailed to the AAA Board.

BUS REPLACEMENT FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-02-95 to the Treasurer to transfer monies from the General Fund, to the Senior Bus Replacement Fund in the amount of \$645.00. This amount is earmarked for construction of a car-port type cover at the Annex. Motion was seconded by Comm Story and carried.

02-06-95

3

COLORADO OIL AND GAS CONSERVATION COMMISSION Geologist Michael Matheson and field representative Mark Weems met to offer any help with county issues pertaining to the industry. Assessor Bob Cruzan was present. Issues discussed included: Impact of energy trucks on county roads and bridges; land use; revenues and severance tax; spills; and mineral rights. RESIDENT Bruce Ramsey met to ask for permission to leave, at the private residence of George Fish, approximately five loads of old concrete and gravel that he hauled there from the old Forest Service Building in Dolores. The Forest Service has requested that he move the dumped material to the county landfill. Mr. Ramsey has a letter from George Fish stating he wanted the material to use as fill-in on his property. The decision was tabled until the Forest Service is contacted and the material is inspected.

SHERIFF Sherman Kennell presented all the contracts pertaining to emergency fires in the county. Action was tabled until they can be checked. Sheriff Kennell reported that the van used to transport prisoners broke down in Grand Junction with transmission trouble. It is being repaired there. Invoices were presented showing that a company in Cortez has worked on the transmission two times and charged for both times. A letter requesting reimbursement of monies paid for these services will be sent to the Cortez company. A notarized letter will be requested from the Grand Junction company stating the condition of the transmission, and what they found to be the problem when they started repairing it. Sheriff Kennell mentioned that contracting with a company to deliver the prisoners might be cheaper and will be checked into.

RESOLUTION #05-95 was presented whereas Sheriff Sherman Kennell is appointed as the coordinator for the Office of Emergency Management (OEM) for Montezuma County. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented applications for a Hotel Restaurant License and a 3.2% Beer for the McPhee Marina owned by Herbert A. Heroux. Action was tabled until the applications can be checked.

CONTRACT AGREEMENT FOR IMPROVEMENTS TO CORTEZ - MONTEZUMA COUNTY AIRPORT, CORTEZ, CO, AIP Project No. 3-08-0011-12 (corporate hanger taxiway) with Mountain Gravel Construction Company was signed.

GAMING IMPACT CONTRACTS: Comm McClellan moved to sign the Gaming Contracts between the Department of Local Affairs and the Board of County Commissioners to receive the 1995 discretionary award to the County for the Contiguous County Limited Gaming Impact Funds, seconded by Comm Story and carried.

PLANNING: Dirk Johnson (J. J. Building) has met the criteria for a moderate subdivision.

RESOLUTION #04-95 was presented, whereas Montezuma County delegates authority to all units of local governments within Montezuma County that have or will receive gaming impact funds to contract directly with the State for the receipt and reporting for Gaming Impact Funds. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried.

FAIR BOARD APPOINTMENTS: Comm McClellan moved to appoint John Fletcher to the Fair Board, seconded by Comm Story and carried.

ADJOURNED at 4:45 p.m.

Deputy Clerk Chairman
February 6, 1995

Minutes 02/13/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 13, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, hold on Monday, February 13, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
E. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Nelda Jenkins, Deputy

MINUTES of the previous meeting held on Monday, February 6, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's reports and the Treasurer's reports for the month of January 1995 were received.

ACCOUNTS PAYABLE: General fund vouchers 02620B thru #26407 in the amount of \$148,742.04, Road fund vouchers 026408 thru 026464 in the amount of \$28,587.28, and Landfill fund vouchers #26465 thru 26479 in the amount of \$14,298.01 were approved for payment.

GAMING IMPACT FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-03-95 to the Treasurer to pay \$3,802.96 from the Gaming Impact Fund to the Shorrock Electronic Systems, Inc. for the Sheriff Department. Motion was seconded by Comm Story and carried.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-04-95 to the Treasurer to pay \$647.06 from the 911 account, to U.S. West Communications, Denver, Colorado 80171. The motion was seconded by Comm Story and carried.

PROPOSED, COMPREHENSIVE LAND USE PLAN: Landowner Neva Kindred asked if the the requests stated in the submitted petition last week will be honored. The answer was no. Comm Colbert stated that the Board will be responsible for the final plan and Mike Preston will not be asked to resign. The Board reiterated that Mike Preston is (a) under contract with the county, (b) not the lead person, but a coordinator for the plan, (c) very knowledgeable and will gather information for the process, and (d) not to be the administrator of the plan. A suggestion was to inform the public more about his role. Landowner Paul Butler remarked that it all sounds like land control.

ROAD DEPARTMENT Supervisor Tim McComb reported that last week culverts were purchased by Wilber (Dopy) Butler from the county. This policy was originally adopted because there were no local businesses that supplied the need. Supervisor McComb presented figures showing that culverts can be purchased from local businesses for comparable prices. Comm McClellan

moved to discontinue the policy of the road department selling culverts to private persons or entities, since they can now be procured from local businesses.

The motion was tabled until Comm Story can contact Mr. Butler with the reason for the policy change. A copy of the list of comparable prices was given to Comm Story by Supervisor McComb. Comm McClellan stated she had been asked if subdivision Road 30.2 can be accepted for maintenance by the county. Supervisor McComb stated that at this time the policy is not to accept any more subdivision roads. The 3-inch snow removal policy was discussed. Supervisor McComb reported that guardrails on both sides of CR 23 have been knocked down and signage removed approximately a year ago. During this time the Bureau of Reclamation's (BOR) contractor Nielson has been constructing the Rocky Ford Canal in the area. Due to a dispute of whose responsibility it was to take care of the replacement of the signs and guardrails, no action had been taken. An accident in the vicinity last week prompted the county to do the replacements. It was noted that the time frame to solve these types of hazardous situations should be shorter. A bill will be sent to the BOR for the repairs done by the road department. Work on Kelly and Dunlap hills will be done by the road department using the plans submitted by the Forest Service. It was noted that engineering help would probably be available through the Forest Service.

LANDFILL: Manager Ron Lanier stated that he is still checking with Montezuma Water Company to finalize the installation of the water line to the landfill. Work is continuing on gates and access to the site.

PUBLIC HEARING - STONER CREEK RETAIL LIQUOR LICENSE: It being the time set aside, a Public Hearing was conducted for the consideration of a retail liquor license for the Stoner Creek establishment. The roll was called and proof of publication was read. Deputy Clerk Betty Davis presented the application for a retail liquor license from owner Tura Peterson. Present were Deputy Clerk Betty Davis, Deputy Clerk Tammy Neely, owner Tura Peterson, Pete Peterson, Bob McComas, and Neva Kindred. Deputy Davis submitted Sheriff Department Investigator Larry Staats' Report of Investigation. The polling report showed that within the radius of three miles, 7 residents were polled. The following questions were asked: (1) Do you feel there is a need for this license? and (2) do you want this license issued? The survey showed 5 affirmative, 2 against, and 0 no opinion for both questions. Two letters were received and read; both letters expressed opposition to the license. It was noted that the area has lots of seasonal residents and these were not contacted. Bob McComas and Neva Kindred expressed their support of the application. Investigator Staats report also showed that an investigation was done of Ms. Peterson's financial and character background and the establishment was physically inspected. All were accepted. Deputy Davis stated that fingerprints have been sent, but the results have not been received. Comm Story moved to approve this application for a retail liquor license for Stoner Creek, contingent on a positive fingerprint report, seconded by Comm McClellan and carried. These proceedings were taped for the record.

LIQUOR LICENSE - MESA OASIS CAMPGROUNDS: Deputy Clerk Betty Davis presented an application for renewal of a 3.2% beer license for Leonard Blanton dba Mesa Oasis Campgrounds. The Sheriff Department report showed one violation. Beer was sold to a minor. Show cause hearing and renewal hearings were discussed. Since there was no explanation of the violation attached to the application, the application was deemed incomplete. Deputy Davis noted that local authority can issue a temporary license. A meeting will be scheduled for Tuesday, February 21, 1995, at 2:00 p.m., with owner Leonard Blanton and Sheriff Department Investigator Larry Staats.

LIQUOR LICENSE - MC PHEE MARINA: Deputy Betty Davis stated that the applications for a Hotel Restaurant License and a 3.2% beer license for the McPhee Marina owned by Herbert A. Heroux have been checked. A Public Hearing will be scheduled for March 20, 1995, at 10:00. An investigation will be done by the Sheriff's Department with a set radius of 2 miles.

VISTA VERDE VILLAGE representatives John Dosh, Sr. and John Dosh, Jr. met about a problem with use of roads in the mobile home park. Mr. Dash stated that Colorado State Highway surveyors informed him that they could use the roads without his permission. Their basis for this action was that they had information showing that the roads originally had been dedicated to the county. Road easements are 40 feet and less. It was noted that dedication to the Public is different than dedication to the County. The county would have to have something in writing showing dedication. Mr. Dosh was advised to request the surveyors produce the document showing evidence of this dedication of roads.

ROBB ENTERPRISES representative Mark Anderson met to discuss lack of access on Road 46. He stated that the access was jointly used by the Redd and Robb families for years. The problem developed after the Redd property was sold to Rohe Lunnen, owner of the Elk Springs Subdivision, and no written legal easement was given at that time. Suggestions were made that he inquire about public use of the access in question.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING A planning resolution P-2-85 (Second Amendment) was presented whereas Anthony L., Nancy W. and Annie Romero, owners of two parcels of land, desire to record a second amended resolution, in Section 21, T.36N., R.13W. This resolution is to correct a boundary line and does not change the acreage size. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried.

CLERK Evie Ritthaler gave an update on changes in personnel and office procedures in the Clerk's office. She submitted an invoice from Mountain Microfilm showing costs for the new procedure of sending records to Durango for microfilming. This report will be submitted each month with other reports. She explained that copies are made of the original document and retained in the Cortez office until the originals are returned. The microfilm camera in the office will eventually be sold. She noted that Ginger Black was deputized to take the minutes if Deputy Jenkins is absent.

COLORADO STATE FOREST SERVICE FIRE AGREEMENTS, The Emergency Fund Contract, Equipment Agreement, Cooperative Wildfire Agreement and the Initial Attack Aircraft Agreement for Wildfire Suppression were reviewed. Action was tabled until Sheriff Kennell schedules a meeting with the Board and the representatives of the Colorado State Forest Service.

SENIOR NUTRITION CENTER Director Sue Fletcher and Mary Holiday stated that the Dolores School District would like to purchase the 1984 Dodge Van. Comm McClellan moved to sell the van, as is, to the Dolores School District for \$500.00, seconded by Comm Story and carried. The title releasing the vehicle was signed. The monies will be deposited into the Bus Replacement fund account.

02-13-95

4

TREASURER Bobbie Spore explained depository agencies and investment pools for short-term investments. Comm Story made a motion to approve the list of Depositories and Investment Pools submitted January 9, 1995 (see attached). The motion was seconded by Comm McClellan and carried. The Trappers Fund account was reviewed for the 1990 thru 1994 years. ADJOURNED at 3:00 p.m.

Deputy Clerk

Chairman

February 13, 1995

SEAL

Online Copy

Minutes 02/21/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 21, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, February 21, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
E. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, February 13, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Colorado Department of Transportation 20-year plan was received.

OFFICE OF COMMUNITY SERVICES: Mike Preston discussed applying for GO Colorado funds to be used by the working group for the proposed land use plan. This will be done.

RESIDENT Louis Szabo met to ask if the county would donate land for him to build shelters for the homeless. No land is available. He was informed of organizations that help the homeless and low income housing available through the county programs.

ROAD DEPARTMENT Supervisor Tim McComb reported no response yet from the BOR about replacement of bridge guardrails on CR 23 (see February 13 minutes). It was reiterated that a bill will be sent to the BOR. Others have expressed their appreciation for the repairs. Supervisor McComb will get and keep in his files, the Sheriff report on the recent accident at the location. Signage will be checked at CR 23 and CR X. Use of road department stocked culverts was discussed. There is no problem with culverts being shipped with the county shipment, if an individual orders, pays for them on a separate invoice, and has them stockpiled at his location. They are crushing at Ormiston Pit. Gravel will be crushed for Dolores County. A bill will be requested from Dolores County for plowing the West Fork road, and a trade-out payment will be with gravel. A request for help in gravelling CR FF, a county-line road, was made by Dolores County. The request was that Montezuma County furnish approximately 1700 yards of gravel, with Dolores County doing all the work. This was approved. At the request of the Board, Supervisor McComb will furnish cost figures for crushing gravel. An itemized bill will be submitted for fencing at the landfill. A meeting will be scheduled with Forest Service personnel to discuss the plans for Dunlap and Kelly hills and the proposal to contract the work.

CROW CANYON representatives Ricky Lightfoot and Richard Wilshusen met to ask if the County would again be the lead agency in qualifying for grant monies from the Gambling Impact fund, through the State Historical Society. They presented the grant application for review. Last year's project results were discussed. This year's grant will be used to continue that project. Comm Story made a motion to sign the grant request with the County as the lead agency. The motion was seconded by Comm McClellan and carried. It was noted that the county is the sponsor for the grant request, and that Crow Canyon will assume all the responsibilities involved in the grant.

NEWBY SUBDIVISION: The Newby Subdivision has met the criteria for a minor subdivision. The plat was signed.

TREASURER Bobbie Spore submitted her 6-month report. Partial mineral rights conveyed by a tax sale were discussed. It was noted that no further information will be pursued.

EMERGENCY MEDICAL SERVICE (EMS) COUNCIL ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-05-95 to the Treasurer to pay \$12,391.43 from the General Fund to the Emergency Medical Service (EMS) Council for emergency services. Motion was seconded by Comm Story and carried.

LOTTERY FUNDS: Tri-City Soccer representatives Kevin McGarigal, Mike Chadwick and Wayne Lee gave an update on the proposed Calkins Soccer Field Complex. The amount needed for the first phase is approximately \$35,000. The School Board granted approximately \$20,000, and in-kind donations of \$10,000 have been secured. Plans for the field were discussed. They asked for \$6,000 from the Lottery Fund for the proposed Complex. Comm Story made a motion to pay from the Lottery Funds \$6,000 to the Tri-City Soccer organization, seconded by Comm McClellan and carried.

TRAPPERS FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-06-95 to the Treasurer to transfer \$19,799.82 from the Trappers Fund to the General Fund. Motion was seconded by Comm Story and carried.

PLANNING: A planning resolution P-2-95E was presented whereas Herman K. and Anita Tsosie, owners of 108.82 acres, desire to record a 9.74 acre parcel, in Section 15, T35N., R.16W. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED FOR LUNCH with the Dolores Town Board.

MESA VERDE PARK: In regard to a request from the Superintendent, a letter will be written stating support of a proposed charge of \$1.00 per person for guided tours of Cliff Palace and Balcony House.

NOTICE OF INTENT TO SUE, pursuant to 24-10-109, CRS from Attorney at Law Gail C. Harriss, for client David Gee was presented to the Board. The Notice will be submitted to the Insurance Company.

RELEASE AND QUIT CLAIM: Comm Story made a motion to approve and sign the Release and Quit Claim from the Board of Commissioners for Montezuma County (Grantor) unto Billy B. Tate and Byron F. Tate, as to Tract I, and Sidney W. Snyder and Phyllis K. Snyder as to Tract II, the right, title and interest of Grantor to right-of-way over and across/that real property lying and being in Montezuma County, Colorado as described in the attached document. The motion was seconded by Comm McClellan and carried.

LIQUOR LICENSES: Deputy Clerk Tammy Neely and Sheriff Department Investigator Larry Staats presented further findings on a violation in connection with the application for a 3.2% beer license for Mesa Oasis Campground. Owner Leonard Blanton was requested to appear, but did not. A letter from him explaining the violation was presented. A letter will be written to him, stating that the Board of Commissioners is holding the application; and the renewal is pending until his appearance on Monday, February 27, 1995, at 2:00 p.m. The letter will be sent "Return Receipt Requested" and a copy will be filed in the Clerk's office. Deputy Clerk Tammy Neely presented an application for renewal of a 3.2% beer license "on and off premises" for Wild Wild Rest. The Sheriff's Office reported no problems with this outlet. Comm Story moved to accept the application, seconded by Comm McClellan and carried.

02-21-95

3

FAIRGROUNDS Manager Dante Sena and Lanetta Shull presented the Advisory Board's recommendations for the 1995 Montezuma County Fairgrounds Coliseum Rental Rates. Changes were discussed. Comm McClellan moved to accept the rental rates, seconded by Comm Story and carried. Manager Sena explained a late charge on the Horseman's Club cards. It was mentioned that since the fairgrounds is not a licensed facility, anyone who uses the facility to prepare food needs a permit from the Health Department for each day it is used. RESIDENT Ina Warren requested an "after the fact" variance for an isolated 1.3 acre tract. Tentative approval was given.

SHERIFF Sherman Kennell stated that there might be a conflict of interest with a future prisoner. This was discussed. A meeting with the Colorado State Forest Service will be scheduled for Monday, February 27th, to address the Emergency Fire Agreements.

ADMINISTRATOR Weaver presented requests for salary increases for two employees. The requests were tabled until the budget is done for 1996.

ADJOURNED at 4:00 p.m.

Deputy Clerk Chairman

February 21, 1995

SEAL

Online Copy

Minutes 02/27/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY COLORADO
FEBRUARY 27, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County Colorado, held on Monday, February 27, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Tuesday, February 21, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

LANDFILL Manager Ron Lanier presented final figures on the proposed purchase of a baler for the landfill. Comm Story made a motion that the County lease purchase the baler, based on the figures presented, with a deposit of \$100,000.00 from the Emergency Reserve Fund. Motion was seconded by Comm McClellan and carried.

EMERGENCY RESERVE FUND ORDER: Comm McClellan made, a motion to direct the Clerk to issue Order Number 0-07-95 to the Treasurer to pay \$100,000.00 from the Emergency Reserve Fund to Recovery Systems Company, Inc., by wire transfer to First Bank National Association (RSC Account #173100463400), for the deposit for a Harris Group Model #HRB-918W Two Ram Baler. Motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Supervisor Tim McComb asked how much gravel that the Town of Dolores should receive next year in lieu of the mill levy. He was told \$4,000.00 Supervisor McComb will at-tend the noon meeting with the Mancos Town Board to discuss 'gravel, etc. provided by the mill levy for- them. Mancos gravel pit policy was discussed. Personnel changes and the option of reorganizing the districts were discussed. Plans from the U.S. Forest Service engineer for repairs on Dunlap and Kelly Hills were presented. After discussion, Comm Story asked that any action on the Dunlap hill slide be tabled until a meeting with Forester Jim Webb on March 13th. Supervisor McComb will contact Engineer Burke and request he also attend the meeting. The repair of the slide on Kelly Hill will be done by the road department using the Forest Service plans. Road permits were discussed. Option 2 can be used by individuals as well as companies, but it was emphasized that the road department needs to do detailed inspections, If this option is selected.

FAIR BOARD member Jim Mitchell and Extension Office Director Jan Brandt met to talk about proposed changes in the Fair Board by-laws. Attendance of enough members for a quorum was discussed. In the future, vacant positions on the Fair Board will be advertised and persons responding will be considered along with persons recommended by the Fair Board.

MITCHELL SPRINGS SITE owner Don Dove gave a background history of the site. He stated he is applying for a grant from the Colorado State Historical Society to compile five years of work done on the archeological site. He asked if the County would support the grant. Comm Story moved to support the application and the proposed project, and hereby recommended the application be forwarded to the Colorado Historical Society for consideration to receive monies from the State Historical Fund, seconded by Comm McClellan and carried.

CORTEZ DOWNTOWN HISTORICAL DISTRICT Planning and Feasibility Study Project Overview application was presented for a "mini" grant from the Colorado State Historical Society by representatives Joe Kock, Dorothy Wyat and George Wickstrom. It was noted that there are six different grant categories within the Society, and requests need to be prioritized, if they are for the same type of grant. The grant for the project was discussed, and a letter of support from the Board was requested. Comm McClellan moved to write a letter of support, seconded by Comm Story and carried.

TRAIL OF THE ANCIENTS representative Doug Bowman met to ask if the County would support a grant application for monies from the Colorado State Historical Society to develop a management plan for the scenic byway route. Comm McClellan moved to support the application and the proposed project, and hereby recommended the application be forwarded to the Colorado Historical Society for consideration to receive monies from the State Historical Fund, seconded by Comm Story and carried.

PROPOSED COMPREHENSIVE LAND USE PLAN: Marsha Porter-Norton presented a draft copy of the first "Citizens Planning Fact Sheet" for the proposed Land Use Plan working group. Availability and distribution of the fact sheet was discussed. Mike Preston was present.

ADJOURNED FOR LUNCH with the Mancos Town Board.

LANDOWNER Betty Porter met to ask again (see June 13, 1994 minutes) if an exemption to the subdivision regulations could be granted, if she decides purchase 2-1/2 acres from Jackie Wallace. Ms. Porter would add this to her 1-1/2 acre parcel, which includes an easement. It was noted that approval would be contingent on a stipulation that any building on the property be done on the 2-1/2 acre portion. Ms. Porter was told that Ms. Wallace would have to complete and submit all the necessary forms.

PLANNING: A planning resolution P-3-95E was presented whereas Bruce Vance Hixon and Mary Juanita Hixon, owners of 160 acres desire to record a 5.89 acre tract in Section 2, T.37N., R.17W. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried.

LIQUOR LICENSE VIOLATION HEARING - MESA OASIS CAMPGROUND: Deputy Tammy Neely, Sheriff Department Investigator Larry Staats and owner Leonard Blanton met to discuss the violation. Investigator Staats summarized actions of the department in this sting operation. Mr. Blanton explained that he asked the individual for an ID, but he did not have his glasses on, and read the date of birth wrong on the drivers licence. Investigator Staats stated he believed it was an oversight by Mr. Blanton and not intentional. Comm McClellan moved to approve the renewal of the 3.2% beer license for Leonard Blanton dba Mesa Oasis Campground, seconded by Comm Story and carried. These proceedings were taped for the record.

CLERK Evie Ritthaler stated that a person had come in the Clerk's office and indicated that she wanted to deed to the County a parcel of land, with the agreement that it would never be sold. Clerk Ritthaler will inform the person that they need to meet with the Board.

COLORADO STATE FOREST SERVICE EMERGENCY FIRE AGREEMENTS: Colorado State representative Dan Ochocki explained the agreements. Sheriff Sherman Kennell, who is the designated Fire Warden, was present. Forester Ochocki stated that the Emergency Fund Agreement, the Equipment Agreement, and the Cooperative Wildfire Agreement are in force and have been since 1991. Receipt of \$3,700 will keep these agreements active, if this amount is received from the county before March 15th. This was approved. The Initial Attack Aircraft for Wildfire Suppression Agreement, which is also covered under the \$3,700, needs to be signed every year. This agreement was discussed, and an original will be sent to the Board for signature.

02-27-95

3

SHERIFF Sherman Kennell presented "for signature the "Joint Operating and Financial Plan" between the U.S., Forest Service and the Montezuma County Sheriff Department for Fiscal Year 1995. This was signed. Transcription of a tape received from the Grand Junction, Co. business that fixed the van transmission was presented. A bill will be submitted to the local Cortez business requesting reimbursement of monies paid for services (see February 60, 1995 minutes), that had to be redone by the Grand Junction business.

BOARD OF SOCIAL SERVICES was conducted.

ADMINISTRATOR Weaver re-addressed the salary increase request for Fairgrounds Manager Dante Sena. A meeting will be held with him to address the concerns.

CASH CANYON ROAD. There have been reports that residents have threaten to remove barricades placed across the section of road where there is no snow removal during the winter.

An on-site inspection will be done.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

February 27, 1995

SEAL

Online Copy

Minutes 03/06/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 6, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 6, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
B. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, February 27, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's reports for the months of January and February, 1995 were received.

PAYROLL: General fund payroll vouchers #13087 thru #13209 in the amount of \$138,836.05, #22115 in the amount of \$16,132.15, #22116 in the amount of \$83,772.01, Landfill fund payroll vouchers #13244 thru #13247 in the amount of \$5,620.74, #50 in the amount of \$3,663.63 and Road fund payroll vouchers #13210 thru #13243 in the amount of \$51,717.32, #8840 in the amount of \$36,000.86 were approved for payment.

ROAD DEPARTMENT Supervisor Tim McComb presented cost figures on gravel for 1993 and 1994. He noted that the recent rains have damaged the roads. The good condition of CR 38 was mentioned. Road department personnel was discussed. Any permanent changes will be addressed in September or October. A possible cooperation with the Sheriff's department about road conditions was discussed.

CASH CANYON ROAD users Tony Gallegos, Geno Brinkerhoff and Puff Brinkerhoff stated that closure of the road during the winter time is a big inconvenience. Most of them have to go 12 miles out of their way to reach destinations. C. F. Donaldson, who prefers that the road be closed, stated he will no longer pull people out of the canyon. Supervisor McComb gave him his home phone number. Mr. Gallegos mentioned that a culvert needs to be replaced. This will be checked. It was noted that the road would be considered in the 1996 Road Plan, if any upgrading is approved. After discussion, it was agreed that the road will be left open as much as possible, with the option that the road department can close it, if weather conditions make the road too dangerous.

RESIDENT Steve Hinton stated he felt that companies contracted to do work for the Utility Companies are tearing up county roads, especially CR 27 and CR H. Supervisor McComb said that the companies are purchasing permits as required, and so far have repaired the roads to county specifications. The Board will do an onsite inspection of these roads this afternoon.

SHERIFF Sherman Kennell and Undersheriff Bob McDonnell presented updated information about the van transmission repairs. Sufficient evidence was not received from the Grand Junction company. The suggestion was made that cost figures be compiled, the Sheriff Department take this information to the Cortez company - ask for reimbursement, and then close the file. Superior Alarm home protection systems, which are connected to the dispatch at the Justice Building, and fees for those services were discussed. Additional information requested by the Insurance Company in connection with the Notice of Intent for David Gee was presented for review. A request for approval of a transfer of VALE grant monies to the General Fund from the forfeiture account, where the funds were inadvertently deposited, was received. This was approved. The \$777.20 electric bill to install the new inter-comm at the Justice Building will be paid out of Gaming Impact monies. Trustee policy was discussed. It was noted that trustees need close supervision, and the program is terminated periodically, if infractions occur. BOARD OF SOCIAL SERVICES was conducted.

FEED THE HUNGRY representative Pam Lien asked when the next Health and Human Services Committee meeting was scheduled. She was told to contact LaPlata County Director of Social Services Joe Thompson. The Board encouraged her to work with the local HUD authority in connection with any facility for the homeless.

BUSINESSMAN Mike Williams met to talk about the possibility of a company locating in the area to treat pine posts and poles for use as fence posts, utility posts and rails. Mike Preston was present. The operation would be in conjunction with the pine zone project and Forest Service policies. Items of concern discussed were: (1) Need for long-term investment, (2) consistency of supply, (3) price of raw material, (4) location of facility, and (5) road access to the site.

ADJOURNED FOR LUNCH with the City of Cortez.

ON-SITE INSPECTION OF CR 27 and CR H with Road Department Supervisor McComb was done.

DEPUTY CLERK Carol Tullis presented a detailed report showing revenues generated by the Clerk's office for the month of February 1995.

LANDOWNER Katy Vaughn asked how she could preserve four acres of land (see February 27, 1995 minutes). Conservation easements were discussed. A copy of the Conservation Easement accepted by the County on December 12, 1994, was given to her.

LAND DEVELOPER Mark Rodgers asked for information about the Conservation Easement (see December 12, 1994 minutes), on the Bear Creek Ranch, which is now for sale. A copy of the Conservation Easement was given to him.

PLANNING: A verbal request for an exemption to the subdivision regulations was tentatively approved for Roberta Greenlee to sell a 3 acre parcel, split from her property by a road, to an adjoining landowner. *** At the request of the Board, the following reports were presented: (1) Subdivisions and Exemptions, 1990 thru 1995, (2) New Permits 1990 thru 1994; Population Estimates 1990 - 1993; Population Projections 1993 - 2020; School Enrollment 1990 - 1994, and (3) 1995 County-wide Land and Residential Parcels.

HEALTH DEPARTMENT - Amended Women, Infant and Children (WIC) contract was presented for signature. The amended contract increased funding for the program. Comm McClellan moved to accept and sign the contract, seconded by Comm Story and carried.

03-06-95

3

STATUTES on Severance Tax were reviewed.

ADMINISTRATOR Weaver reported on the planned Governor's Regional Forum on Growth. Extent of involvement was tabled until guidelines are received.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented a letter for signature supporting the proposed Cherry Creek Landscape project. This was signed.

ADJOURNED at 4:45 p.m.

Deputy Clerk Chairman

March 6, 1995

SEAL

Online Copy

Minutes 03/13/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 13, 1995

STATE OF COLORADO)
) ss.
COUNTY OF COLORADO)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 13, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
S. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, March 6, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's report for February 1995 was received.

ACCOUNTS PAYABLE: General fund vouchers #22114 thru #22294 in the amount of \$184,954.08, Landfill fund vouchers #51 thru #62 in the amount of \$9,967.84, and Road fund vouchers #8439 thru #8498 in the amount of \$104,449.51 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-08-95 to the Treasurer to pay \$647.04 from the 911 account to U.S. West Communications, Colorado Springs, Colorado. The motion was seconded by Comm Story and carried.

GAMING IMPACT FUND ORDERS: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-09-95 to the Treasurer to pay \$777.20 from the Gaming Impact Fund to Nice Electric Company, Cortez, CO, to relocate signal lights (intercom) at the jail. Motion was seconded by Comm Story and carried. Comm McClellan made a motion to direct the Clerk to issue Order Number 0-10-95 to the Treasurer to pay \$7,250.00 from the Gaming Impact Fund to Police Data Systems, Inc., Glenwood Springs, CO for a Data Images system for the Sheriff's Department. Motion was seconded by Comm Story and carried.

CLUB 20 spokesperson Bill Bauer asked approval to represent Montezuma County in Washington D.C., with the county paying the \$750 for the trip. The trip and the \$750 request were approved.

ROAD DEPARTMENT Supervisor Tim McComb stated that the Cash Canyon Road is open now. The Norwood Road will be open this week. A report of McElmo Road bridge damage will be checked. Jim Sattley has been appointed as Foreman for the Dolores Shop on a trial basis. Other changes in personnel will still be considered. Comm Story asked for a current road department personnel chart. This will be done. It was noted that county roads look good after they dried up. The Forest Service has been informed of the West Fork rock slide - they told Supervisor McComb that the Federal Highway Commission will take care of the repair. ****

Later in the day, Supervisor McComb and Lloyd Everett presented an explanation of submitted Equipment Rental Rates and Gravel cost rates to be used for mill levy trade-outs. Guidelines to figure cost rates will be obtained. After calculations are

done, this year's gravel in lieu of the mill levy and any past due amount to the City of Mancos will be addressed. A meeting will be scheduled with them. It was reiterated that the county is not in the construction business. Other items discussed were: (1) Creation of new bus turn arounds. A meeting will be scheduled with the School Districts to discuss this. (2) Suggestion that a different policy be implemented for using the scales at the Gardner Gravel pit. A request that the road department can replace green county road signs with red ones on subdivision roads was approved.

ABATEMENT: Assessor Bob Cruzan being present., a petition for abatement of property tax was presented for the Cortez Center, Inc., 1994, erroneous assessment, \$1,686.50. Bob Maynes and Doug Bowman were present. Assessor Cruzan recommended this petition be approved. Comm McClellan moved to approve this petition, seconded by Comm Story and carried. All proceedings were taped for the record, and it was noted that all the Commissioners were present.

TRAIL OF THE ANCIENTS brochures were presented by Doug Bowman.

LAND DEVELOPER Mark Rodgers met again to discuss the Conservation Easement on the Bear Creek Ranch (see December 12, 1994 minutes). A letter from Attorney Charles Schafer in reference to the easement was discussed. It was noted that the intent of the easement was to preserve the property "as is," and the County intends to uphold this interpretation. This interpretation would not allow a 3-acre parcel to be split from the easement or a 60-foot access road. Mr. Rodgers stated he will check into the possibility of voiding the easement.

REGION 9 SOUTHWEST EMERGENCY MEDICAL SERVICES (SWEMS) representative Eric Schmidt and Montezuma County EMS Council representatives Jay Balfor and Kent Lindsay met to ask for a letter of support for a three-year grant from the Colorado Department of Health to hire one full-time person. This position would pull together EMS council information for the five southwest counties. Comm McClellan moved to write a letter of Support for this regional effort, seconded by Comm Story and carried.

LANDOWNER John Eckerdt asked if there are any zoning regulations in the county. He stated that a close neighbor has a fleet of refrigeration trucks, that turn on and off all night, parked on 3 acres. Mike Preston reviewed the subdivision regulations. Mr. Eckerdt also stated that the county road is being damaged because the driveway is too small to accommodate the trucks. Supervisor McComb was present and will check on the driveway. Mr. Eckerdt was encouraged to attend public meetings on the proposed comprehensive land use plan.

FOREST SERVICE representatives Jim Webb, Mike Znerold and Michael Burke met to discuss repair of the Dunlap hill slide. Road Supervisor McComb was present. Engineer Burke presented designs to repair the slide. The repair will be done by the county road department, since Federal Highway funds are only available until the end of September 1995. The repair will take approximately one week and a Forest Service engineer will be available to work with the County. Also discussed was: Whether there is a need for a 120-foot drainage pipe, which was not included in the designs? No pipe will be installed - more fill will be done. (2) Whether there was a

guarantee that the design would take care of the problem? This is an unknown. Supervisor McComb and Engineer Burke will do an on-site inspection today. **** Discussion was held about the Federal Lands timber projects in connection with timber sales. Mike Preston was present.

BELDEN AUCTION'S representative Jean Belden reminded the Board of the spring auction.

03-13-95

3

UNDERSHERIFF Bob McDonnell presented figures showing the duplicate payment for Civil Procedures, and asked that these funds be reimbursed to the Sheriff's petty cash account from the General Fund. This was approved.

GENERAL FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-11-95 to the Treasurer to pay \$1,232.70 from the General Fund to the Montezuma County Sheriff's Department - Petty Cash Account, for reimbursement for duplicate payment of Civil Procedures. Motion was seconded by Comm Story and carried.

PLANNING: A verbal request for an exemption to the subdivision regulations for Daniel Barris to split off 3 acres was tentatively approved, contingent on retaining the designated 60' easement. This exemption would replace resolution P-15-81. A verbal request for John Duran to put a second septic system on 20 acres was approved. This action will be noted on the septic permit. A verbal request for an exemption to the subdivision regulations for Lee and Mildred Stevens to create a new lot in Phase II of the Curtis Subdivision was discussed. It was noted that all the landowners in the subdivision need to sign the plat change and the road into the new lot has to be brought up to county specifications. A verbal request for an exemption to the subdivision regulations for Pat (Clem) Honaker (Justin Honaker) to change the description of a 3 acre parcel and give up a 1994 exemption, was tabled until specific measurements are determined. A verbal request for an "after the fact" exemption to the subdivision regulations for Isaac and Millie Gilpin to give 10 acres to their son was tentatively approved. *** Suggested policy change to indicate type of exemption - residential or commercial - was discussed.

LANDOWNER Maurice Hamilton met to ask for an application for an exemption to the subdivision regulations. He was directed to the Administration office.

SENIOR NUTRITION CENTER: Comm McClellan moved to sign the Care and Share Food Bank Contract for one year, seconded by Comm Story and carried.

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

March 13, 1995

SEAL

Minutes 03/20/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 20, 1995

STATE OF COLORADO)
) ss.
COUNTY OF COLORADO)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 20, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, March 13, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for February 1995 was received.

COMPLAINT by Kevi Joseph Foti (Case No. 95C98) was received. The Insurance Company has been notified.

ORDER OF DISMISSAL in case No. 94CV57, re Dan Slater, was received.

EMPLOYEE Bill Bedker reported there is a problem with bats in the east corner of the courthouse. An expert on bats was contracted; chemically nothing can be done, since they are an endangered species. Screens will be checked, missing ones will be installed, and insulation will be replaced where they have been in the past.

ROAD DEPARTMENT Supervisor Tim McComb stated that the Forest Service will indicate the area for fill on the Dunlap hill slide. Work will begin as soon as it dries up. The Forest Service will flag Kelly hill. Drainage problem on CR 39 will be checked, Supervisor McComb will check with Nielson Inc.'s on their plans for hauling gravel from the Noland gravel pit on CR 38. Dust retardant needs to be put on before a lot of hauling is done. Who will pay for the second application of dust retardant needs to be addressed with the entities involved. A letter received from Summit Ridge Water District representative Gary Shaw concerning validity of road department fees for cuts was discussed. Statutes were read, and it was noted that the Board has adopted fees in compliance with the law. A letter will be written to Mr. Shaw stating it is his option to come in and talk with the Board about his concerns.

LIQUOR LICENSES: The scheduled hearing for the McPhee Marina was cancelled. Deputy Clerk Betty Davis, Sheriff Department Investigator Larry Staats, McPhee Marina owner Herb Heroux and son, Bryan Heroux, were present. Deputy Davis explained that because of illness, Investigator Staats was unable to post the premises and submit for publication the notice of public hearing. Investigator Staats gave a detailed explanation of the circumstances. The scheduled Public Hearing for the applications from McPhee Marina for the following licenses, Hotel and Restaurant, Extended Hours, and 3.2% beer "on and off premises," (wrong) was rescheduled for Monday, April 3, 1995, at 10:00 a.m. Deputy Clerk Davis presented an application for "Change to Modify Premises" for the Dawson Lake Store. They want to add a door (1/2 doors) and put in a larger cooler. Comm McClellan moved to accept this application, seconded by Comm Story and carried.

OIL AND GAS TAXES: The need for legislation to address averaging prior years assessed value in connection with Amendment 1 was discussed. Statutes were discussed in regard to tax pre-pay, and the need to change the law on how monies can be used.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A planning resolution P-5-95E was presented whereas Lloyd Hartle, owner of 80 acres, desires to record a 5.01 acre tract for his son, Scott Hartle, along with a 60' easement in Section 12, T.38N., R.18W. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A verbal request for an exemption to the subdivision regulations (tentatively approved May 23, 1994 with a different acreage description) was submitted and tentatively approved for Robert Kennedy to split off and keep 4 acres with a house and sell the remaining approximately 140 acres.

SHERIFF Sherman Kennell presented the Initial Attack Aircraft Agreement for Wildfire Suppression between the Colorado State Forest Service and Montezuma County for signature. Comm Story moved to sign the Agreement, seconded by Comm McClellan and carried. A letter will be written by the Sheriff to the designated 5 member Fire Board stating that the Board of County Commissioners need to be notified, if there is a need to implement the Agreement. Also presented for review was the County Fire Operating Plan for 1995. Comm Story asked if dispatch calls are categorized. Sheriff Kennell stated that at this time only a total is kept, but that the new dispatch system will keep track of for each entity. Undersheriff Bob McDonnell Submitted a draft Proposal for Consideration in connection with the Superior Alarm home protection systems, fees, etc., at the Building.

LANDOWNER Wade Wilson asked if a section of CR AA, off of CR 21, can be abandoned, or a cattleguard be installed. He was told that a petition requesting the abandonment needs to be signed by all the adjoining landowners. A public hearing will need to be scheduled to consider the request. If one landowner disagrees, the road cannot be abandoned. A cattleguard can be installed, in accordance with directions set forth by Road Supervisor McComb. Blocking off CR 21 because of muddy conditions was discussed. In answer to his question about the need for an exemption, it was stated that if land is split an exemption is needed.

EXTENSION OFFICE: Agent Kenny Smith asked if the Extension Office can charge the Farmers Market participants a space fee to cover costs for the porta potties. This was approved. The policy of who can sell at the market will be reviewed at a later time.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss the agenda for the upcoming working group meeting for the proposed comprehensive land plan.

PLANNING BOARD APPOINTMENTS: A notice asking for volunteers to serve on the Planning Board, to fill four appointments, will be advertised in the newspaper several times.

STATUTES on PUD's were reviewed. The need for regulations on "cluster" type developments in conjunction with the subdivision regulations was mentioned.

WEED MANAGER Ron Lanier asked if the "Noxious Weed Brochure" might again be inserted in the Cortez newspaper, with the County paying for any costs. This was approved.

ADJOURNED 1:50 p.m.

Deputy Clerk

Chairman

March 20, 1995

SEAL

Minutes 03/27/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 27, 1995

STATE OF COLORADO)
) ss.
COUNTY OF COLORADO)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 27, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, March 20, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT Supervisor Tim McComb submitted the Organizational Chart for the Road Department. Cost Estimates for the Town of Mancos were presented. After figures are compiled on what has been done since the purchase of the Mancos gravel pit, a meeting will be scheduled with the Town of Mancos Board to determine what needs to be done to fulfill any obligation by the county. Revised gravel costs were presented. Supervisor McComb will check on concern about access to property on CR L. Supervisor McComb stated he had contacted Nielson, Inc. and was told a water truck will be brought in if CR 38 gets dusty after dust retardant is put on. An offer from Bill Goode to trade 2,000 yards of pit run for 1,500 yards of County stockpiled-rejected sand was approved. Traffic counters have been put on CR G for 7 days. Counters will also be put on other roads this year. The request from Chester Tozer for the county to clean out a 1/4 mile section of irrigation ditch along McElmo Road was tabled until research can be done about the situation. It was suggested that at some point in time if an agreement exists, it needs to be changed. A meeting will be scheduled for next Monday with the Water Boards and Managers to address road department fees. Supervisor McComb asked that the \$50.00 option be dropped. Vance Koppenhafer's request to remove, for his own use, a cattleguard-donated to the county by Eddie Robbins was discussed. If the cattleguard is removed, another one should be given to the county. It was noted that specs should indicate that any cattleguard put in a county road is county property.

SAN JUAN NATIONAL FOREST representative Paul Christiansen presented the "Schedule A" Road agreement for signature. He stated that no changes had been made. Comm McClellan moved to sign the U.S. Forest Service Road Agreement between the U.S. Department of Agriculture and Montezuma County for "Schedule A" roads, seconded by Comm Story and carried. Road Supervisor McComb was present. Also presented was a Project Agreement between Montezuma County Commissioners and the San Juan National Forest for replacement of a cattleguard on the Echo Basin\FDR 566 road. The county would do the work and the forest service would provide the materials. Comm Story moved to sign the agreement, seconded by Comm McClellan and carried. Mr. Christiansen stated that they now have the signed plans for Kelly hill repairs, and Bill Ivy should be contacted when the county is ready to start.

CERTIFIED CLOSERS ASSOCIATION representatives Bob Durant, Susan Hatter, and Jack Gallagher asked that all old variances be recorded (see letter attached). The request was approved and will be done. Scheduling a meeting between realtors and the land use plan working group to address impact on property values, what enhances or detracts, was discussed.

LIQUOR LICENSES: Deputy Clerk Betty Davis and Investigator Larry Staats stated that there are only three residences within the 2-mile radius set for McPhee Marina, and asked if the radius should be changed to cover more area. After discussion the 2-mile radius was determined to be sufficient. Deputy Clerk Davis presented an application for a Hotel and Restaurant license for Nanny's Beanery, owned by Phyllis Carney. A Public Hearing was scheduled for April 24, 1995, at 10.00 a.m. An investigation will be done by the Sheriff's Department with a set radius of 1/2 mile.

SHERIFF Sherman Kennell presented Cooperative Agreement between Montezuma County Sheriff and U.S. Department of Agriculture, Forest Service San Juan and Rio Grande National Forests for signature. Comm McClellan moved to sign the agreement, seconded by Comm Story and carried. Undersheriff Bob McDonnell presented for approval, the grant application for the COPS FAST Program to hire one certified officer. Comm McClellan moved to approve the application, seconded by Comm Story and carried.

IMMIGRATION NATURALIZATION SERVICE: Resident Bob Maynes and Jim Balcomb, who is formerly from South Africa, asked for any suggestions to help delay a deportation action against Mr. Balcomb and his family. The suggestion was made for him to continue to contact members of the U.S. Congress. The Board will write a letter to members of Congress and the Immigration Service Director in favor of Mr. Balcomb.

THE VIEWS SUBDIVISION owner Wayne Lee asked if he may vary from road department specifications for the subdivision road. Approval was given for the following: (1) 6--inches of 3/4" road base on top of a compacted base, and (2) two coats of chip and seal.

HEALTH DEPARTMENT Nurse Bette Sutter presented a Letter of Agreement #1 to amend the Women, Infant and Children (WIC) contract for signature. Comm McClellan moved to sign the amended contact, seconded by Comm Story and carried. Nurse Sutter presented the Health Department 1994 Annual Report.

FINANCE OFFICER Mary Ann Sanders asked for clarification on health insurance for retiree Billy Striegel. Mr. Striegel was notified that Rule 75 applies - insurance for a year, with premiums paid for by the retiree.

PLANNING: A planning resolution P-4-95E was presented whereas Daniel and Norma Garris, owners of 69 acres desire to vacate Resolution P-15-81, containing 3.02 acres, and record the current exemption for 3.16 acres in Section 25, T.36N., R.15W. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A verbal request for an "after the fact" exemption to the subdivision regulations for Ronald and Pauline Zollinger to split off 3 acres was tentatively approved. A verbal request for an exemption to the subdivision regulations for Lawrence Whyman to split from 240 acres a 20 acre parcel and a house was tentatively approved. A verbal request for an exemption to the Subdivision regulations for Art Fox to split a 10 acre parcel from 44.16 acres was tentatively approved, contingent on a 60' easement, and checking with the Bureau of Reclamation on any ROW restrictions and use of their easement.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented the agenda for the land use plan working group's next meeting. The Regional Smart Growth and Development agenda was presented and discussed. In-put will be concise.

The Timber meeting is being followed up. Notification by the Bureau of Land Management (BLM) of illegal dumping in the Cash Canyon and Stinking Spring areas was noted. A meeting will be scheduled with BLM to determine what needs to be done.

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

March 27, 1995

SEAL

Minutes 04/03/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 3, 1995

STATE OF COLORADO)
) ss.
COUNTY OF COLORADO)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 3, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, March 27, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for the month of March 1995 was received.

PAYROLL: General fund payroll vouchers #13257 thru #13376 in the amount of \$138,475.43, #22299 in the amount of \$16,132.15, #22300 in the amount of \$87,932.22, Landfill fund payroll vouchers #64 in the amount of \$3,661.18, #13411 thru #13414 in the amount of \$5,615.72, Road fund payroll vouchers #13377 thru #13410 in the amount of \$53,026.70 and #8500 in the amount of \$38,553.45 were approved for payment.

ROAD DEPARTMENT PERMIT FEE POLICY: Road Department Supervisor Tim McComb and Lloyd Everett, Attorney Cliff Fossum, Montezuma Water Company representatives Chris Kramer, Mike Bauer, Jim Youngs, Empire Electric: representative Chuck Rodstrum, Summit Ridge Water District representative Gary Shaw, Farmers Telephone representative Doug Wright met to discuss the permit fee policy adopted in 1994. Lloyd Everett reported that under the \$50.00 Option, 95 Permits have been sold to companies and 4 to individuals. It was noted that there have been no big problems, but five to ten years from now there could be with the permits to individuals, as properties change ownership. The following items were discussed: (1) time involved to determine who is responsible for repairs, (2) how to monitor need for repairs, (3) that permit fees and cost of repairs are two different items, (4) barrow ditch disturbance are different than road cuts, (5) Performance bonds - advantages and disadvantages, and (5) cost of installing fire hydrants. Applicable statutes were read. A copy of the "Notice of Intent to Dig or Disturb County ROW and Requirements Relating Thereto" approved August 1, 1994 was submitted for consideration with deletion of Option 2 (\$50 permit). A written proposal, addressing these concerns, will be submitted for comments from the entities.

ROAD DEPARTMENT Supervisor Tim McComb and Lloyd Everett reported that the traffic counter on McElmo Road showed an average daily count of 700 vehicles. Dusty condition of the road and safety was discussed. The road was bladed approximately 16 times in 1994. Supervisor McComb proposed to put mag-chloride on the corners for safety. This was approved. CR 34 and CR 33.5 will be checked. Costs for blading roads are being compiled. Eventually base data traffic counts need to be put on the GSI map for reference.

PUBLIC HEARING – MC PHEE MARINA RECREATIONAL COMPLEX, INC. LIQUOR

LICENSES: It being the time set aside, a Public Hearing was conducted for the consideration of Hotel and Restaurant, Extended Hours, and a 3.2% retail beer licenses for the McPhee Marina Recreational Complex, Inc. The roll was called and proof of publication for the Hotel and Restaurant liquor license was read. It was noted that proof of publication for the 3.2% beer license was not published in the Cortez newspaper. Present were Deputy Clerk Betty Davis, Sheriff Department Investigator Larry Staats, owner Herb Heroux, Sheriff Sherman Kennell, Lee Nowlin, Steve Nowlin and Bruce Redd. Investigator Staats submitted the Report of Investigation. The polling report showed that within the radius of two miles, 7 residents were polled. The following questions were asked: (1) Do you feel there is a need for this license? In answer to this question, the survey showed 5 affirmative and 2 against. (2) Do you want this license issued? In answer to this question, the survey showed 5 affirmative and 2 against. The report also shows that an investigation was done of Mr. Heroux's financial and character background, and the establishment was physically inspected. A note was made that the Assessor's Office shows the address as 27575 CR V.4, Dolores, CO. Lee Nowlin expressed opposition to the 3.2% beer license and questioned need and the ability of law enforcement control. Comm McClellan stated she had received a telephone call from Albert Campbell stating opposition to the 3.2% beer license. Deputy Davis read a letter from Myrna and Arnie Wyse expressing opposition to both licenses. Sheriff Kennell submitted a letter of opposition to both licenses. Sheriff Kennell submitted a letter of opposition to both licenses. Sheriff Kennell submitted a letter of opposition to both licenses. His concerns were the moral and safety issues, and any additional costs related to patrolling the area, if incidents increase. He stated that the area is only patrolled on weekends and holidays. Bruce Redd stated that he was for both of the proposed licenses. Comm Story made a motion to approve the application for a Hotel and Restaurant liquor license, and amended the motion to include the Extended Hours license. Comm Colbert seconded the motion. Comm Colbert voted "aye", Comm Story voted "aye", Comm McClellan voted "nay". Motion carried. Comm Story made a motion to approve the 3.2% beer license. Motion died for lack of a second. Mr. Heroux was informed that, if he wants to pursue a 3.2% beer license, he may take the request to court, or appeal to the State Liquor license, he may take the request to court, or appeal to the State Liquor Enforcement Division in Denver. These proceedings were taped for the record.

LIQUOR LICENSE – MAVERIK COUNTRY STORE: Deputy Clerk Betty Davis presented an application for renewal of a 3.2% beer license for the Maverik Country Store. The Sheriff Department reported no problem with this outlet. Comm Story moved to approve this application, seconded by Comm McClellan and carried.

LOTTERY FUNDS: Motelores Babe Ruth League representative Roy Lane made a request for monies from the lottery fund. Comm McClellan made a motion to give \$2,500.00 to the Babe Ruth League program. The motion was seconded by Comm Story and carried.

UNDERSHERIFF Bob McDonnell submitted contracts with Mancos and Dolores. Action was tabled until cost figures are submitted. A copy of bids submitted for the inmate phone system, which expires April 16, 1995, was presented. The incentive offers by the companies were explained. The Department has elected the bid from the Security Telecom Corporation. Undersheriff McDonnell asked if the Sheriff's Department may amend the 1995 budget to purchase a new transport van with the upfront advance offered by this company. This was approved.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED for lunch with the City of Cortez.

04-03-95

3

COMM Story was absent in the afternoon.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-12-95 to the Treasurer to pay \$647.04 from the 911 account, to U.S. West Communications, Colorado Springs, CO. The motion was seconded by Comm Colbert and carried.

LANDOWNER Chuck Lurvey met to ask if the subdivision regulations fee of \$500.00 per lot could be waived for his proposed mobile home park. This was denied.

PLANNING: A planning resolution P-6-95E was presented whereas Robert Kennedy, owner of 142.25 acres, desires to record a 3.99 acre tract in Tract 37, Section 5, T.37N., R.17W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. A planning resolution P-7-95E was presented whereas Art Nielson dba Frontier Contracting Inc., owner of 33 acres, desires to record a 1.89 acre easement to Maurice Hamilton, an adjoining landowner, in Section 11, T.37N., R.16W. Seller (Nielson) reserves the right of ingress and egress with right to install utilities in this 60' tract. This parcel is being transferred to give the adjoining landowner access to a public road. This parcel is to be part of the adjoining land and not used as an isolated tract. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried.

ADMINISTRATOR Weaver presented a proposal by Tri-State Energy to upgrade their 115-KV power line. It was determined that a public hearing needs to be scheduled.

PHONE conversation was had with Colorado State Forest Service about changes in signed Fire agreements.

ADJOURNED at 3:00 p.m.

Deputy Clerk Chairman

April 3, 1995

SEAL

Minutes 04/10/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 10, 1995

STAVE OF COLORADO)
) ss.
COUNTY OF COLORADO)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 10, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, April 3, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Tie Treasurer's reports and the Clerk's revenue report for March 1995 were received.

ACCOUNTS PAYABLE: General fund vouchers #26718 thru #26881 in the amount of \$96,542.13, Road fund vouchers #26882 thru #26938 in the amount of \$36,926.72 and Land fund vouchers #26939 thru #26950 in the amount of \$10,184.09 were approved for payment.

GAMING IMPACT FUND ORDERS: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-13-95 to the Treasurer to pay \$314.84 from the Gaming Impact Fund to Cortez Communications & Electronics, Dolores, CO 81323, for travel and labor on wiring the jail with an inversion system. Motion was seconded by Comm Story and carried. Comm McClellan made a motion to direct the Clerk to issue Order Number 0-15-95 to the Treasurer to pay \$10,011.00 from the Gaming Impact Fund to the Road Department. Motion was seconded by Comm Story and carried. Comm McClellan made a motion to direct the Clerk to issue Order Number 0-16-95 to the Treasurer to pay \$16,200.00 from the Gaming Impact Fund to the Social Services Department. Motion was seconded by Comm Story and carried.

LANDFILL ORDER: Comm McClellan made a motion to direct the Clerk to issue. Order Number 0-14-95 to the Treasurer to draw a warrant on the Landfill fund in the amount of \$4,696.18, payable to the Colorado Department of Health, ASD/AR/BI, 4300 Cherry Creek Drive South, Denver, CO 80222-1530, as the first quarter payment. Motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Supervisor Tim McComb stated he had talked with Chester Tozer about his request (see March 27, 1995 minutes). After discussion, approval was given to clean the ditch this year. The amount of time spent cleaning out the ditch will be kept. An on-site inspection of the ditch will be scheduled for next week. It was noted that changes have occurred since the original 1960s' verbal agreement, mentioned in the March 23, 1987, minutes. This may need to be addressed before continuing the agreement next year. Supervisor McComb presented his proposal for changes to the 1994 Road Department Permit Fee Policy. He will contact Montezuma Water about the proposal for any comments. Bottom fill is done on the Dunlap hill slide. A mud hole at the toe of the slide was noted. Forest Service engineers are inspecting the work. Colorado State Bridge Inspection contractor, Range Engineering has inspected all the county bridges. Eight bridges qualify for replacement funds. Proposal to submit a work plan for replacement funds was approved.

LANDOWNER Daisy Mahaffey stated that they received the letter from the Board (see January 16, 1995 minutes). she again requested that on CR 18, the county install approximately 4 culverts and blade approximately 1-1/2 miles. Supervisor McComb stated that culverts would not solve the problem as the roadbed is lower than the fields on each side. Minutes of October 24, 1994, were read and this offer reiterated. Mrs. Mahaffey again stated they did not have the funds to haul the gravel. She asked why some roads that have no houses have been upgraded with gravel in the past. At the request of the Board, she will bring a list of these roads to a future meeting.

LANDOWNER of property in the Verde Acres Phase II Subdivision, Mindy Rosenbaugh and Roberta Begay met to discuss the possibility of splitting a 7-acre parcel without getting signatures from all the landowners within the subdivision for the plat change. The covenants for the subdivision, exempted the clause that no division could be done on this parcel. Comm Story stated he would support the covenants. The problem created by a change of a recorded 60' easement by a quit claim was discussed Ms. Rosenbaugh was referred to her title company. Action was tabled until the easement problem is resolved.

LIQUOR LICENSES - McPhee Marina Recreational Complex, Inc.: Deputy Betty Davis brought to the attention of the Board several items that need to be added and deleted from past minutes. Comm McClellan made a motion to correct past minutes as follows: February 6, 1995 - LIQUOR LICENSE: add after License - "Extended Hours License." March 20, 1995 - LIQUOR LICENSES: add after public hearing - "and canvass the neighborhood", and delete after beer - "on and off premises." Deputy Davis noted that proof of publication for the 3.2% retail beer license was published in the Dolores Star (see attached). She reported that Mr. Heroux requested and was given a copy of the taped public hearing held on April 3, 1995.

ADMINISTRATIVE ASSISTANT Ginger Black presented several items for consideration: (1) Vacant appointments on the Planning Committee have not been advertised yet. Total number of members was discussed; approval was given to advertise three appointments. The three people whose appointments are expiring will be notified and told that if they want to be considered, they need to submit a letter in answer to the advertisement. The planning committee will consist of seven members and one honorary member. (2) Request to discontinue a charge to the Department of Transportation for orange trash bags used by different organizations to pick up trash along the highways. Comm Story moved to discontinue charging for the orange bags, seconded by Comm McClellan and carried. (3) Need to do some landscaping in front of the county shop. After discussion, this was approved with Ms. Black as coordinator.

PLANNING: A planning resolution P-8-95E was presented whereas Doris Cooper Powers and David Bruce Powers, owners of 59.35 acres, desire to record a 21.69 acre tract, leaving a 37.66 acre tract in Section 21, T.37N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-9-95E was presented whereas Herschel Oliver, owner of 68 acres, desires to record a 25.10 acre tract in Section 8, T.38N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-10-95E was presented whereas James Patrick Wilson, owner of 43.81 acres, desires to record a 4.00 acre tract in Section 16, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-11-95E was presented whereas Clark and Merle Root, owners of 52.60 acres, desire to record a 6.4 acre tract in Section 31, T.39N., R.17W. This tract is separated from the remaining acreage by the Dove Creek Canal Reach 2. Comm Story moved to adopt this resolution, seconded by Comm McClellan and

carried. A planning resolution P-12-95E was presented whereas Ronald and Pauline H. Zollinger, owners of 3.00 acres desire to record an "after-the-fact exemption," in Section 31, T.38N., R.16W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A verbal request for an exemption to the subdivision regulations for Renay Neely to amend planning resolution P-65-83, to switch the acreages to create a 3.80 acre parcel with a house and a 6.22 acre vacant parcel was tentatively approved. Comm McClellan moved to sign the plat for the Hoffman Subdivision, a minor seconded by Comm Story and carried.

FAIRGROUNDS Manager Dante Sena submitted a Bucking Chute Project, see attached, to complete the outside arena area. Comm Story made a motion to approve this project for \$15,376.12 from the Lottery Funds. Motion was seconded by Comm McClellan and carried. interest has been expressed far the county to hold rodeos. It was noted that this would be a major change, since in the past other entities have held the events, rather than the county. Liability was discussed. Manager Sena stated that additional insurance would be bought for each event. Improvements and projected use of the fairgrounds were discussed. The need for a ten-year plan was mentioned. Approval was given for a good fence to be constructed at the race track. Moving the ticket booth for the race track to the entrance of the fairgrounds was mentioned. This would help discourage non-paying spectators.

BOARD OF SOCIAL SERVICES was conducted.

MINERAL ENERGY IMPACT GRANT between the Department of Local Affairs and the Board of County Commissioners was received. Comm Story moved to sign the grant application, seconded by Comm McClellan and carried.

ADJOURNED at 3:15 p.m. to attend a meeting with State Representative Scott McInnis at City Hall.

Deputy Clerk Chairman

April 10, 1995

SEAL

Minutes 04/17/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 17, 1995

STATE OF COLORADO)
) ss.
COUNTY OF COLORADO)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 17, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, April 10, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for March 1995 was received.

LANDFILL ORDER – CANCELLATION: Comm McClellan moved to cancel Order Number 0-14-95, seconded by Comm Story and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that the Tozer ditch is cleaned out. It took two days at a total cost of \$1,664.00. An on-site inspection of the ditch scheduled for today was cancelled. The counters are now on CR G (east of the M&M) and CR 25. Supervisor McComb presented a request from the Forest Service to borrow a double-drum roller, which the county has not used for several years. The Forest Service might be interested in purchasing it. Approval was given to loan the equipment to them. Supervisor McComb stated he has submitted his proposal for changes to the 1994 Road Department Permit Fee Policy to the Montezuma Water Company. He has received no response: he will follow-up next week. Problems with issuing free agriculture access permits, which at a future time might need to be changed to residential access permits, was discussed. Comm Story moved to eliminate "No charge for agricultural access." under (1) in the Notice of Intent to Dig or Disturb County ROW policy, seconded by Comm McClellan and carried.

LANDOWNERS Charles and Daisy Mahaffey submitted a list of roads that have no houses, but have been upgraded with gravel in the past. These will be checked. Supervisor McComb was present. Mr. Mahaffey stated, "They are not going to put any money into a public road - and it is not reasonable to expect people to upgrade an unimproved county road." A current map was presented showing approximately 12 landowners along CR 18. It was suggested that all the landowners be contacted to help with the cost of hauling the gravel (see October 24, 1994 minutes). The Mahaffeys did not feel like this was the solution, since some of these people did not want the road gravelled, and others would not be willing to help with any costs. They expressed that the unimproved county road issue should have been addressed years ago. An on-site inspection of the area will be scheduled with the Road Supervisor.

DOCUMENTATION OF COUNTY POLICIES was discussed. Comm Story stated he felt that policies made by the Board should be in the form of a written policy resolution, included in the minutes as such, and also filed in a separate policy manual. This will be considered.

BUSINESSMAN Charlie Mitchell presented a tax bill on property he owns and is renovating. Assessor Bob Cruzan, Scott Davis and Kelli Spruell were present. Mr. Mitchell asked that a larger abatement than the approximately \$331.00 approved by the Assessor's office be made on the property taxes for 1994. After discussion, the Board stated they will consider an abatement of tax for the total amount of \$990.00. An abatement hearing will be scheduled. BUSINESSMAN Frank Chavez requested that his business property be granted the address that it was formerly known by. Assessor Cruzan was present. A mobile home on the property was moved, and the owner took the address in question - 11524 Highway 666. As a consequence Mr. Chavez's new address is out of sequence for his business and hard for customers to find. The Assessor's office will notify the mobile home owner that 11524 Highway 666 is the official address for Mr. Chavez's business.

LANDOWNER John Reynolds presented his proposed minor subdivision to split a 20.49 acre tract into two parcels. Tentative approval was given.

PLANNING: A planning resolution P-13-95E was presented whereas Lawrence S. Whyman, owner of 240 acres desires to record a 19.65 acre tract in Section 17, T.37N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations for Thomas Blackmer to split off an 8-acre tract from 160 acres was tentatively approved. A verbal request for an exemption to the subdivision regulations for Ernie Guerrero to split off a 5-acre tract from 40 acres was tentatively approved. A verbal request for an exemption to the subdivision regulations for Herschel Oliver to split off a 5-acre tract from 49 acres was tentatively approved. ***Road width to a proposed 3-lot subdivision by J. T. Wilkerson was discussed. The discussion concluded that a subdivision road needs a 60' easement, but the road surface does not have to be 24' in width. Location and size of the subdivision, could qualify a minimum road surface of 18'.

PERMITS: It was reiterated that the following should be obtained in this order for a new residence - (1) address from the Assessor's office, (2) driveway permit from the Road Department, and (3) the septic permit from the Health Department.

LIQUOR LICENSES: Deputy Clerk Betty Davis presented applications for Hotel and Restaurant and Extended Hours liquor licenses for Stoner Creek, owned by Tura Peterson. The retail liquor license application approved February 17, 1995, will be surrendered, if these applications are approved. A Public Hearing is scheduled for Monday, May 15, 1995, at 10:00 a.m. An investigation will be done by the Sheriff's Department with a set radius of 3 miles. Deputy Clark Betty Davis presented a renewal application for a retail liquor license for Smitty's Liquor. The Sheriff's Department reported no problems with this outlet. Comm Story moved to approve this application, seconded by Comm McClellan and carried.

UNDERSHERIFF Bob McDonnell presented an application for the Victims of Crime Act grant. Comm McClellan moved to approve the application, seconded by Comm Story and carried.

CONSERVATION EASEMENT: Charles Shafer presented for signature, IRS Form 8283, acknowledging receipt of a Conservation Easement dated December 12, 1994, from him. The form was signed.

FOUR CORNERS TRAIL CLUB representatives Dale Slavens and Roy Johnson and Forest Service representative Jimmy Dickerson presented a draft resolution and map on proposed trails for All Terrain Vehicles (ATVs) use in the Aspen Loop Trail Area. The proposed area is all within the Mancos Ranger District. The Sheriff's Department has no problem with the proposal. Comm McClellan made a motion to prepare a resolution, with wording included defining roads that can be used by ATVs in the Aspen Loop Trail Area. The motion was seconded by Comm Story and carried. Mr. Johnson asked if the club could buy gravel from the county. This was denied.

04-17-95

ANIMAL DAMAGE CONTROL PROGRAM (TRAPPERS FUND): Approval was given to use all monies, including a carry over amount from last year's fund, for the 1995 contract. A new contract for \$13,500.00 will be submitted. It was noted that this will be the last year that the county is involved in the Animal Damage Control Program.

ADMINISTRATOR Weaver submitted a request from the Search and Rescue organization that the county install a culvert and a graveled driveway for access to their hanger at the Airport. Cortez City Manager Bill Ray has been contacted and stated that the City has no problem with the access. The request was approved.

OFFICE OF COMMUNITY SERVICES: The following items were discussed with Mike Preston: (1) Subdivision Regulations in connection with Bed and Breakfast businesses. Statutes were read on multi-dwelling units. (2) Takings bill. (3) Federal lands Federal Advisory Committee Act.

ADJOURNED at 3:00 p.m.

Deputy Clerk Chairman

April 17, 1995

SEAL

Online Copy

Minutes 04/24/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 24, 1995

STATE OF COLORADO)
) ss. MAY 10 1995
COUNTY OF COLORADO)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 24, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, April 17, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

911 AUTHORITY BOARD. Comm McClellan made a motion to direct the Clerk to issue Order Number 0-17-95 to the Treasurer to pay \$13,290.34 from the ETA/911 account, to U.S. West Comm Services, Inc., Dept #912, Denver, CO 80271, for battery packs and installation. The motion was seconded by Coma) Story and carried.

LANDOWNER Barbara Been asked about the status of Road 27.6. It was determined that this is not a county road, but could be a private or public road. It was recommended that she contact the previous owner and/or a private attorney to determine the status. Road Supervisor McComb was present.

LANDOWNER John Reynolds met to ask for clarification on where to put a driveway access on CR 27. Road Supervisor McComb was present and reported that he had recommended it be put near the top of the hill. Comm Colbert mentioned that safety cannot be compromised. Supervisor McComb will make another on-site inspection with Mr. Reynolds and determine the safest designation.

ASSESSOR Bob Cruzan presented a copy of his news letter on new tax valuations that he will submit to the local newspapers.

CONTRACTOR Clarence Brasier stated that his company is available to supply pre-mixed hot asphalt, if the county is interested. He will meet later with Supervisor McComb.

TRI-STATE ENERGY PUBLIC HEARING was scheduled for Monday, May 15, 1995, at 1:30 P.M.

ROAD DEPARTMENT Supervisor Tim McComb stated he received correspondence from the water companies about the proposed changes for county fees. The letter did not address a solution, just expressed they objected to fees for damage and maintenance. These concerns will be discussed later in the day with them. Supervisor McComb submitted an application for funds from the Colorado State Bridge Inspection office to replace three bridges in the following priority (1) Oak Street, (2) CR 27, (3) Ismay (lower McElmo). He said that funds probably would only be available for one. Work would begin this fall. Comm McClellan moved to sign the application, seconded by Comm Story and carried. On-site inspections will be done on the Tozer ditch and the Mahaffey road next week. The list of roads submitted by the Mahaffey's has been checked. All the roads were gravelled more than three years ago, before the current policies were in effect. About another day's work is needed before completion of repairs on Dunlap hill.

PUBLIC HEARING NANNY'S BEANERY LIQUOR LICENSE: It being the time set aside, a Public Hearing was conducted for the consideration of a Hotel and Restaurant liquor license for Nanny's Beanery to sell malt, vinous and spirituous liquors. The roll was called and proof of publication was read. Present were Deputy Clerk Betty Davis, Sheriff Department representative Todd Martin, owner Phyllis M. Carney, and Terry Smith. Sheriff Department representative Todd Martin submitted Investigator Larry Staats' Report of Investigation. The polling report showed that within the set radius of 1/2 mile, 21 residents were polled. The following questions were asked; (1) Do you feel there is a need for this license? In answer to this question, the survey showed 13 affirmative, 8 against, and 0 no opinion. (2) Do you want this license issued? In answer to this question, the survey showed 13 affirmative, 8 against, and 0 no opinion. The report also shows that an investigation was done of Ms. Carney's financial and character background, and the establishment was physically inspected and matched diagram submitted. The nearest school is 2-1/2 miles from the establishment. It was noted that the distance of the nearest church will be corrected to show one mile instead of three miles. No public was present. Comm Story moved to approve this application, seconded by Comm McClellan and carried. These proceedings were taped for the record.

LA PLATA OPEN SPACE CONSERVANCY Director Kathy Roser presented information and brochures on Conservation Easements, Open Space Conservancy and the Colorado Coalition of Land Trusts. Mike Preston was present. She stated that the organization is regional and works outside LaPlata County.

DOCUMENTATION OF COUNTY POLICIES in a policy manual was approved.

ANIMAL DAMAGE CONTROL PROGRAM CONTRACT: Comm McClellan made a motion to sign the \$13,500.00 Cooperative Animal Damage Control Program Contract between the Montezuma County Commissioners and the U.S. Department of Agriculture, Animal and Plant Health Inspection Service for the fiscal year of 1995, the last year that the county will enter into this contract. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT PERMIT FEE POLICY: Road Department Supervisor Tim McComb and Lloyd Everett, Montezuma Water Company representatives Chris Kramer, Mike Bauer, and Jim Youngs, Summit Ridge Water District representatives, Gary Shaw and Ben Gordanier met to discuss the county permit fee policy adopted in 1994. Statutes were read on the county's right to set fees. It was noted that the county has to recover expenses for administration and maintenance on road disturbances. After discussion, the changes and additions were made in the policy: (a) High Impact - road bore asphalt fee from \$100 to \$50, road bore gravel fee from \$100 to \$50, (b) damages to road surface must be repaired the first time to county specs, and (a) no charge for fire hydrants. A formal resolution will be prepared for adoption.

LANDOWNER Paula Boniface mot to discuss a section of her property that was designated as a county right-of-way on her deed and given to the county in 1908. The right-of-way has never been used by the county. She asked for a quit claim deed from the County. She would like to fence in the area to stop dumping and use of the area by other people. The property borders the city limits. She was advised to check with the City of Cortez for any problems concerning this section of land. *** Later in the day, she presented a letter from City Manager Bill Ray stating the city has no interest in any purported right-of-way that may cross the parcel. The request was tabled until an on-site inspection of the area by the Board.

REALTOR Bob Durant asked if the Board would do an on-site inspection with him of a proposed cluster development site on property owned by Carter Norris. This was scheduled for Monday, May 15th.

04-24-95

3

LANDOWNER Mark Johnson met to discuss a problem with a boundary line in the Johnson Subdivision (Merritt Subdivision). It was determined that there was a boundary line mistake on the plat. Approval was given for him to submit a corrected plat.

LANIER SUBDIVISION: Comm McClellan moved to approve and sign the plat for Lanier Subdivision - a minor subdivision, seconded by Comm Story and carried.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (DCBG) representatives Peter Tregillus, Joyce Troxel and client representative Dixie McGray met with the Board. Mr. Tregillus gave an update on the program's goals and asked for input. Suggestions were made to look at existing dwellings for affordable housing, rather than build new units in Cortez. Ms. McGray recounted how the housing program had helped her achieve a more independent life-style.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

April 24, 1995

SEAL

Online Copy

Minutes 05/01/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 1, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 1, 1995, at the Courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk
G. Eugene Story, Commissioner of Deeds - Absent

MINUTES of the previous meeting held on Monday, April 24, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report was received for April 1995. A letter from Attorney Mike Green with concerns about the Department of Social Service's voice phone service was noted.

PAYROLL: General fund payroll vouchers #13424 thru #13545 in the amount of \$142,824.13, #22470 in the amount of \$16,132.15, #22471 in the amount of \$86,633.49, Road fund payroll vouchers #13546 thru #13577 in the amount of #8565 in the amount of \$34,640.61, and Landfill fund payroll Vouchers #13578 thru #13581 in the amount of \$4,831.10, #77 in the amount of \$3,232.46 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-18-95 to the Treasurer to pay \$647.04 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Colbert and carried.

RESOLUTION 06-95: Comm McClellan made a motion to adopt Resolution 06-95 declaring that the roads in The Aspen Loop Trail area shall be designated for "off-highway vehicles" use. The motion was seconded by Comm Colbert and carried.

CLUB 20 representative Bill Bauer gave a report on his recent trip to Washington D.C.

MAHAFFEY-CR 18: Road Supervisor Tim McComb reported that the on-site inspection was conducted. The estimated cost to bring this unimproved county road up to county specs is as follows. County cost - \$48,000; Charles and Daisy Mahaffey cost - \$15,000. The \$15,000 is to pay for hauling base rock for the 1-1/2 miles. This offer was made to the Mahaffey's. The Mahaffey's contacted Comm Story and stated that they refuse the offer. Since this final offer has been refused, the deadline date of September 30, 1995, is void, as of May 1, 1995.

ROAD DEPARTMENT Supervisor Tim McComb reiterated that the list submitted by the Mahaffey's has been checked. All the roads were gravelled more than three years ago, before the current policy was in effect see minutes dated September 27, 1993. Supervisor McComb will compile information showing the exact dates, etc., of what and when work was done on the listed roads and submit this information to the Board. They are ready to start putting on mag-chloride. Nielsons, Inc., who is hauling from the Noland Inc. gravel pit on CR 38, will be contacted about their hauling schedule before mag-chloride is put on CR 38. A resident's call asking that Road

K.6 in the Highland Terrace Subdivision be maintained was noted. After discussion, it was determined that this section of road is (1) not a county road, (2) not built to county specs, and (3) has never been maintained. The person will be notified of this information. Forest Service representative Paul Christensen contacted Supervisor McComb asking that the county reconsider snow-plowing Millwood Road (Road 39.9) from CR P north to the San Juan Bible Camp. Action was tabled until a meeting with the Forest Service is scheduled.

BUREAU OF LAND MANAGEMENT (BLM) representatives Kent Hoffman, Wayne Werkmeister, and Larry Wagner met to discuss proposed cleanup efforts of the BLM Stinking Springs/Cache Canyon Area. They presented a map of the area and photos showing the trash dumping in the area. They stated that the photos do not show the extent of the dumping, which is along both –sides of the road and into the trees. They asked if the Board would support BLM's proposed effort to cleanup the area with public involvement.

The BLM will be the lead entity. Ideas considered for the cleanup and afterward were (a) names of entities to contact for volunteer involvement, (b) use of county trucks for 1 to 2 days, (c) plan the project for fall, (d) take aerial photos of the area, (e) fence the area, (f) police the area more, and (g) close spur roads. Sheriff Kennell, Undersheriff McDonnell, Landfill Manager Lanier, and Road Supervisor McComb were present.

SHERIFF Sherman Kennell and Undersheriff Bob McDonnell reported that crime in the County is increasing. As a result of this, the increase in expenses for inmate transportation, jail occupancy, and food is impacting the current budget. It was noted that these services have to be provided. A

report showing how the increase in population in the county is effecting the cost for these services will be prepared and submitted to the proposed land use plan working group. Mike Preston was present.

PLANNING: A planning resolution P-14-95 was presented whereas David and Nancy Acree, owners of 5 acres, 1.1 acres owned by Mountain Gravel and Construction, in Section 2, T.36N., R.16W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. Proposed development of 12 acres in the Evans Family Trust was discussed. A verbal request for an exemption to the subdivision regulations for Hank Hayne to split off 5 acres from 80 acres was tentatively approved.

ASSESSOR Cruzan stated that lobbyists for the Colorado Assessor's Association notified him that the County and City of Denver are proposing an amendment to override the recent Colorado Supreme Court decision concerning the case between the ARA Mesa Verde Co. and Montezuma County. A conference call was made to State Senator Ben Alexander to discuss this.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED FOR LUNCH with the City of Cortez. The Airport Committee approved the April 3, 1995 minutes.

DISTRICT ATTORNEY George Buck gave a report on the estimated expenses for an upcoming trial that has been moved to Delta, CO. He asked his 1995 budget be amended to include these added expenses. The Board advised him to come back after his Miscellaneous and Travel accounts are exhausted.

OFFICIAL COUNTY ROAD MAP: A public hearing to update the official county road map will be scheduled this month. Road Supervisor Tim McComb will be asked to meet with the Road Department Foremen for input on update(s) that need to be done.

CORTEZ CEMETERY DISTRICT BOARD APPOINTMENTS: Comm McClellan moved to appoint and clarify the following 3-year term appointments to the Cortez Cemetery Board: Duane Neal – 1994, 1995 and 1996, and Dave Dahl -1995, 1996 and 1997, seconded by Comm Colbert and carried.

05-01-95

3

ON-SITE INSPECTIONS: An on-site inspection was done on property owned by Paula Boniface. A quit claim will be prepared. An on-site inspection was done on the Tozer ditch. An engineer will be contacted for the possibility of redesigning the ditch.

ABATEMENTS: Assessor Cruzan being present, petitions for abatement of property taxes were presented for the Followers of Christ Church of Pleasant View Co., Inc., on Parcel #12 5341-061-00-026, 1994, erroneous assessment, \$764.12, and Parcel #12 5335-142-00-012, 1994, erroneous assessment, \$1,919.99. Assessor Cruzan recommended that these petitions be approved. Comm McClellan moved to approve these petitions, seconded by Comm Colbert and carried. All proceedings were taped for the record and it was noted that the Assessor, Comm Colbert and Comm McClellan were present.

OFFICE OF COMMUNITY SERVICES: Mike Preston discussed: grazing permit allotments, the upcoming Forest Health Conference, and application for Open Space GoCo monies.

ADJOURNED at 3:30 p.m.

Deputy Clerk Chairman

May 1, 1995

SEAL

Online Copy

Minutes 05/08/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 8, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 8, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, May 1, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer's reports for the month of April 1995 were received.

SHERIFF POSSE representative Darrell Loyd asked if the county would donate 10 loads of rejected sand for the Posse grounds driveway. Mr. Loyd was informed that the county would not do the hauling. Comm McClellan suggested he check with a private business that has a closer supply. Road Supervisor McComb was present. He will check and be sure there is enough left to donate after other requests have been fulfilled. The Board approved the request, contingent on the above suggestions and conditions.

ROAD DEPARTMENT Supervisor Tim McComb presented(1) detailed information on the Upgrading County Roads list submitted by the Mahaffey's, and (2) the proposed Rates for Working in R.O.W. of Montezuma County. These were discussed Comm Story asked that Supervisor McComb compile and submit a cost estimate for Road Department expenditures for the rest of the year. An interest in upgrading CR 18 was noted from Warren Sly, a property owner

on the road. Mr. Sly will be informed of the current policy - (1) in cooperation with the Road Department, any non-improved county road built to county specs will be maintained by the County, (2) all improvements to bring them up to specs must be done by the landowner(s), (3) time limits will be set (see minutes of January 3, 1995). ROW on CR 27 was checked – there is 60'. Supervisor McComb reported that an on-site was done with John Reynolds on a new access off CR 27. The access will be done near the top of the hill, as recommended by Supervisor McComb. The Road Department will be contacted to do a final inspection. Landowner Walt Sitton contacted Supervisor McComb and asked if the county would be interested in paving 1/2 mile of CR 25. The landowners would create a paving district to pay for it. It was suggested that after the paving district is formed, that they get bids from the county and other private entities. Supervisor McComb will inform him of this suggestion. Cleanup still needs to be done on Dunlap hill, which shows no further signs of sliding.

SOUTHWEST COLORADO BEAN COMPANY representatives Mark Wilson and Wesley Wilson asked for input on splitting 3+ acres into 3 commercial lots. Planning resolution P-8-92 was noted. The following suggestions were made and discussed: (1) lease out the whole parcel, (2) have deed restrictions on the parcel, (3) add the 3+ acres to a larger parcel and plat as a subdivision, and/or (4) create a moderate 3-lot subdivision. These suggestions will be presented to the co-op members.

PLANNING: A planning resolution P-15-95E After-the-Fact Exemption, was presented whereas Pat Honaker, owner of 46 acres, desires to record a 3.54 acre tract in Section 34, T.38n., R.17W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A planning resolution P-16-95E was presented whereas Richard and Karen Lincoln, owners of 59 acres, desire to record a 4.40 acre tract in Section 30, T.37N., R.15W. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented applications for renewal of the retail liquor license for Hilltop Liquor, and renewal of the 3.2% beer license for Skyline Foodmart. The licenses which expired May 4, 1995, were mailed by the owner, Lisa Pierce, directly to the State, by mistake. Deputy Davis checked with the State - it was determined that the applications for renewal are valid. A verbal report that the Sheriff's Department had no problems with these outlets was noted. Comm Story moved to approve these applications, contingent on letters from the Sheriff, seconded by Comm McClellan and carried. **** Later in the day, letters were received from the Sheriff's Department reporting no problems with these outlets.

CLERK Evie Ritthaler reported that Sheriff Deputy Investigator Larry Staats has resigned, and his position is not being filled. Deputy Clerk Davis and Undersheriff McDonnell were present. Clerk Ritthaler asked if Deputy Davis could contract with the county to do liquor license investigation reports, since the position would not be official filled. Undersheriff McDonnell assured the Board that the Sheriff's office was willing to continue doing the investigation reports at this time. It was agreed that the investigation reports will continue to be done by the Sheriff's office.

GAMING IMPACT GRANT FUNDS: A list (see attached) of suggested priorities and applications for impact grant funds were presented by Undersheriff Bob McDonnell and Cortez Fire Protection District representative Patricia Higgins. Undersheriff McDonnell will continue to present the applications to the Gaming Impact Committee for Montezuma County. Comm Story moved to accept the priority list and sign the submitted applications for Gaming Impact Grant funds, seconded by Comm McClellan and carried.

UNDERSHERIFF McDonnell reported on the following: ways to cut food costs for the jail, the need to submit an Energy Impact Grant for monies to be used for an addition to the jail, and the current agreement with the Ute Mountain Utes.

MONTEZUMA COUNTY MOSQUITO CONTROL DISTRICT representatives Floyd Ray, T.J. Knight and Ben Gordanier asked if the Board would help set up an informational meeting about aerial and ground spraying for mosquitoes. This was approved. The meeting was tentatively set for the evening of May 22th and will be announced in the Mancos Times.

HEALTH DEPARTMENT Sanitation Manager Mitchell Periman, at the request of the Board, gave a report on his duties. Also presented and discussed was the process for obtaining a permit and the different septic systems. Comm Story stated he felt that scientific data is needed to support county policies. He suggested that Manager Periman spot monitor area rivers twice a year to obtain this data. After discussion, it was agreed that this will be done. Mike Preston was present. Ways to use GIS mapping for residential locations, and how to incorporate septic permit regulations into the proposed land use plan were discussed.

BOARD OF SOCIAL SERVICES was conducted.

05-08-95

3

OFFICE OF COMMUNITY SERVICES: Mike Preston presented a grant application for Open Space GoCo monies. This was approved. He gave a report on the Forest Health Conference. The agenda for tonight's proposed land use planning meeting was discussed. He asked if the Board would support the reappointment of Don Schwindt to the Dolores Water Conservancy District Board. After discussion, it was decided that since this is a Judge appointed appointment any support should be done on an individual basis, and not as the Board.

ASSESSOR Bob Cruzan and Mary Zumach presented Qaulified/Verified 1/93-6/94 Sales figures and explained the changes in assessed tax valuations for 1995. Since these valuations show significant changes, an article explaining the effect these changes will have on property taxes will be submitted to the newspapers by Assessor Cruzan.

COLORADO COUNTIES INC. (CCI): Comm Story made a motion to re-join CCI and pay a prorated membership fee as of May 1, 1995. The motion was seconded by Comm McClellan and carried.

COUNTY REVOLVING LOAN FUND: Citizens State Bank has reported that there are problems with collecting a guaranteed \$12,500.00 loan made to Michael and Beverly McGuire dba Ample Duds – see March 9, 1992 minutes. Action was tabled until further information is received.

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

May 8, 1995

SEAL

Minutes 05/15/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 15, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 15, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, May 8, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Clerk's report for the month of May 1995 was received.

GAMING IMPACT FUND ORDERS: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-19-95 to the Treasurer to pay \$490.50 from the Gaming Impact Fund to the Cortez Fire District. Motion was seconded by Comm Story and carried. Comm McClellan made a motion to direct the Clerk to issue Order Number 0-20-95 to the Treasurer to pay \$490.50 from the Gaming Impact Fund to the Montezuma County Court. Motion was seconded by Comm Story and carried.

TRAPPERS FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-21-95 to the Treasurer to transfer \$5,462.83 from the Trappers Fund to the General Fund. The motion was seconded by Comm Story and carried.

CATTLEMEN'S ASSOCIATION members Scott Cox, Brent Alexander, Bill Bauer and Vern Koppenhafer met with the Board. The Board asked if the Cattlemen's Association would keep them better informed about their needs and programs. They also asked for their support in connection with the proposed land use plan. Mike Preston explained some of the areas that cooperation with government entities would be to the Association's advantage. Permits for allotments were discussed.

ALADDIN SUBDIVISION residents, Clarence and Shirley McLaughlin, and others (see attached) met to ask about the status of Road F.5. A signed petition (see attached) was presented asking that this section be county maintained. They were told that this is not a county road, and this section was re-platted as part of the subdivision. It was suggested that the residents share in the cost to improve the road. They stated that an earlier estimate was prohibitive. They asked if an estimate might be done by the county. Road Supervisor Tim McComb was present. He will do an on site inspection and compile cost figures for them (1) to bring the section up to county specs, or (2) just to improve the road to a passable level. They will be notified when this is completed.

LANDOWNER Warren Sly's letter (see attached) concerning CR 18 was noted.
Action was tabled.

ROAD DEPARTMENT Supervisor Tim McComb reported that they are through crushing at the Ormiston gravel pit and will be moving to the Hay Camp pit. Mag-chloride is done in the Mancos area, and they will start this week in the Cortez area. It was noted that mag-chloride was put on CR 38 and paid for by Frank Noland dba Noland, Inc. Kelly hill has not been flagged yet; no work has been done. Supervisor McComb asked if they may stop the chip and seal on the landfill road inside the gate, until use of the old landfill area is discontinued. This was approved.

PUBLIC HEARING - STONER CREEK HOTEL AND RESTAURANT AND EXTENDED HOURS LIQUOR LICENSES It being the time set aside, a Public Hearing was conducted for the consideration of a Hotel and Restaurant and Extended Hours liquor licenses for Stoner Creek. The roll was called and proof of publication was read. Present were Deputy Clark Betty Davis, Deputy Clerk Tammy Newly, owner Tura Paterson, Pete Paterson, Patty Rideout, Sheriff "apartment Investigator Todd Martin, and Steve Nowlin. Deputy Clerk Betty Davis presented (a) the applications for a hotel and restaurant and extended hours liquor licenses, (b) a letter from Ms. Peterson surrendering the retail liquor license approved February 13, 1995, and (c) a diagram showing changes to the premises. Deputy Davis read a letter of support from Earl and Clyde Hutchinson. Fingerprint results have been received and there is no problem. Sheriff Investigator Todd Martin presented the Report of Investigation. The polling report showed that within the set radius of 3 miles, 11 residents were polled. The following questions were asked: (1) Do you feel there is a need for this license? and (2) Do you want this license issued? The survey showed 9 affirmative, 2 against, and 0 no opinion for both questions. Investigator Martin's report also showed that an investigation was done of Ms. Peterson's financial and character background and the establishment was physically inspected. Patty Rideout expressed her support of the application. Comm Story moved to approve the applications for a hotel and restaurant and extended hours liquor licenses for Stoner Creek, seconded by Comm McClellan and carried. These proceedings were taped for the record.

TREASURER Bobbie Spore, at the request of the Board, discussed her Investment Reports of May 8, 1995.

ABATEMENTS: Assessor Bob Cruzan being present, a petition for abatement of property tax was presented for Charles L. and Ramona L. Mitchell, #61 5605-281-14-001, 1994, erroneous assessment, \$990.00. Mr. Mitchell was present. Comm McClellan moved to approve this petition, seconded by Comm Story and carried. Petition for abatement of property tax was presented for Eric Anderson, #12 5637-102-02-003, 1994, erroneous assessment, \$3,130.78 Mr. Anderson was present. Assessor Cruzan recommended approval of this abatement. Comm Story moved to approve this petition, seconded by Comm McClellan and carried. All proceedings were taped for the record and it was noted that the Assessor and all the Commissioners were present.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING, Planning resolution P-17-95E After-the-Fact was presented whereby Jack and Lynelle Rule, owners of 14.15 acres, would be granted an after-the-fact exemption to the subdivision regulations to record this exemption in order to obtain a second septic system for a bunk house in Section 15, T.38N., R.14W. The Rule's currently have one existing septic system. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-18-95E was presented whereby Kirby Weaver, owner of 64.88 acres, would be granted an exemption to the subdivision regulations to record a 22.13 acre tract in Section 11 T.35N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved for Michael Treinen to take an 11 acre tract from 51 acres for mortgage purposes. A verbal request for an exemption to the subdivision regulations was tentatively approved for Ruth Stewart to split 15 acres from 80 acres - Comm Story abstained because of a conflict of interest. A verbal request for an exemption to the subdivision regulations from Roberta Bengé was tabled until easement to the property is checked. *** Other items noted were: (1) Approval for an 18' road surface for J. T. Wilkerson's 30 lot subdivision. The subdivision does have a 60' easement. (2) The need for an on-site inspection before any development of the 12 acres in the Evans Family Trust.

05-15-95

3

POLICY ROAD SURFACE WIDTH; Roads serving up to 4 residences may be between 18 to 24 feet in width. A review of service and width will be done on an individual basis. A 60' easement is still required.

ELEV SNOW WATER Equivalent Total Precipitation for San Miquel, Dolores, Animas and San Juan River Basins graph, as of May 15th was presented by John Porter. Sheriff Kennell was present. Precautions and actions needed in case of flooding this year were discussed. It was reiterated that the county road department is available for any help, in case of an emergency. Sheriff Kennell stated that he will be meeting with persons responsible for any problem areas. PUBLIC HEARING - TRI-STATE PROPOSED TRANSMISSION LINE SERVICE: It being the time set aside, a public hearing was conducted on the proposed 115 kV transmission line service in the area. The roll was called and the Proof of Publication was read. Comm Story was excused because of a conflict of interest. Present were Tri-State representatives Bobby Bond, Burton Norem, Mark Zahn, Steve Mundorf, and Martin A. Rehm, Empire Electric Association representatives, Dave Rightley and Neal Stephens, private landowners Hank Hayne, Don Dove and Wayne Johnson and Herb Rehm. The line is to be installed by Tri-State. The project is being undertaken in conjunction with Empire Electric Association (EEA) to provide continued reliable electrical power to customers within EEA's service area. The proposed transmission loop will be accomplished by Tri-State upgrading three existing 44 kV transmission lines to a 115 kV transmission line. EEA will make improvements at East Cortez, Blue Door and Cortez substations to accommodate the proposed 115 kV loop. Maps and graphs were presented showing the proposed line; and the engineering and environmental aspects of the project were discussed. Landowners Hank Hayne and Don Dove expressed opposition to the project because of potential disturbance to cultural resources on their properties. One section of the line is within the archeological site of Mitchell Springs. They were assured by Tri-State and Empire that they would work with them for the least amount of impact on any of the sites. Mr. Hayne and Mr. Dove agreed to cooperate with them. Wayne Johnson expressed concerns about visual impacts if poles are installed on both sides of his road, and the safety of magnetic fields around residences. Both these questions were discussed. Cost for lines was addressed and easements were discussed. Comm Colbert stated it is very important that both entities deal with the private landowners. He was assured that they would. Since more information is needed about environmental issues in connection with possible resource disturbances, the public hearing is continued until Monday, June 5, 1995, at 1:30 p.m. These proceedings were taped for the record.

HEALTH DEPARTMENT Nurse Bette Sutter presented three contracts. The Occupational Therapy Contract and the Speech Therapy Contract between Montezuma County Health Department and Southwest Memorial Hospital were signed. Comm McClellan moved to accept the Single Entry Point Agency Contract with the State of Colorado Department of Health, seconded by Comm Story and carried. A need to adopt an Animal Rabies contract in the form of a resolution was discussed.

RELEASE OF DEED OF TRUST: Comm Colbert made a motion to Release a Deed of Trust between Willard Walker and Montezuma County. The motion was seconded by Comm McClellan and carried. Commissioner of Deeds G. Eugene Story signed the release.

SOUTHWEST COMMUNITY RESOURCES (CDBG) - Request by Southwest Community Resources for reimbursement from Colorado Housing was signed.

ADJOURNED at 3:45 p.m.

Deputy Clerk Chairman

May 15, 1995

SEAL

Minutes 05/22/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 22, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 22, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, May 15, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's revenue report for April 1995 was received.

ORDER OF THE COURT in case No. 94SA20 re Mesa Verde Company vs the Montezuma County Board of Equalization and the Montezuma County Assessor, and The Property Tax Administrator of the State of Colorado was received.

NOTICE OF INTENT TO FILE CLAIM by Tom Redd was received. The Insurance Company was notified.

SUMMONS: A summons was served to the Clerk to the Board of Commissioners from McPhee Marina Recreational Complex, Inc. vs Montezuma County Board of Commissioners, Thomas K. Colbert, Helen McClellan, and G. Eugene Story, Acting as the Local Liquor Licensing Authority for the County of Montezuma.

ALADDIN SUBDIVISION residents, Clarence and Shirley McLaughlin and others (see attached) met with the Board about Road F.5. Road Supervisor Tim McComb gave the cost estimate reports. It would cost the residents approximately \$3,000 to bring the 560' up to county specs. Using road department equipment, this would include 4 hours of blading and pulling up shoulders, and 170 yards of delivered gravel. Blading cost only would be approximately \$200. It was noted that since this is not a county road, the residents may decide how much work they want to do on the road. Approach to the highway and a need to remove a tree for better visibility was discussed.

SHERIFF Sherman Kennell stated they are in the process of procuring sand bags. *** Later in the day Undersheriff McDonnell reported that a source had been located.

RETIREMENTS: Resolution 07-95 was presented, whereas Dale L. Black has been employed by Montezuma County for 34 years; Resolution 08-95 was presented, whereas Donna J. Dodson has been employed by Montezuma County for 19 years (Sheriff Kennell accepted for her); and, Resolution 09-95 was presented, whereas W. Aliene Waldorf has been employed by Montezuma County for 11 years -- be it resolved that the Board hereby congratulates and expresses appreciation to them for their service to the citizens of Montezuma County. Comm McClellan moved to adopt these resolutions, seconded by Comm Story and carried. Plaques were also presented.

POLICY - ROAD DEPARTMENT RATES FOR WORKING IN R.O.W.: Comm Story made a motion to adopt the fees presented by Road Supervisor Tim McComb an May 8, 1995 (see attached). Motion was seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that Donald Tozer had called complaining about CR G (McElmo road). The Road Department bladed it. This was the 6th time it has been bladed this year at \$500/per grader. Mag-chloride will be put on the bad spots and corners. Discussed cost for chip/sealing it. Counters are not being used at this time. Comm Story stated he would like for a count to be done on CR 25 (Lebanon Road). The use, condition, and option to temporarily close CR 10 in bad weather was discussed. Letters will be written to companies and/or their contractors, using this road, asking if they would be willing to help repair the road. Supervisor McComb reported that the estimated cost to do 1/2 mile of CR 25 south of town would be (a) paying - \$35,400, or (b) chip and seal \$17,470. Mr. Sitton will be notified of these figures. The suggestion will be made that they seek bids from other private entities (see May 8, 1995 minutes). Any work by the county could not be done until next year. Supervisor McComb stated that the Dolores Cemetery District asked if they could have three loads of screened gravel to do three foot paths. They would do the hauling. This was approved. A right-of-way problem with the Mike and Debbie Yearout property on CR D.6 was mentioned. Fences have been installed in the county right-of-way. An on-site inspection will be done today. How to repair holes on Kelly hill was discussed. As requested, expenditure figures were presented for the rest of 1995. It was agreed that gaming impact monies will be used for roads qualifying the funds.

POLICY - GRAVEL FOR SPECIAL DISTRICTS: Comm Story made a motion that the County honor requests from Special Districts for gravel, if the amount requested is within reason and available, and the Districts do the hauling. The motion was discussed. Comm Story made an amended motion that the County honor requests from the Cemetery Districts and the Fire Districts for gravel, if the amount requested is within reason and available, and the Cemetery and Fire Districts do the hauling. The amended motion was seconded by Comm McClellan and carried.

LANDOWNER Don O'Brian met to ask for an exemption to the subdivision regulations to split 39 acres into a 23.4 acre parcel and a 15.75 acre parcel. Tentative approval was given contingent on receipt of written proof showing permitted highway access.

REALTOR Betty Lancaster asked for input about a Court Order dividing the Estate of Doris Dora Comisky (125 acres) - to Marjorie Barnett, Clyde Comisky, Laura Gilliland, Tom Comisky, Joe Jones and Jerry Comisky. The suggestion was made that the heirs create a subdivision in accordance with county rules and regulations and submit the new plat to the Board, or leave the property division as directed in the Court Order, since it takes precedence.

REPTILE RESERVE OF SOUTHWEST COLORADO brochure for a business proposal was presented by Jeffery Thulin. Present were other landowners in the area, Jo Ann Hayes, Joe Amorelli, Sr. and Liz Barten. They stated they were opposed to the proposal. Concerns expressed by them were: (1) not enough notification, proper advertising and public input, (2) busy access off Hwy 160 onto CR 37, (3) impact of traffic on the county road, (4) the stigma attached to that many reptiles being close to a subdivision, (5) the health and wealth of the community, and (6) a possible devaluation of property values in the area. Mr. Thulin stated he would look into some type of covering for the pit, to discourage birds of prey. He also mentioned that the Division of Wildlife would regulate the business, and he would be required to obtain an exhibition license. The Board stated that at the present time there is no county policy regulating land use; therefore the Board cannot approve or disapprove this use.

ADJOURNED FOR LUNCH and an on-site inspection of CR D.6.

PLANNING: Planning resolution P-19-95E was presented whereby Ruth J. Stewart, owner of 81.91 acres, would be granted an exemption to the subdivision regulations to record a 14.90 acre tract in Section 5, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Story abstained because of a conflict of interest. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried.

Planning resolution P-20-95E was presented whereby Thomas H. and Sherrie A. Blackmer, owners of 160 acres, would be granted an exemption to the subdivision regulations to record a 8.14 acre parcel in Section 28, T.37N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, second by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved for Mark and Stacy Cumpton to split 10 acres from a south 80 acre tract and to split 10 acres from a north 80 acre tract. It was noted that Roberta Bengé will be notified that she needs to meet with the Board about her request for an exemption to the subdivision regulations to split 5 acres from a 40.77 acre tract. The road width needs to be addressed at that time. A verbal request was tentatively approved for an exemption to the subdivision regulations to correct a boundary line between properties owned by Bill Zelmer and Bob Gaddis and Margret Johnson and Winifred Sharp.

CLAUDIA FERGUSON SUBDIVISION: Comm McClellan moved to sign the plat for the Claudia Ferguson Subdivision (minor), seconded by Comm Story and carried.

MARK JOHNSON SUBDIVISION: Comm McClellan moved to sign the plat for the Mark Johnson Subdivision (minor), seconded by Comm Story and carried.

BOARD OF SOCIAL SERVICES was conducted.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss items that need to be addressed with Carter Norris on his 33-lot subdivision. An on-site inspection was done by the Board on May 16th. Federal lands report was given. A request that the Board assist in contracts for the Pine Zone Project was approved. This would not create any county liability. Attendance of the working group to the Smart Growth meeting was discussed - fees will be paid from grant monies.

STATUTES on Prepayment of Taxes were reviewed and discussed.

RELEASE AND QUIT CLAIM: Comm McClellan made a motion to Release and Quit Claim unto Brian M. Boniface and Paula A. Boniface, in joint tenancy, all the right, title and interest of the Board in and to that real property lying and being in Montezuma County, Colorado, described on Exhibit A attached hereto. The motion was seconded by Comm Story and carried.

Commissioner of Deeds G. Eugene Story signed the Release and Quit Claim.

ADJOURNED at 3:55 P.M.

Deputy Clerk Chairman

May 22, 1995

SEAL

Minutes 06/05/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 5, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 5, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, May 22, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Receipt of a letter from W. H. Burt Explosive Inc. requesting use of Highway 184 as an alternate route for Hazardous Waste was noted – it will be sent to the State Highway Department.

PAYROLL: General fund payroll vouchers #13589 thru #13706 in the amount of \$135,678.68, #22651 in the amount of \$84,137.96, Road fund payroll vouchers \$48,276.71, #8634 in the amount of \$33,725.75, Landfill fund payroll vouchers #13739 thru #13742 in the amount of \$5,553.06 and #86 in the amount of \$3,630.59 was approved for payment.

LANDOWNER Marcia Reichenau met to ask that loop road F.75 and 24.8 be bladed. The road condition was created from use by county trucks. The county will not use the road in the future, and it will be bladed one time to correct the problem. Road Supervisor McComb was present.

ROAD DEPARTMENT Supervisor Tim McComb was told about several compliments the Board received on blade patching of Lebanon (CR L). Supervisor McComb asked if the policy has changed in regard to building turn-arounds, furnishing gravel, and plowing snow for School Districts' bus transportation routes. A meeting will be scheduled with the School Districts' representatives to reevaluate the past policy. Supervisor McComb stated he gave cost figures for paving – chip/sealing of CR 25, south of town to Linda Wilkerson. Mag-chloride report: (1) CR G (McElmo) for a total of one mile, which included one-half mile at the beginning, 800' in front of the Battlerock School area, and several corners, (2) CR BB and CR 10 – Celsius Energy Co. paid for this application, (3) Dolores District this week, (4) all will be completed this week. CR G (McElmo) blading cost (\$500/blade per trip) vs. mag-chloride cost (\$3,000/mile) was discussed. Limbs put in the barrow ditch by Jim Youngs' property will be removed by the County; even tho, they were probably put there by a landowner in the area. The need that all entities be charged the same for road department permit fees was discussed.

NON-IMPROVED COUNTY ROAD 18, A conference call was held between landowner Warren Sly, the Board, and Road Supervisor McComb. Mr. Sly expressed his interest in bringing 2.5 miles of CR 18 up to county specs, with help from the county. From a legal standpoint there is no offer on the table, at this time, from the county to the residents for the county to help bring the 2.5 miles up to county specs. At Mr. Sly's request, cost figures to bring the 2.5 miles of road up to county specs, and copies of all the minutes and correspondence concerning CR 18 will be compiled, reviewed and sent to him.

PUBLIC HEARING - OFFICIAL COUNTY ROAD MAP: It being the time set aside, a Public Hearing was conducted to consider changes to the Official County Road Map adopted May 3, 1993. The roll was called and the proof of publication was read. No public was present. Road Supervisor Tim McComb presented the following proposed changes: add - CR P.8, which has been a county road for 3 years; show - roads upgraded from gravel to pavement and roads upgraded from dirt to gravel; change V.5 to V.6 and extend - CR 10. Administrator Weaver stated that State Highway Users Tax funds would not be affected by the changes. Comm Story made a motion to adopt the Official County Road Map dated June 5, 1995. The motion was seconded by Comm McClellan and carried. These proceedings were tape recorded.

LIQUOR LICENSE - MC PHEE MARINA RECREATIONAL COMPLEX, INC., It was brought to the attention of the Board that the original application for a 3.2% retail beer licence for the McPhee Marina Recreational Complex, Inc. was not denied or approved (see minutes of April 3, 1995). Deputy Clerk Betty Davis was present. Statutes were read concerning approval/denial of an application. It was reiterated that good cause has to be shown by evidence, if the license is denied. Comm McClellan made a motion to approve the 3.2% beer license and to file in Court that such application is approved, seconded by Comm Story. Comm Colbert voted "aye", Comm McClellan voted "aye", Comm Story voted "nay". Motion carried.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for renewal of a retail liquor license for the Dawson Lake Store. The Sheriff Department reported no problems with this outlet. Comm Story moved to approve this application, seconded by Comm McClellan and carried.

COMMUNITY CHRISTIAN SCHOOL Administrator Mike Thornton met to ask for a letter of support for a grant application for the development of several athletic fields. The proposed fields would be available for community use. Grant monies will be sought to develop the area. Comm McClellan moved that the Board write a letter of support for the grant application, seconded by Comm Story and carried.

ADJOURNED FOR LUNCH with the City of Cortez. Airport minutes of May 1, 1995 were approved.

PUBLIC HEARING CONTINUED - TRI-STATE PROPOSED TRANSMISSION VINE SERVICE: It being the time set aside, a public hearing was continued on the proposed 115 kV transmission line service in the area. The roll was called. Comm Story was excused because of a conflict of interest. Present were Tri- representatives Bobby Bond, Mark Zahn, Martin Rehm, and Steve Mundorf, Empire Electric Association Dave Rightley, private landowners Hank Hayne and Don Dove, Woods Canyon Archeological Consultants representatives Linda Honeycutt and Jerry Fetterman. Mr. Hayne and Mr. Dove both thanked the Board, Tri-State, and Empire Electric for the extended time given to settle issues about cultural resources (see minutes of May 15, 1995). They stated that all their concerns have been resolved. Jerry Fetterman reported that an archeological study was done in the area and all changes made to protect the cultural resources were monitored by him. Mr. Bond gave a summary of the project. A map was presented showing the changes. He stated he believed that the objections of the two landowners have been addressed. Comm McClellan moved to approve the proposed project between Tri-State and Empire Electric, seconded by Comm Colbert and carried. These proceedings were taped for the record.

REPTILE RESERVE OF SOUTHWEST COLORADO, Landowners Joe Amorelli, Sr., Liz Barten and Al Fournier, who oppose the proposed reserve, asked that State HB 1041 be considered as a possible authority to stop the commercial development. Jack Gallager was also present. Interpretations of HB 1041 were discussed. Mr. Amorelli requested that the Board hold an open forum to address the issue. This was denied. Their right to file a nuisance law suit was mentioned.

06-05-95

LANDOWNER Don O'Brian and Terry and Jennifer Starr met to discuss the request for an exemption to the subdivision regulations to split 39 acres into a 23.4 acre parcel and a 15.75 acre parcel (see May 22, 1995 minutes). Access was discussed. Mr. O'Brian stated that written proof showing permitted highway access from the State would take several months. After discussing the time factor, tentative approval was given for the exemption to the subdivision regulations, contingent on a 60' easement to the Starr's 23.4 acreage, and that the remaining 15.75 acre parcel be tied to Mr. O'Brian's adjoining property.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A verbal request for an exemption to the subdivision regulations was tabled for Patty Higgins to move a house onto a corner of the active landfill property, presently leased from John Carver. Landfill Manager Ran Lanier was present and stated he was concerned about health issues with the request. Administrator Weaver will contact the owner for more information. A verbal request for an exemption to the subdivision regulations was tentatively approved for Walt Ertel to split from 2.06 acres a 10 acre tract for his son Kennon Ertel. A verbal request for an "after the fact" exemption to the subdivision regulations to sell a 2.06 acre was tentatively approved for Danny Rudder, if it does not have a separate deed from an adjoining 14.49 acre parcel. A verbal request for an exemption to the subdivision regulations was tentatively approved for Rilla King to split 12 acres, separated by the highway, from 80 acres, contingent on an approved access. A verbal request for an exemption to the subdivision regulations was denied for Roberta Benge to split 5 acres from a 40.77 acre tract, until the road is brought up to county specs, and the county is reimbursed for any work done to cut down the hill. A verbal request for an exemption to the subdivision regulations for High Country Transportation (Crowley) to split off and sell 3 acres to Empire Electric for a substation was tentatively approved.

ON-SITE INSPECTION OF CR D.6 was conducted last week. It was noted that the Yearout's have complied with the Board's request that the yard fence be moved back and the fence in the county right-of-way be moved 30' from the center of the road.

ADMINISTRATOR Weaver presented an offer for Montezuma County to participate in an intergovernmental agreement in regard to the La Plata Center Detox Family program. This was denied.

NOTICE OF INTENT TO FILE CLAIM by Colorado Compensations Insurance Authority, for Insured City of Cortez, Claimants: Russell Johnson, Michael Marston, Loresa Likes, Rex Brinkerhoff, Bruce Atteberry, Glen Randol, Sidney Powell, Wanita Allmon, Sarah Tsosie, Darrell Hinton, Marilyn Hall, W. K. Rash, Tamara Yeomans, Ronald Barker, Christi Coleman and James Shethar was received. The Insurance Company was notified.

COUNTY LODGERS TAX COMMISSION: Comm McClellan moved to appoint Maureen Haley to serve on the board to fill the vacancy of Gene Story, seconded by Comm Story and carried.

BUREAU OF LAND MANAGEMENT - RESOURCE ADVISORY COUNCIL (RAC'S): A letter of support will be written for Bill Dauer to serve on this council as a representative for the livestock industry.

COLORADO COUNTIES, INC. representative notified the Board, by phone, that Governor Romer vetoed HB 1071, involving a recent Colorado Supreme Court decision concerning taxes paid for the use of public lands in connection with the Mesa Verde Company vs Montezuma County issue.

OFFICE OF COMMUNITY SERVICES: Mike Preston gave an update on the Federal Lands programs.

ADJOURNED at 4:15 p.m.

Deputy Clerk Chairman

June 5, 1995

SEAL

Minutes 06/12/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 12, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 12, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, June 5, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's and the Treasurer's reports were received for the month of May 1995.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-22-95 to the Treasurer to pay \$647.23 from the 911 account, to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ACCOUNTS PAYABLE: General fund vouchers #27192 thru #27366 in the amount of \$94,673.60, Road fund vouchers #27367 thru #27417 in the amount of \$34,258.88, and Landfill fund vouchers #27418 thru #27423 in the amount of \$14,429.75, were approved for payment.

LOTTERY FUNDS: Dolores Arts Council representative Jane Duncan presented a letter with information on the council, which encourages participation of young people in an entertainment program. Grant monies have been received, but other funding is needed. Comm Story moved to give \$500.00 to the Dolores Arts Council from the lottery fund, seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor Tim McComb stated that the total cost to bring 2.5 miles of CR IS up to county specs is \$115,000.00. Administrator Weaver will send this quote and other requested information to Warren Sly. A suggestion will be made that bids from private contractors are also requested. The position of the Board is there is no outstanding offer on the table, but they will listen to any comments from Mr. Sly or the other landowners. The mag-chloride is done. Others requesting it will be put on a list; it will be done at a later time. Use of the retriever to blade gravel out of the ditches and back onto the roads was discussed. They are working on Kelly Hill. The road is being cut into the bank away from the slide - the slide has stabilized. Costs are being paid for by the Forest Service. The Board will do an on-site inspection of the area this afternoon. A proposed resolution covering the new policy on road department permit fees was submitted and will be reviewed. Supervisor McComb asked if a person may be hired to fill the mechanic position at the Cortez shop. Approval was given to hire a part-time person. The position will be reevaluated next year.

HEALTH DEPARTMENT NURSE Bette Sutter gave a summary of the Parent to Parent program. Options were discussed in continuing the program, even tho the grant funding ends July 1, 1995. Approval was given to continue the program, and to come back if any additional funding is needed from the county.

BOARD OF SOCIAL SERVICES was conducted.

06-12-95

2

FAIRGROUNDS Manager Dante Sena and Lenetta Shull presented a proposed advertising brochure and logo for the fairgrounds. Copies of the brochure will be printed free through a company out of Denver, who sells advertisements to businesses in the County to cover the cost. It was suggested that any future correspondence using Montezuma County letterhead have a notation that all monies paid for the advertisements in the brochure go to the publishing company and not to the County. Approximately 3,000 copies would be printed. The Board approved the proposal. The proposal will also be submitted to the Advisory Board.

SUMMONS: McPhee Marina Recreational Complex, Inc. vs Montezuma County Board of Commissioners, acting as the Local Liquor Licensing Authority for the County of Montezuma law suit was dismissed by the Court.

PLANNING: Planning resolution P-22-95E was presented whereby Rilla King, owner of 80 acres, more or less, would be granted an exemption to the subdivision regulations to split 10.04 acres, separated by the highway, from 80 acres, in Section 30, T.37N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request to withdraw an application for the Silver Hawk Ranch subdivision, in lieu of a request for an exemption to the subdivision regulations for Judith Simmons to split 5 acres from 60 acres was tentatively approved.

CORRECTED PLAT - MC PHEE SUBDIVISION, UNIT 1, PHASE II: Comm McClellan moved to approve and sign the corrected plat for the Mc Phee Subdivision, Unit 1, Phase II, seconded by Comm Story and carried.

ADJOURNED FOR LUNCH and an on-site inspection of Kelly Hill.

Deputy Clerk Chairman

June 12, 1995

SEAL

Minutes 06/19/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 19, 1995

STATE OF COLORADO)
) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 19, 1995, at the courthouse in Cortez, Colorado, there were present:

- Thomas K. Colbert, Chairman
- Helen McClellan, Vice-Chairman
- G. Eugene Story, Commissioner of Deeds
- Bob Slough, County Attorney
- Thomas J. Weaver, Administrator
- Nelda Jenkins, Deputy Clerk

Minutes of the previous meeting held on Monday, June 12, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

LANDOWNERS Earl and Birdie Ashcroft asked the county to waive subdivision fees for two old lots, now in their proposed Turkey Creek Subdivision, and a road crossing fee paid when water lines were installed. They stated that a parcel of their land has been used several years by the county road department and school buses as a turn-around. They have moved fences back several times to accommodate this use. Road Supervisor McComb, Ginger Black and Loretta Murphy were present. After discussion, the following two motions were made. Comm Story made a motion to credit \$140 paid for a previous variance on Lot 2, which was one of the old lots now included in the proposed subdivision. The motion was seconded by Comm McClellan and carried. Comm Story made a motion that the County purchase a recorded easement (turn-around area) at the south end of CR 37 from the Ashcrofts for the sum of \$500. Comm Story amended the motion to state that a legal description of the easement also be included. Comm McClellan seconded the motion and the amended motion. The motion carried. Supervisor Tim McComb will measure the turn-around area. The total amount owed to the County for the Turkey Creek Subdivision fees is \$3,033.58. This figure reflects a \$400 driveway credit and the \$140 credit. The County will issue a \$500 check to the Ashcrofts for the easement.

TURKEY CREEK SUBDIVISION: Comm McClellan moved to sign the plat for the Turkey Creek Subdivision, seconded by Comm Story and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported complaints of water running over CR 26.5. The barrow ditch will be cleaned out and a pond owned by the Scharnhorsts, which might be causing some of the problem, will be checked. Comm Colbert asked that Supervisor McComb check CR 38, which looked dry and dusty, after heavy rainfall this weekend - mag chloride was applied this year. It will be checked. Kelly hill is done and mag,-chloride will be applied on the curve (600 feet). This week the landfill road will be gravelled to the gate. The mechanic position has not been filled. It was noted that a request for a stop sign at CR 27 and H needs to be referred to the Sheriff's department for recommendation. Supervisor McComb reported that neighbors of Mike and Debbie Yearout are still complaining about fences in the county right-of-way which have not been moved. He will contact them.

D-8 DOZER BIDS: Bids for the D-8 dozer were opened and were as follows: Easy Travel Motor Inn - \$2,673, AWOB Equipment Inc. - \$17,500, Hay Camp, Gravel \$12,750, and Goddard Enterprise - \$15,200. Comm Story moved to award the bid to AWOB Equipment Inc. for \$17,500, contingent on a certified check for said amount, seconded by Comm McClellan and carried.

06-19-95

2

BUSINESSMEN Van Willis and Patrick Kennedy met to ask for funds through the county revolving loan account to expand and market Mr. Kennedy's glove business. Mr. Willis at this time leases his building and machinery to the business. Mr. Kennedy will contact the Dolores State Bank with the request. Action was tabled until all the information is compiled about the proposed loan.

ROTH SUBDIVISION landowner Clark Record, owner of 25 acres, asked about splitting off several parcels. Since any changes would constitute a major subdivision within an existing subdivision he was advised to: (1) contact Road Supervisor McComb for a cost estimate to bring the access road up to county specs, (2) contact all the other landowners in the subdivision for signatures approving any changes, (3) consider long-term plans for the whole 25 acres, (4) make an appointment with the Planning Board to present the proposal, and (5) come back to the Board for approval/denial.

REALTOR Shiree Calvillo asked for in-puT on moving a road easement on the Jack Hindall property. There was no division of land, and the easement was not in a platted subdivision. It was determined that it did not involve the county.

BOARD OF SOCIAL SERVICE was conducted.

LANDFILL Manager Ron Lanier reported on damage done on the entrance gate at the landfill by vandals.

HEALTH DEPARTMENT: Comm McClellan moved to sign the HIV Contract between the Department of Public Health and Environment and the Montezuma County Commissioner, seconded by Comm Story and carried.

PROPOSED COMPREHENSIVE LAND USE PLAN: Comm Story moved to contract with GEO/Graphics and accept their quote of \$21,610 to do GIS mapping with grant funds, seconded by Comm McClellan and carried.

PLANNING: Planning resolution P-10-95E Amended was presented whereby James Patrick Wilson, owner of 43.81 acres, would be granted an exemption to the subdivision regulations to record a 4.00 acre tract, in Section 16, T.36N., R.15W. This tract has a 16' wide easement to it, which will be restricted to use by the owner of the 4.00 acres. This is amended to correct the legal description, and is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-23-95E was presented whereby Walter Ertel, owner of 260 acres, would be granted an exemption to the subdivision regulations to record a 10.04 acre tract, in Section 13, T.36N., R.16W., to be sold to his son. This 10.04 acre tract is to be attached to an existing 12.21 acres owned by Keenan Ertel and is not to be considered a separate tract to be sold. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-24-95E was presented whereby James and LaVaughn Linnens, owners of 117 acres, would be granted an exemption to the subdivision regulations to record a 21.40 acre tract, in Section 25, T.37N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. It was noted that Danny Rudder's 2.05 acre parcel has a separate deed (see June 5, 1995 minutes). The tentative approval was reiterated. Minutes of March 21, 1994, and March 28, 1994, in connection with a verbal request from John Burriss were read – info will be relayed to Mr. Burriss.

ADJOURNED at 2:00 p.m.

Deputy Clerk Chairman

June 19, 1995

SEAL

Minutes 06/26/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 26, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 26, 1995, at the courthouse in Cortez, Colorado, there were present;

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, June 19, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ADMINISTRATIVE ASSISTANT Ginger Black and Loretta Murphy met to discuss the problem of conveying land with recorded deeds in the Assessor's office. Sometimes the transaction is not in compliance with the subdivision statutes for division of property less than 35 acres. Comm Story asked Attorney Slough to research the options to resolve the problem. After discussion, it was agreed that an exemption number has to be on parcels before an address can be assigned by the Assessor's office. It was noted that approved exemptions to the subdivision regulations are contingent on compliance with subdivision statutes.

LANDOWNER Pat DeGagne stated that a section of CR L is very dusty since the petro mat was installed in 1993 and the area gravelled. Road Supervisor McComb and Undersheriff McDonnell were present. Undersheriff McDonnell recommended that the speed limit for this section of road be reduced to 30 mph. This was approved. The suggestion was made that costs to either mag-chloride or asphalt the gravelled section and an overlay on the rest of the one mile of road be split between Mountain Gravel, the City and the County. Supervisor McComb will check with the gravel company and the Board will make the request to the City.

UNDERSHERIFF Bob McDonnell reported two other requests for signage on county roads. He recommended the following: (1) 35 mph speed signs be installed on CR P west of Hwy 145, and (2) stop signs be installed on CR 27 and H, making this intersection a 3-way stop. The Board approved the two recommendations. The intersection of CR H and 25 (south Oak Street) was discussed. If possible, next year's road plan will include the work needed to square the intersection, so signage can be put up. Speed limits set on CR 8 (McElmo Canyon) were discussed.

ROAD DEPARTMENT Supervisor Tim McComb presented, for review, Resolution 11-95 application and fees to dig in or disturb a county right-of-way. Several complaints have been received about the condition of CR G (McElmo Canyon). Supervisor McComb stated that \$36,000 has been spent so far this year on gravel and blading of the road. Mag-chloride spots are rough. Statistics showing who uses the road will be compiled, and an application for Energy Impact Funds will be submitted. Supervisor McComb mentioned that they can only afford to use the water truck once a year when blading it. CR R will be checked. The on-going problem with the intersection at the M&M Truck Stop was discussed. A letter will be sent to the Governor asking that the State Port-of-Entry be closed to help with the congested traffic problem. The Ashcroft turn-around is 100' wide by 200' long and is adequate space to use as a turn-around. Supervisor McComb reported that he gave an estimate of \$20,250 to Mr. Record (see June 19, 1995 minutes). Mapco and Northwest will contact Supervisor McComb this week about extending the 90 feet of culvert below Kelly hill. They will supply the culvert sections and the road department will do the installation.

RESOLUTION 11-95 was presented regarding requirements and fees for companies and individuals needing to dig in or disturb a county right-of-way, and this resolution sets forth fees, terms, covenants and conditions for activities occurring in the county right-of-way. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried.

MONTEZUMA WATER COMPANY representative Pat DeGagen presented a brochure on an upcoming Water Conference. A copy of Resolution 11-95, for application and fees to dig in or disturb a county right-of-way, was given to her.

SURVEYOR Wayne Lee asked if a resolution to grandfather in parcels before a certain date might be considered to make older parcels legal that have not obtained variances/exemptions. This was denied. The Board suggested that the area in question be platted as a subdivision (see August 22, 1994, minutes – Lancaster). Mr. Lee stated that he did not think the four different landowners would want to do this and asked if “after the fact” exemptions could be obtained for the four individual parcels. This was approved.

POLICY – AFTER THE FACT EXEMPTION FEE: Comm McClellan made a motion to set a penalty fee of \$100.00 per lot for an “after the fact” exemption. The motion was seconded by Comm Story and carried.

RETIREMENT: Resolution 10-95 was presented, whereas Dorothy E. Carver has been employed by Montezuma County for 24 years and be it resolved that the Board hereby congratulates and expresses appreciation to her for valuable service to the citizens of Montezuma County. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A plaque was also presented to her.

PLANNING: Planning resolution P-25-95E was presented whereby Virgil and Florence Bane, owners of 70 acres, would be granted an exemption to the subdivision regulations to record a 3.65 acre tract, in Section 9, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-26-95E was presented whereby Mark and Stacy Cumpston, owners of 82 acres, would be granted an exemption to the subdivision regulations to record a 9.65 acre tract, in Section 9, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Impact fees were discussed. They need to be equal and fair, but the formula needs to include variables.

GENERAL LIABILITY INSURANCE BID: Comm McClellan presided as Chairperson. Comm Colbert and Attorney Slough were excused because of conflicts of interest. Wolcott Insurance Service (Penco) submitted the only bid. Wolcott representative Bentley Colbert presented the bid for \$100,829.00. Comm Story moved to accept the Wolcott Insurance proposed bid of \$100,829.00 with a \$5,000.00 deductible, seconded by Comm McClellan and carried. The insurance policy will be effective July 1, 1995.

ADJOURNED FOR LUNCH and a Weed Program meeting with Manager Ron Lanier.

CORTEZ JOB SERVICE CENTER PLAN was presented and signed.

Deputy Clerk Chairman

June 26, 1995

SEAL

Minutes 07/10/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 10, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 10, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, June 26, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer's reports for June 1995 were received.

NOTICE OF INTENT TO FILE CLAIM was filed by Gary and Anna Walter. The insurance company was notified.

PAYROLL: General fund payroll vouchers #13752 thru #13884 in the amount of \$133,623.43, #22837 in the amount of \$16,052.01, #22838 in the amount of \$83,196.04, Road fund payroll vouchers #13885 thru #13915 in the amount of \$48,598.03, #8693 in the amount of \$32,894.56, and Landfill fund payroll vouchers #13916 thru #13918 in the amount of \$6,270.93 and #93 in the amount of \$4,224.26 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-23-95 to the Treasurer to pay \$647.10 from the 911 account, to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

DOLORES ARTS COUNCIL representatives Jane Duncan and Joanna Smith thanked the Board for the donation from the lottery fund for the Council.

SCHOOL BUS TRANSPORTATION Cortez Director Mary Ellen Coppinger, Mancos Director Mark Bayles and RE-1 School representative Jim Riffey met to discuss school bus routes and turn-arounds. Road Supervisor Tim McComb was also present. Supervisor McComb stated that in the past the county has constructed new turn-arounds when requested. Whether this policy can be continued because of county budget problems was discussed. Ms. Coppinger summarized the procedures for routing the buses. No buses are run on roads not maintained by the county. Meetings will be held with the School Districts to ask that they budget monies to construct new turnarounds. The Board assured them that they can expect the same maintenance and snow plowing on county roads and turn-arounds as in the past.

ROAD DEPARTMENT Supervisor Tim McComb reported that the culverts have been installed on Kelly Hill. Approval to replace the bridge on CR H and 25 (Oak Street) has been received. The contract for the construction will be put out for bids. The county will do some in-kind work. It was noted that the replacement needs to be done this year. The need to square up the corner and install used guardrails on CR 25 and F (landfill road) was discussed and approved.

PROPOSED COMPREHENSIVE LAND USE PLAN, Mike Preston and Road Supervisor McComb were present. The following was discussed about using counters to compile information for road impact fees, (1) Comm McClellan stated she had received a call from a person volunteering to manually count vehicles on county roads. (2) Counters need to be used every year to establish a trend. (3) Information from counters needs to be included in the Comprehensive Land Plan and the initial information paid for with impact

funds and included in the GIS. Other items discussed --- Supervisor McComb stated that the cost is \$34,300 to chip/seal (2 layers) one mile of road with a good base, 24' wide; and the cost is \$13,200 to gravel one mile of road with a good base, 24' wide. The need for an interim policy for impact fees was mentioned, and figures were presented by Mike Preston later in the day. LANDOWNER Bob Moore asked if the county would re-gravel CR F.2. He was told that this was not scheduled for 1995. He will contact Supervisor McComb about the possibility of including this request in the 1996 Budget. He also asked when chip/seal will be done on CR 25. He was told it is scheduled for August 1995.

LANDOWNERS David and Mary Leonard asked for clarification on mentioned mileage impact fees for commercial developments. They are considering commercial development on Road 10, which would be 20 miles from a maintained county road. They were informed that mileage impact fees at this time do not seem feasible, and were encouraged to attend future comprehensive land use plan meetings.

MONTEZUMA WATER COMPANY representative Chris Krammer presented more information on the upcoming Water Conference on August 3, 1995. It was affirmed that Sanitation Manager Permian will be contacted about attending, with the county paying the \$85 fee.

BISON GLOVE WORKS owner Pat Kennedy met to update the Board on his business venture. He was told that the county needs secured collateral for any funds obtained through the county revolving loan account.

BLUE DOOR SUBDIVISION residents Wayne Denny and Elbert Randols asked if a 3 acre parcel owned by Mr. Denny could be split into two 1-1/2 acre parcels. They were told that all the private and commercial lot owners within the subdivision would need to sign an amended plat.

CIVIL AIR PATROL representatives John Jack Johnson, Don Henderson, and Jan Oliver and Contractor Bob Lechlitter met to discuss a proposed Civil Air Patrol facility to be built at the Airport. Representative Jim Dyer was also present. A draft contract between the State of Colorado and Montezuma County was presented and reviewed. Mr. Johnson stated that \$30,000 has been raised. They are waiting on State matching funds of \$20,000 from the Energy Mineral Impact Assistance Program Fund (see minutes of January 16, 1995).

Administrator Weaver requested a copy of the bids for county files. The draft contract will be presented at the noon Airport Committee meeting with the City of Cortez.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: Planning resolution P-31-78 Amended was presented whereby Norma Hindmarsh, owner of 80 acres, would be granted an exemption to the subdivision regulations to amend this Resolution to reflect a 3.7 acre tract instead of a 5.00 in Section 8, T.36N., R.15W. The remaining 1.30 acre tract from the original 5.00 is being combined with 5.00 acres from Norma Hindmarsh's property to create a 6.3 acre tract as recorded in Resolution P-27-95E. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-27-95E was presented whereby Norma Hindmarsh, owner of 57 acres, would be granted an exemption to the subdivision regulations to record a 6.3 acre tract in Section 8, T.36N, R.15W. This tract is combining 1.30 acres from an existing tract belonging to Gary Hindmarsh, created by Resolution P-31-78 and a 5.00 acre tract from Norma Hindmarsh's property. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning P-28-95E was presented whereby C. Dwayne Crowley dba High Country Transportation, owner of 60 acres, would be granted an exemption to the subdivision regulations to record a 3.25 acre tract in Section 10, T.35N., R.16W. This property is to be used by Empire

Electric Association as a substation only. This is the only exemption that will be granted this property. Comm Story was excused because of a conflict of interest. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. Planning resolution P-29-95E was presented whereby Arthur Mark Fox, owner of 45.95 acres, would be granted an exemption to the subdivision regulations to record a 9.819 acre tract in Section 1, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations for Debbie Enrich to split 5 acres from 85 acres was tentatively approved. A verbal request for an exemption to the subdivision regulations for Gary Bane to split 12 acres from 75 acres was tentatively approved. A verbal request for an exemption to the subdivision regulations for Hank Hayne to split 28.77 acres from 80 was tentatively approved. A verbal request for an exemption to the subdivision regulations for Howard Brashers (1/2) and Kerstin Brorson (1/2) to split off a 35' x 75' parcel from 6.5 acres to be attached to an adjoining parcel, owned by Hubert Duckworth III, was tentatively approved. Joel and Donna Markquardt have met the criteria for a minor subdivision.

ABATEMENT: All proceedings were taped for the record and it was noted that the Assessor and all the Commissioners were present. Assessor Cruzan being present, a petition for abatement of property tax was presented for General Elec. C. C., leased equipment at Triad Western Construction, #12 8803-000-00-087-P, 1993, erroneous assessment, \$7,238.54. Assessor Cruzan recommended this petition be approved. Comm McClellan moved to approve this petition, seconded by Comm Story and carried.

ADJOURNED FOR LUNCH with the City of Cortez. The Airport Committee approved the June 5, 1995 minutes.

HEALTH DEPARTMENT NURSE Bette Sutter met to ask that a Public Hearing be scheduled to consider rules regarding the HIV test result record retention policy and the need for an anonymous option. The hearing will be scheduled. She presented information about the Toy Lending Library program, which will purchase and make available educational and recreational toys to children to improve various skills. She stated funds are being raised, but other funds are needed.

LOTTERY FUNDS: Comm Story moved to give \$300.00 to the Toy Lending Library program from the lottery fund, seconded by Comm McClellan and carried.

STATUTES on conveying land with a recorded deed were presented.

PERSONNEL: Landfill Manager Ron Lanier asked if he could take leave without pay for one month. This was approved.

MEETING will be set up with Empire Electric to discuss their dispatch capacity. It was noted this needs to be scheduled before renewal of the present dispatch contract.

BOARD OF EQUALIZATION: It being 2:15 p.m., the time set aside, the Montezuma County Commissioners convened on Monday, July 10, 1995, to sit as the Board of Equalization. These proceedings were tape recorded, the Public Notice was read, and the roll was called. Assessor Bob Cruzan and Appraisers Mary Zumach, Scott Davidson and Jacque Proffit were in attendance.

Carl Wilhite appeared before the Board for their decision concerning his appeal on the assessed valuation on Parcel #5363-322-00-004 for 1995 by the Assessor's Office. Comm McClellan made a motion to deny this adjustment. Comm Story made a motion to amend the motion to increase the water adjustment by 5%. The amended motion died for lack of a second. Comm Colbert seconded the motion made by Comm McClellan and the motion carried -- Comm Colbert "aye," Comm McClellan "aye," Comm Story "nay."

07-10-95

4

Jean Guthrie appeared before the Board for their decision concerning her appeal on the assessed valuation for 1995 on Parcel #5355-354-00-118 by the Assessor's Office. Comm Story made a motion to award a \$2,855.00 adjustment on the house. The motion was seconded by Comm McClellan and carried.

The Board of Equalization adjourned at 4:20 p.m. until July 17, 1995.

ADJOURNED at 4:35 p.m.

Deputy Clerk Chairman

July 10, 1995

SEAL

Online Copy

Minutes 07/17/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 17, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 17, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk.

MINUTES of the previous meeting held on Monday, July 10, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's and Sheriff's reports for June 1995 were received.

ACCOUNTS PAYABLE: General fund vouchers #27431 thru #27595 in the amount of \$129,810.74, Road fund vouchers #27596 thru #27654 in \$103,867.80, and Landfill fund vouchers #27655 thru #27665 in \$12,429.08 were approved for payment.

RESIDENT R. T. Stacey met to express concern about the speed of trucks, especially gravel, into and through Dolores, Co. and into Cortez, Co. on Highway 145. He felt that posted speed limits were not being observed. He has talked to the Sheriff and the State Highway Patrol about more enforcement. They told him that a lack of money to hire sufficient personnel is the problem. Source of money to do the proposed Land Plan was discussed. He asked that the Board (1) review contents and agenda of the proposed land use plan, (2) contact the Highway Patrol for more patrolling of Hwy 145, and (3) meet with Sheriff Kennell about having enough personnel to give 24 hour coverage in Dolores.

ROAD DEPARTMENT Supervisor Tim McComb reported that after the recent heavy rains the roads applied with mag-chloride are dusty. He has contacted the supplier they did not agree to any adjustment. Residents on CR 38 will be contacted and asked if they are willing to pay for re-shooting in front of their homes. Complaints continue to be received about the condition of CR G (McElmo Canyon). Statutes for creating a toll-road were read. It was agreed that a traffic study is the first priority to address the problem. Galen Larson will be contacted about his offer to volunteer to do a manual traffic count on CR G. It was noted that mechanical counters eventually need to be put at the Ismay Trading Post to record traffic coming from Utah, and the M&M Truck Stop intersection. Complaints that Norwood Road is rough were received.

Supervisor McComb asked if Range Engineering should be hired to design the replacement of the CR H and 25 (Oak Street) bridge. This was affirmed. Cost for this service will be part of the county's in-kind work. Big Piney Subdivision (Joe Moore reservoir, FS Road 693 resident Carl Wilhite's request, that a 1969 right-of-way document between the Colorado Game and Fish and Montezuma County about conveyance of an easement be researched, was discussed. No decision was made.

EXTENSION OFFICE Agent Kenny Smith presented information on a disease found in the county which spreads to livestock through mosquitoes and flies. He stated that the Fair Board will address the effects this will have on the County Fair at tonight's meeting. State veterinarian and Bureau of Land Management (BLM) personnel will also attend this meeting.

UNDERSHERIFF Bob McDonnell presented the COPS Fast Award Program contract for review and explained the program. Comm Story moved to sign the COPS Fast Award Program contract, seconded by Comm McClellan and carried. Undersheriff McDonnell stated he will be attending the Gaming Impact Hearing this week,

LANDOWNER Johnny Burris presented a platted survey of his property showing a 3-lot split, which will create a moderate subdivision. He was directed to the Administration office for the appropriate application forms to complete and submit to the Planning Commission.

SOUTHWEST COMMUNITY RESOURCES (CDBG): Request for reimbursement from Colorado Housing was signed. Quarterly CDBG report was received.

SHERIFF Sherman Kennell gave a summary report on the SIPS fire last week. (July 12-14th), which burned approximately 590 acres of private and BLM land west of Arriola - CR 18. He submitted a list of the agencies involved and donations received (see attached). Comm McClellan was contacted initially. He stated that the total cost of the fire will probably take two months to compile.

INTERSECTION - M&M TRUCK STOP: M&M Truck Stop owner Mark Larson stated he did not believe truck traffic was the problem at the intersection. Resident Bud Erickson, who was recently involved in an incident where a truck driver ran a stop sign at the intersection, disagreed. Mr. Erickson also stated he felt that trucks exceeding the speed limit created a dangerous situation. It was noted that a letter by the Board was sent last week to the Governor asking that the intersection traffic problems be addressed. They encouraged Mr. Larson to do any follow-up that he feels will help with the problems.

PLANNING: Planning resolution P-30-95E was presented whereby Hank Hayne, owner of 80 acres, would be granted an exemption to the subdivision regulations to record a 28.77 acre tract in Section 35, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried.

Planning resolution P-31-95E After-the-Fact Exemption was presented whereby Charles S. Davis, owner of 8.32 acres, would be granted an exemption to the subdivision regulations to record a 8.32 acre tract in Section 34, T.38N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm

McClellan and carried. Planning resolution P-32-95E After-the-Fact Exemption was presented whereby Jess Lancaster, owner of 8.20 acres, would be granted an exemption to the subdivision regulations to record a 8.20 acre tract in Section 34, T.38N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-33-95E was presented whereby Donald O'Brien, owner of 60.43 acres, would be granted an exemption to the subdivision regulations to record a 23.23 acre tract, and a 15.77 acre tract in Section 17, T.37N., R.15W. The 15.77 acre tract will be combined with 21.43 acres to make one 37.20 acre tract. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations for Bill Zellmer to obtain 7.1 acres from Robert Gaddis to correct a property line was tentatively approved. Roth Ranches Subdivision landowners, objecting by phone to changes proposed by Clark Record in the subdivision, have been requested to send in written objections. Minor subdivision criteria has been met by (1) Don and Olivia White, (2) Douglas and Sharon Shafer, and (3) Margaret Stevenson. Comm Story requested a report showing the total lots created in 1995 by exemptions and subdivisions. This will be compiled. BOARD OF SOCIAL SERVICES was conducted.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for renewal of a 3.2% beer license for the ARA Mesa Verde Company. The Sheriff Department reported no problems with this outlet. Comm Story moved to approve this application, seconded by Comm McClellan and carried.

07-17-95

3

BOARD OF EQUALIZATION: It being 2:00 p.m. the time set aside. the Montezuma County Commissioners reconvened on Monday, July 17, 1995, to sit as the Board of Equalization. These proceedings were tape recorded and it was noted that all the commissioners were present. Assessor Bob Cruzan and Appraisers Mary Zumach, Jacque Proffit and Scott Davidson were in attendance.

Jim Antholz appeared before the Board for their decision concerning his appeal on the 1995 valuation for assessment on Parcel #5609-071-00-026-A by the Assessor's Office. Comm McClellan made a motion to award a \$2,460.00 adjustment recommended by the Assessor's Office on the mobile home. The motion was seconded by Comm Story and carried.

Dana K. Landreth appeared before the Board for their decision concerning her appeal on the 1995 valuation for assessment on Parcel #5605. 283-11-009 by the Assessor's Office. Comm McClellan made a motion to deny an adjustment. The motion was seconded by Comm Story and carried.

Robert C. Conner appeared before the Board for their decision concerning his appeal on the 1995 valuation for assessment on Parcel #5359-324-00-033 by the Assessor's Office. Comm Story made a motion to award a \$4,000.00 adjustment on the house. The motion was seconded by Comm Colbert, and carried --- Comm Colbert "aye," Comm Story "aye," Comm McClellan "nay."

Assessor Cruzan presented a letter of appeal from Harold Stoner concerning the 1995 valuation for assessment on Parcel #5611-241-10-002 by the Assessor's Office. The letter was read into the record. Comm Story made a motion to deny an adjustment. The motion was seconded by Comm McClellan and carried.

The Board of Equalization recessed at 4:00 p.m. until July 24, 1995.

STATUTES on fire ordinances were submitted.

HEALTH DEPARTMENT: A request for a 90-day extension for the Colorado Action for Healthy People contract was presented. Comm Story moved to sign the extension, seconded by Comm McClellan and carried.

PROPOSED COMPREHENSIVE LAND USE PLAN: Mike Preston submitted options for interim impact fees. Action was tabled.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

July 17, 1995

SEAL

Minutes 07/24/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 24, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 24, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, July 17, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's six-month report was received.

ROAD DEPARTMENT Supervisor Tim McComb stated that they are blade patching. He presented a copy of a petition being circulated by residents of CR G (McElmo Canyon) for improvements to the road. Administrator Weaver will prepare a worksheet to be used for traffic counting by volunteers. A request was made that Supervisor McComb submit a plan for the Rock Creek area on CR G (McElmo Canyon). Supervisor McComb said that evaluations are done. The evaluation process was discussed. The department head or the Administrator will explain the process to any employee that has a question or problem about his/her evaluation. UNDERSHERIFF Bob McDonnell gave a report on the Gaming Impact fund hearing he attended last week. Monies allocated to the county were discussed. The Board complimented the format of the Sheriff's summary report, and stated they had received several compliments about the department's handling of the GIPS fire. Application for the LEAF grant was submitted for review.

CIVIL AIR PATROL representative Tom Tompkins presented the contract between the State of Colorado, Department of Local Affairs and Montezuma County to build a facility at the Airport. Bid procedures were discussed. The contract will be advertised for bids; bids received will be opened on Monday, August 7, 1995. Comm McClellan moved to sign the contract, seconded by Comm Story and carried.

PLANNING Planning resolution P-34-95E was presented whereby Winifred J. Sharp and Margaret Phillips Johnson, owners of 346.49 acres, would be granted an exemption to the subdivision regulations to sell a 7.11 acre tract to William Raymond Zellmer and Cynthia Lee Zellmor, to straighten up an existing fence line in Section 32, T.36N., R.13W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A verbal request from Felipe Gallegos for an after-the-fact exemption to the subdivision regulations on a 26-acre tract, and that a second septic system can be installed, was tentatively approved. A verbal request for an exemption to the subdivision regulations for Danny and Catherine Ayers to split 5 acres - from 320 acres for mortgage purposes was tentatively approved. A verbal request for an exemption to the subdivision regulations for Eileen Everett to split 5 acres from 450 acres for her son was tentatively approved. Written letters opposing any split in the Roth Subdivision by Clark Record were noted. Mr. Record will be notified by letter that the County is not involved unless the land is split.

VERBAL REQUESTS FOR AFTER-THE-FACT VARIANCES: Banker Michael Losh met to discuss old land splits and the need to make these legal so there would not be problems in obtaining title insurance and financing. Also present were Phyllis Mollohan and Stella Wright. Ms. Mollohan asked for an after-the-fact variance for a small tract which she desires to sell. Comm Colbert and Comm Story gave tentative approval, contingent on (1) correct deed, (2) septic search, and (3) 30' easement through private land. Comm McClellan felt that the whole area should be in compliance; she disagreed with the tentative approval. Ms. Wright expressed a desire for an after-the-fact variance. Comm Story moved to give tentative approval for this verbal, contingent on (1) survey, (2) access, and (3) septic, seconded by Comm McClellan and carried. *** A meeting will be scheduled with the title companies to discuss concerns about the old land splits.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for renewal of a 3.2% beer license for Mesa Verde Point KampPark. The Sheriff Department reported no problems with this outlet. Comm Story moved to approve this application, seconded by Comm McClellan and carried.

BISON GLOVE WORKS owner Pat Kennedy will be notified that his request for funds through the county revolving loan account is denied due to lack of enough collateral.

BOARD OF SOCIAL SERVICES was conducted.

LANDOWNER Larry Johnson met to discuss property he is selling in the Lebanon townsite area.

BOARD OF EQUALIZATION: It being 2:00 p.m., the time set aside, the Montezuma County Commissioners reconvened on Monday, July 24, 1995, to sit as the Board of Equalization.

These proceedings were tape recorded and it was noted that all the commissioners were present. Assessor Bob Cruzan and Appraiser Scott Davidson were in attendance.

Assessor Cruzan presented an appeal from Ron and Ronda McCoy concerning the 1995 valuation for assessment on Parcel #5607-024-00-008 by the Assessor's Office. Comm Story made a motion to deny an adjustment. The motion was seconded by Comm McClellan and carried.

William and Erma Conner appeared before the Board for their decision concerning their appeal on the 1995 valuation for assessment on Parcel #5359-324-00-033B by the Assessor's Office. Comm Story made a motion to deny an adjustment. The motion was seconded by Comm McClellan and carried.

Tony Reyes appeared before the Board for their decision concerning his appeal on the 1995 valuation for assessment on Parcel #5359-164-00-017 by the Assessor's Office. Comm Story made a motion to deny an adjustment. The motion was seconded by Comm McClellan and carried.

Assessor Cruzan presented an appeal from Bradley C. Vergien concerning the 1995 valuation for assessment on Parcel #5603-072-00-032 by the Assessor's Office. Comm Story made a motion to deny an adjustment. The motion was seconded by Comm McClellan and carried. The Board of Equalization recessed at 4:00 p.m. until July 31, 1995.

07-24-95

3

HIGH COUNTRY NEWS of Paonia, Colorado, representatives Paul Larmer and Rich Keister met to interview the Board about the Federal Lands Program and the proposed Comprehensive Land Use Plan. Carla Garrison was also present.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

July 24, 1995

SEAL

Online Copy

Minutes 07/31/1995 – 08/01/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 31 - AUGUST 1, 1995

STATE OF COLORADO)
) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 31, 1995 and Tuesday, August 1, 1995, at the courthouse in Cortez, Colorado, there were present:

- Thomas K. Colbert, Chairman
- Helen McClellan, Vice-Chairman
- G. Eugene Story, Commissioner of Deeds
- Bob Slough, County Attorney
- Thomas J. Weaver, Administrator
- Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, July 24, 1995, were read. Comm McClellan moved to approve those minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General fund payroll vouchers #13912 thru #14033 in the amount of \$141,486.65, #23018 in the amount of \$15,966.45, #23019 in the amount of \$87,932.83, Road fund payroll vouchers #14034 thru #14064 in the amount of \$47,368.26, #8760 in the amount of \$32,383.00 and Landfill fund payroll vouchers #14065 thru #14068 in the amount of \$5,204.84, #106 in the amount of \$3,506.90 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-24-95 to the Treasurer to pay \$647.10 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported they will be blade patching this week. Water trucks will be taken to CR G (McElmo) and it will be bladed. It takes approximately one week to do the area, and it will last approximately two to three weeks. After discussion, it was agreed that gaming impact monies available this year for CR G (McElmo) will be used to repair the section of road from the M&M intersection to the Airport Road. Any funds left over will be used on the next mile off the pavement. CR L was discussed -- a meeting with Richard Tibbets will be scheduled. Intersection of CR G and 25 was discussed. It was determined there are several roads in the county with high impact use. A "dangerous road" sign will be installed on Kelly Hill. Traffic count form was presented. No new counters that work on gravel roads have been purchased. Any count needs to be done for at least for seven days. Supervisor McComb will check with Mike Preston about purchase and use of counters. He stated that the bridge at CR H and Oak Street will be done in 1996.

LANDOWNER Ban Sturtz met to ask if a small unrecorded 1.8 acre parcel in Summit Lake East (not a recorded subdivision) could be split, and if he could get a septic permit for the created parcel. He was told that (1) the whole parcel needs an "after-the-fact" exemption, (2) no split can be approved on a parcel this small, and (3) creation of a homeowner's association might be what is needed to address the problems in the area. Decision on the septic permit request was tabled until next week.

EAGLES OVERLOOK developer Carter Harris and Realtor Bob Durant presented the preliminary draft for the cluster development. Sanitation Manager Mick Periman was present. The preliminary road and sanitation design was reviewed and discussed. The Board will do an on-site inspection of the area.

SANITATION Manager Periman stated that he goes by County regulations before any septic permit is issued from his office. At the request, of the Board he will research and compile a report on recent permits issued for after- the-fact exemptions.

POLICY – SEPTIC PERMITS: Approval of "after-the-fact" exemptions for parcels under three acres recorded after September 1972, will be contingent on proof that a septic system for the parcel has been designed by a certified engineer.

RETIREMENT: Resolution 12-95 was presented, whereas Nancy Eddy has been employed by Montezuma County for 8 years and be it resolved that the Board hereby congratulates and expresses appreciation to her for valuable service to the citizens of Montezuma County. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A plaque was also presented to her.

LANDOWNER Thelma Fletcher asked if her one acre parcel, that they bought in 1961, needs an after-the-fact exemption. She was told that only parcels recorded after September 1972 need one.

PLANNING: Planning resolution P-35-95E After-the-Fact was presented whereby Felipe Gallegos, owner of 26 acres, would be granted an exemption to the subdivision regulations to record a 26 acre tract in Section 8, T.37N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-36-95E was presented whereby Ernest Guerrero and Francene Olesen, owners of 40 acres, would be granted an exemption to the subdivision regulations to record a 5.0 acre tract in Section 13, T.37N., R.16W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-37-95E was presented whereby Gary L. Bane, owner of 74.35 acres, would be granted an exemption to the subdivision regulations to record an 11.74 acre tract in Section 6, T.38N., R.17W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A verbal request for an exemption to the subdivision regulations for Richard Jones to split 5 acres from 60 acres was tentatively approved.

A verbal request for an after-the-fact exemption to the subdivision regulations for Kim Bondeson and Kerry Knight on a 4.27 acre parcel was tentatively approved. A verbal request for an after-the-fact exemption to the subdivision regulations for Frank and Andrea Ethington on a 28.45 acre parcel was tentatively approved. A verbal request for an after-the-fact exemption to the subdivision regulations for Norman and Margaret Trivett on a 6+ acre parcel was tentatively approved. A verbal request for an after-the-fact exemption to the subdivision regulations for Robert and Mary Ellen Strand on a one acre parcel was tentatively approved. Jerry Hall has met the criteria for a minor subdivision. ***Minutes of May 8, 1995, concerning Southwest Colorado Bean Company's three acre parcel were read and noted.

BOARD OF EQUALIZATION: It being 2:00 p.m., the time set aside, the Montezuma County Commissioners reconvened on Monday, July 31, 1995, to sit as the Board of Equalization. These proceedings were tape recorded and it was noted that all the commissioners were present.

Assessor Bob Cruzan and Appraiser Scott Davidson were in attendance.

Assessor Cruzan clarified figures presented for James Steve and Sheryl Blair's appeal last week. The original 1995 valuation for assessment on Parcel #5637-033-05-022-A was \$50,497, which was adjusted by the assessor's office to \$43,340. It was noted that the total adjustment for this parcel was \$9,357 (assessor's adjustment - \$7,057 and Board's adjustment \$2,200). Late appeals were discussed. It was agreed that, since there is a time limit for the Board of Equalization, any late appeals would be done under the abatement process.

07-31-95

3

Jesse Leonard appeared before the Board for their decision concerning his appeal on the 1995 valuation for assessment on Parcel #5611-233-01-008 by the Assessor's Office. Comm Story made a motion to deny an adjustment. The motion was seconded by Comm McClellan and carried.

Lana Leonard appeared before the Board for their decision concerning her appeal on the 1995 valuation for assessment on Parcel #5611-244-09-009 by the Assessor's Office. Comm McClellan made a motion to deny an adjustment. The motion was amended by Comm McClellan to award any difference reflected after property is re-measured and square footage is corrected. Comm Colbert seconded the motion. Comm Colbert "aye," Comm McClellan "aye," and Comm Story "nay."

Roger and Ann Braaten appeared before the Board for their decision concerning their appeal on the 1995 valuation for assessment on Parcel #5607-122-00-135-K2 by the Assessor's Office. Comm McClellan made a motion to award a \$5,720.00 adjustment on the house. The motion was seconded by Comm Story and carried.

Sam Green appeared before the Board for their decision concerning his appeal on the 1995 valuation for assessment on Parcel #5357-243-00-012 by the Assessor's Office. Comm Story made a motion to award a \$2,750.00 adjustment on one acre of land whose classification will be changed from commercial to residential. The motion was seconded by Comm McClellan and carried.

The Board of Equalization recessed at 5:00 p.m. until August 1, 1995.

ADJOURNED at 5:00 p.m.

Minutes 08/01/1995 Board of Equalization

AUGUST 1, 1995

BOARD OF EQUALIZATION: It being 8:30 a.m., the time set aside, the Montezuma County Commissioners reconvened on Tuesday, August 1, 1995, to sit as the Board of Equalization. These proceedings were tape recorded and it was noted that all the commissioners were present. Assessor Bob Cruzan was in attendance.

Assessor Cruzan presented an appeal from James and Audry D'Entremont concerning the 1995 valuation for assessment on Parcel #5611-251-00-023 by the Assessor's Office. Comm Story made a motion to accept the adjustment recommended by the Assessor's office of \$10,430.00. The motion was seconded by Comm McClellan and carried.

Assessor Cruzan presented an appeal from Raymond and Dorothy McMillan concerning the 1995 valuation for assessment on Parcel #5359-104-05-007 by the Assessor's Office. Comm McClellan made a motion to award at \$8,340 adjustment on the improvements. The motion was seconded by Comm Story and carried.

Assessor Cruzan presented an appeal from C. Bruce and Lynn Hartman concerning the 1995 valuation for assessment on Parcel #5611-243-03-006 by the Assessor's Office. Comm Story made a motion to accept the adjustment recommended by the Assessor's Office of \$730. The motion was seconded by Comm McClellan and carried.

Online COPY

07-31-95

4

Assessor Cruzan presented an appeal from C. Bruce Hartman concerning the 1995 valuation for assessment on Parcel #5611-243-40-002 by the Assessor's Office. Comm Story made a motion to deny an adjustment. The motion was seconded by Comm McClellan and carried. The Board of Equalization adjourned at 9:30 a.m. for 1995.

SHERIFF DEPARTMENT – LAW ENFORCEMENT ASSISTANCE FUND (LEAF) CONTRACT: Comm Story moved to sign the LEAF contract, seconded by Comm McClellan and carried.

HEALTH DEPARTMENT Contract for Environmental Health Services for 1995-96 between the State of Colorado, Department of Public Health and Environment and the Board of Montezuma County Commissioners was presented. Comm McClellan moved to sign the contract, seconded by Comm Story and carried.

PLANNING COMMISSION BOARD APPOINTMENTS: Comm Story made a motion to appoint the following as Planning Commission Board members for the term of three years: Cindy Dvergsten, John Hutchison and Darrell Veach. The motion was seconded by Comm McClellan and carried.

ADJOURNED at 10:00 a.m.

Deputy Clerk Chairman

July 31 – August 1, 1995

Online Copy

Minutes 08/07/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 7, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 7, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday and Tuesday, July 31 - August 1, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for July 1995 was received.

VOLUNTEER Galen Larson picked up the traffic count form to be used on CR G (McElmo Road). The traffic will be counted for five days each (24 hour period) at three different areas. He stated he has three volunteers to work with him, and will try and recruit three more.

ROAD DEPARTMENT Supervisor Tim McComb was present at the following discussions with residents about the condition of county roads. COUNTY ROAD 32: Irene Stacer and Jean Childress met to ask that something be done about the dust and unsafe condition of CR 32. Ms. Stacer mentioned other towns are using ground up tires to pave roads. It was noted that cost for equipment to do this is prohibitive. The intersection of CR 32 and CR M will be looked at by Supervisor McComb. COUNTY ROAD G (McELMO): McElmo Road Improvement Committee spokesperson Clyde Willis and approximately eight other concerned residents (see attached list) met with concerns about CR G (McElmo). They presented their petition signed by approximately 500 individuals and approximately 60 businesses, a letter to the Board, and results of the petition and survey (see attached). These were discussed. Mobil Oil Company representative Jimmy Smith and Aneth Chapter representatives Wesley Jones and Leonard Lee expressed their concerns with the condition of the road. Several options were mentioned, including a State toll system. Administrator Weaver will meet with Clyde Willis to look at budget revenues and expenses. Two or three of the committee will come back to the Board to discuss solutions. COUNTY ROAD L: Larrie Rule and Pat DeGagne stated that speed and dust are still problems on CR L. Lower speed limits have been posted, but they feel there is no enforcement by the Sheriff's department. COUNTY ROAD 18: Ruth Fuyatt asked for gravel on CR 18 (non-improved county road). She was told there are no funds to gravel non-improved county roads at this time.

CIVIL AIR PATROL - BIDS FOR FACILITY: One bid was received and opened. Comm Story moved to accept the bid from Leichliter Construction in the amount of \$35,854.77 for the 50'x18'x60' steel building at the Airport, seconded by Comm McClellan and carried.

BUREAU OF LAND MANAGEMENT (BLM) Range Manager Wayne Werkmeister and volunteer Sequoia Batteiger met to discuss the BLM Cache Canyon - Stinking Springs area clean-up. Manager Werkmeister presented a brochure on the project. The dates of October 6th and 7th were proposed for the clean-up. Road Supervisor McComb was present and agreed to the dates for use a-F county equipment. It was reiterated that BLM is the designated lead, not the county. Volunteer coordination, community involvement, and a task force were discussed.

LANDOWNER Dan Sturtz met to discuss his request for a septic permit on his 1.8 acre parcel. He was informed that he can be issued a septic permit if a certified engineer designs the system. It was noted that if he wants an after-the-fact exemption for the parcel he will need to have a recorded survey and show proof of access.

LANDOWNER Stella Wright and Surveyor Fred Thomas appeared to discuss whether Ms. Wright's small parcel, that was tentatively approved for an after-the-fact exemption on July 24, 1995, needs to be re-surveyed. It was reiterated that the after-the-fact exemption is contingent on (1) recorded survey, (2) access, and (3) septic.

A-QUALITY, GRINDING, INC. representatives Royce Selander and Michael Schustberger, Region 9 representative Stuart Cohen, Colorado Timber Association president Dudley Millard, U.S. Forest Service representative Carla Garrison and Mike Preston met to discuss the need to utilize waste wood products. Royce Selander explained how the waste product can be ground and converted to a product that can be used by electric companies. He asked for a \$15,000, 90-day loan from the County Revolving Loan Fund to cover expenses to lease the necessary equipment. It was noted that receipt of any funds will be contingent upon a locked-in contract with company(s) wanting to use the product and secured collateral.

PINE ZONE PROJECT CONTRACT: Mike Preston, U.S. Forest Service representative Carla Garrison and Colorado Timber Association president Dudley Millard presented the Pine Zone Project, Timber Contract between the U.S. Forest Service and Montezuma County, and a Collection Agreement for review. The one-year research project was discussed --- no taxpayer money is involved. The purpose of this federal and local government cooperative contract is to reduce fire danger, improve general health of the forest, and encourage economic development in the county. Comm Story moved to sign the Pine Zone Project, Timber Contract between the U.S. Forest Service and Montezuma County, seconded by Comm McClellan and carried. The Collection Agreement was tabled until wordage is added that "industry is responsible for all items in the timber contract within their area."

OFFICE OF COMMUNITY SERVICES: Mike Preston presented the Request for Proposals to Conduct an Engineering Assessment for the Montezuma County Comprehensive Plan requirements. Proposals submitted by Thomas Engineering, Inc. and Engineer Steve Harris will be reviewed.

BOARD OF SOCIAL SERVICES was conducted.

BUREAU OF LAND MANAGEMENT (BLM) - ANASAZI HERITAGE CENTER Director LouAnn Jacobson presented a request for support from the Board for Colorado Historical Society grant monies from the gaming impact funds for the Southwest Natural and Cultural Heritage Association (SNCHA) project "People in the Past". This is the second phase of the three phase project. Comm McClellan moved to support the project and sign the agreement, contingent on a review of the application, seconded by Comm Story and carried. A letter of support will be written.

PLANNING: Planning resolution P-38-95E was presented whereby Richard P. Jones and Barbara P. Jones, owners of 65 acres, would be granted an exemption to the subdivision regulations to record a tract of 4.44 net acres. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations for Jim and Carolyn Baughman to split 3 acres from 40 acres was tentatively approved.

JOHNSON SUBDIVISION final plat was signed.

AGENDA - BOARD OF COUNTY COMMISSIONERS MEETINGS, Because of the large number of people attending the meeting during the time scheduled for the Road Department, approval was given to schedule the Road Department at 1:30 p.m. each Monday. The change in scheduling will be put in the local newspaper.

08-07-95

3

CITY OF CORTEZ Manager Bill Ray presented a letter from Mountain Gravel for payment under the Airport – Isbill and Associates contract. Comm McClellan moved to pay Mountain Gravel \$22,015.26, seconded by Comm Story and carried. A meeting with the City will be scheduled for August 21st to address other items.

LANDOWNER Paula Page asked if she needed an after-the-fact exemption on two acres deeded to her in 1973. She was informed that after-the-fact exemptions are contingent on (1) recorded survey, (2) septic, and (3) proof of access.

ADJOURNED at 4:35 p.m.

Deputy Clerk Chairman

August 7, 1995

SEAL

Online Copy

Minutes 08/14/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 14, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 14, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk.

MINUTES of the previous meeting held on Monday, August 7, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The reports were received for July 1995.

ACCOUNTS PAYABLE: General fund vouchers #23017 thru #23247 in the amount of \$146,060.27, Road fund vouchers #8767 thru #8812 in the amount of \$24,075.72, and Landfill fund vouchers #105 thru #118 in the amount of \$25,247.89 were approved for payment.

COLORADO UNIVERSITY (CU) CENTER representative Dough Bowman presented an application for a grant from the Colorado State Historical Society to qualify the CU Center Building for historical classification. The application was signed.

SOUTHWEST COMMUNITY RESOURCES (CDBG): Request for reimbursement from Colorado Housing was signed.

ADMINISTRATOR Weaver reported on the meeting with the McElmo Road Improvement Committee. The 1993 county budget was reviewed. An on-site meeting will be scheduled with the Committee after the road budget is examined in detail by the Board, the Administrator and the Road Supervisor.

ENERGY IMPACT MONIES: The Board had a conference call with Local Affairs representative Bill Timmermeyer to discuss the possibility of obtaining Energy Impact monies to help improve roads in the county. Mr. Timmermeyer will contact Ken Charles and ask that he get with Montezuma County to help create a plan and make application for the monies. Matching funds were discussed. Status of correspondence to the Governor about the M&M Truck Stop intersection was also discussed.

POLICY - AFTER-THE-FACT EXEMPTIONS: Comm Story made the following motion. Effective August 14, 1995, illegal land splits will not be granted an after-the-fact exemption. Those splits done between June 14, 1994, and August 14, 1995, will have 90 days to apply for an after-the-fact exemption. Land splits prior to June 14, 1994, will be handled on an as needed basis. Land splits, including after-the-fact exemptions, will require (a) survey done by a Colorado registered land surveyor, (b) septic permit issued by the Montezuma County Sanitarian or an inspection by a registered professional engineer, and (c) county road access permit, if applicable. The motion was seconded by Comm McClellan and carried.

AFTER-THE-FACT EXEMPTIONS TO THE SUBDIVISION REGULATIONS: The following persons met to discuss how to stop illegal land splits and how to deal with the ones done in the past: Montezuma Title - Edith Jarmon, Federal Land Bank - Robert Whitcomb, Realtor - Bob Durant, Basin Title - Susan Halley and Sheri Lillard, Centennial Savings - Jan Hart, First Mortgage Corporation - Michael Losh, Colorado Land Title - Marie Rogers, and Valley National Bank - Lance Michaels. Ginger Black and Loretta Murphy were also present. The following was noted and discussed: (1) Title companies will note, for financial institutions and realtor information, whether a parcel

has variance/exemption number. (2) Division of land parcels by Court Orders. (3) Proposed legislation not to accept deeds for recording, if parcels are not divided according to the September 1, 1972, law. (4) New policy for after-the-fact exemptions.

MESA VERDE NATIONAL PARK Chief of Resource Management Linda Towle presented for review five applications for grants from the Colorado State Historical Society, Colorado Preservation Fund (gaming monies). Ms. Towle explained each proposed project for Mesa Verde. Comm McClellan moved to sponsor and sign the grant applications, seconded by Comm Story and carried.

CLERK Evie Ritthaler met to discuss the recording of approximately 2,000 old variances by her office staff. Ten to 15 will be done each day.

OFFICE OF COMMUNITY SERVICES: Mike Preston discussed scheduling of interviews with companies submitting proposals to conduct engineering assessment for the comprehensive plan.

RESIDENT Ronald Volz presented recommendations for road specs and utility easements in the county. Road Supervisor Tim McComb was present.

BOARD OF SOCIAL SERVICES was conducted.

ROAD DEPARTMENT Supervisor Tim McComb reported on mag-chloride presently in stock. CR L was discussed. They are working on CR 32. They finished blading CR G (McElmo) - seven days using two water trucks and one blade. Comparisons between cost of gravel and pavement and cost to maintain both were discussed. Supervisor McComb asked if there is a legal way to stop overweight trucks from using bridges posted with 23 ton weight limits. He has talked with the Sheriff, companies disregarding the weight limits and the Port of Entry. He will ask the Port of Entry to set up portable scales at the bridges and enforce the weight limits set by the State. Singer-Black presented information on road surface width required by the National Uniform Fire Code. A letter will be requested from the Fire District stating the width required. Cluster developer Carter Norris will be informed that he needs to discuss width of roads with the Fire and School Districts.

LANDOWNER Carol Sturtz (Dan Sturtz's wife) asked for clarification on their request for an after-the-fact exemption on their property in Summit Lake East. July 31 - August 1, 1995, and August 7, 1995, minutes were read. She stated that she had researched the 1.8 acre parcel and it was created in 1963. It was agreed that since this parcel was created before the September 1, 1972, regulations, it does not require an after-the-fact exemption. The qualifications for a septic system for this parcel is that it be designed by a certified engineer. Mrs. Sturtz then inquired if she could obtain an after-the-fact exemption on the .46 acre parcel (created after 1972), which also includes their house. This parcel adjoins the 1.8 acre parcel. After discussion, she was told that an after-the-fact exemption can only be granted, if the small .46 acre parcel, with the house, is tied to the 1.8 acre legal parcel.

REALTOR Don White asked that administration fees for an after-the-fact exemption be waived on a small parcel. The parcel was created by the Department of Transportation when work was done on Highway 184. It will combine .46 of an acre with an adjoining 50 acres, owned by James Linnens. Comm McClellan moved to waive the fees with the exception of the recording fee, seconded by Comm Story and carried. Comm Colbert abstained.

08-14-95

PLANNING: Planning resolution P-41-95E was presented whereby Berta Schaak, owner of 160 acres, would be granted an exemption to the subdivision regulations to record a 3.64 acre tract in Section 19, T.39N., R.17W. It was noted that no verbal was submitted. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-42-95E was presented whereby Danny J. and Catherine J. Ayers, owners of 320 acres, would be granted an exemption to the subdivision regulations to record a 5.0 acre tract in Section 35, T.37N., R.18W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P 43-95E was presented whereby Howard Brashers and Kerstin Brorson, owners of 6.50 acres, would be granted an exemption to the subdivision regulations to record .08 of an acre, in Section 2, T.38N., R.12W.

This property will adjoin the property currently owned by Hubert B. Duckworth III and will not be considered a separate tract for sale. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations for Gary Jamison to split 10 acres from 70 acres was tentatively approved. The following have met the criteria for minor subdivisions: Roma Ewing, Luke Boren, and Richard Lincoln.

MARQUARDT MINOR SUBDIVISION final plat was signed.

STEVENSON MINOR SUBDIVISION final plat was signed

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

August 14, 1995

SEAL

Minutes 08/21/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 21, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 21, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, August 14, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report was received for July 1995.

AUDIT for the Year Ended December 31, 1994, prepared by Gale W. Greenlee Inc. was signed. LANDOWNER Janet Shepard met to ask for an after-the-fact exemption to combine 4 lots in the Summit Lake East area into one 8 acre tract. Tentative approval was given, contingent on a survey of the whole parcel.

LANDOWNER Howard VanPelt (Shorty) stated that he has information that approximately 1.10 mile of designated FS Road 259, is to be improved and then may be closed at the cattleguard. He said he does not object to the improvements planned for the road, but he objects to closure of the road at the cattleguard. Administrator Weaver will contact the Forest Service.

MC ELMO ROAD IMPROVEMENT COMMITTEE representative Clyde Willis expressed his appreciation for the work done on CR G (McElmo) in the last 3 weeks.

He asked that a work session with the Board and other entities be scheduled to formulate a plan for improving the road. A meeting was planned at 7:30 p.m. on August 29th at the Battlerock School. Mr. Willis will contact all the entities.

LANDOWNERS Steve Gellatly and Dawn McGrath presented their desire to split 30 acres into two 15 acre tracts. The property is not in a subdivision. Realtor Stan Pierce was present. Attorney Cliff Fossum and Lynn Patten, representing the Spring Canyon Associates, were present and objected to the split. Resolution P-06-81 was read (see March 91 1981, minutes). Attorney Fossum stated he did not feel that this split should be considered until it has gone through the Public Hearing process. He is concerned about future land splits occurring on roads that go to approved subdivisions. Spring Canyon Subdivision Road 30.2 goes by the 30 acres, and was built to county specs by the developers. It was noted that this is a dedicated public road. Subdivision regulations were read. A Public Hearing will be scheduled for the Planning Commission meeting in September. If necessary, a Public Hearing will also be held later with the Board.

EAGLES OVERLOOK developer Carter Norris gave an update on the cluster development. Realtor Bob Durant and Mike Preston were present. He stated that the Department of Transportation (DOT) has approved only one access and is restricting this access to 17 homesites. After discussion, he stated he will continue to work with the DOT to get approval on a second access.

OFFICE OF COMMUNITY SERVICES: Mike Preston reported that the new San Juan Forest Service Associate Supervisor/Bureau of Land Management Area Manager Cal Joyner would like to meet with the Board. A letter from the Mancos-Dolores Ranger District seeking comments on several proposed projects within the vicinity of Joe Moore Lake and the Chicken Creek X-County Ski Area was presented. Comments were tabled.

ADJOURNED FOR LUNCH with the City of Cortez.

BOARD OF SOCIAL SERVICES was conducted.

ROAD DEPARTMENT Supervisor Tim McComb gave an update on enforcing weight limits posted on county bridges, especially CR 27 and CR 25. The signs will show bridge identification numbers. The Colorado State Patrol and the Sheriff Department have been contacted. They have both stated that they are willing to escort any overweight trucks to the Port of Entry for weigh-ins. Entities disregarding the limits have been contacted again. Copies of any letters regarding special use of bridges will be requested. Supervisor McComb was informed of the meeting with the McElmo Road Improvement Committee. He will attend. Other items discussed were Landowner Roy Crow's request to have permission to improve a section of unimproved CR 8 to get to a hay stack on his property all year was affirmed. Resident Bob Layton's request to install a cattleguard across CR K.3 was affirmed. Mr. Layton will be contacted and informed that (a) he can install the cattleguard, (b) he will need to pay the required permit fee for the road cut, (c) the cattleguard needs to be an approved width and installed properly, and, (d) the cattleguard will become county property after the installation. Now county maps were presented. Supervisor McComb asked if it was feasible for grass and weeds to be killed 6 feet out on all county roads. Weed Manager Ron Lanier was present. Cost figures will be compiled. Mowing versus spraying was discussed. All the paved county roads were mowed once this year.

PROCESSING APPLICATION FOR EXEMPTION: Assessor Bob Cruzan, Diana Mosher, Sanitation Manager Mick Periman, Road Supervisor Tim McComb, Ginger Black and Loretta Murphy met to discuss a proposed change in the process to obtain an exemption. The below policy was affirmed. It was reiterated that an exemption number and resolution number will be reflected on each application and all steps have to be completed before any consideration for an exemption. Other problems concerning requests for septic permits and access with no land splits will be documented and addressed at a later time.

POLICY - PROCESSING APPLICATION FOR EXEMPTION: The following steps, in the order given, need to be completed and signed off on before final processing: (1) Administration - application, (2) Road Department driveway permit with notation of location of access, (3) Sanitation Department - septic permit, and (4) Assessor address.

1995 ABSTRACT OF ASSESSMENT for Montezuma County taxable valuation of \$160,541,400.00 was signed.

LANDFILL Manager Ron Lanier presented a proposal from Empire Electric Company for the transmission line for the Solid Waste Processing Facility in the amount of \$58,563. The preliminary design was presented. Comm McClellan moved to accept the proposal, seconded by Comm Colbert and carried. Comm Story abstained because of a conflict of interest.

HEALTH DEPARTMENT: Comm McClellan moved to sign the 1995 County Nursing Contract between the State of Colorado, Department of Health and the Montezuma County Board of County Commissioners, seconded by Comm Story and carried.

LANDOWNER Classandra Story met to request an exemption to trade .12 of an acre for .12 of an acre with an adjoining landowner for access. Tentative approval was given for the exemption, contingent on a survey.

PLANNING: Planning resolution P-39-95E After-the-Fact was presented whereby Ralph and Tracy Orona, owners of 3.0 acres, would be granted all exemption to the subdivision regulations to record an after-the-fact exemption on this property in Section 7, T.36N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-40-95E After-the-Fact was presented whereby Joe and Maren Marcea, owners of 1.38 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption on this property in Section 17, T.36N., R.13W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-44-95E Afterthe-Fact was presented whereby Edwin and Stella Wright, owners of 5.11 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption an this property in Section 34, T.37N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-45-95E After-the-Fact was presented whereby Phyllis Kay Mollohan, owner of 1.04 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption on property in Section 22, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried.

HICKS SUBDIVISION: Comm McClellan moved to sign the final plat for the Hicks Subdivision (moderate), seconded by Comm Story and carried.

BLUE SKY SUBDIVISION, Comm McClellan moved to sign the final plot for the Blue Sky Subdivision (moderate), seconded by Comm Story and carried.

SAGE GLEN SUBDIVISIONS: Comm Story moved to sign the final plat for Sage Hen Subdivision (minor), seconded by Comm McClellan and carried.

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

August 21, 1995

SEAL

Minutes 08/28/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 28, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 28, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, August 21, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

WEED PROGRAM/LANDFILL Manager Ron Lanier presented cost figures to do an initial process to kill grass and weeds along all county roads. The figure was prohibitive. He stated that any time the area is disturbed, it would reseed itself. He felt that mowing is the best way to control weeds that are not classified as noxious weeds. It was affirmed that mowing at the level now being done is sufficient. Manager Lanier presented a general easement agreement with Empire Electric for review. Comm McClellan moved to sign the easement agreement between Empire Electric and Montezuma County to the new facility at the landfill, seconded by Comm Colbert and carried. Comm Story abstained because of a conflict of interest. The importance of a qualified (banded) builder to construct the facility, the cost, and the tentative date for completion of December 15, 1995 were discussed.

UNDERSHERIFF Bob McDonnell presented a grant application for another officer under the COPS Fast program. If the application qualifies, fringe benefits will be paid by the grant. This is available to all areas in economical situations, where there is a need for more officers, but no funds. It was noted that the position is temporary and persons applying will need to be informed of this. The application was signed.

EAGLES OVERLOOK developer Carter Norris met to discuss the cluster development. He asked if the road, which will be built to county specs, might be designated a private road. This was affirmed, contingent on the private road status being indicated on the survey plat, and covenants addressing the issue of access for emergency vehicles if the Homeowners Association should ever elect to have a locked gate. The proposed hammerhead cul de sac was explained and discussed. Mr. Morris also asked if the width of the back slope could be narrower on the roads. Mountain Gravel recommended this change. This was affirmed. The suggestion was made that he get a written document from the Fire Department, stating that the proposed 18' road is wide enough to accommodate emergency vehicles. It was noted that this is a "pilot project", since it is the first one to be done in the county. Mr. Norris stated that they hope to get roads and utilities completed before winter this year.

MC PHEE MARINA RECREATIONAL COMPLEX, INC. owner Herb Heroux met to ask that he be reimbursed \$150.00 that was deposited with the District Court concerning a summons dismissed by the Court in June. Mr. Heroux was referred to the District Clerk for the refund. Attorney Slough will contact Mr. Heroux's lawyer.

ASSESSOR Bob Cruzan presented, for information, an order by the State Board of Assessment of Appeals for a refund to Cortez Pipeline (Shell CO2). This entity is assessed by the State. The amount approved will be refunded by the County. There was no action by the Board.

ABATEMENT: Assessor- Cruzan presented a petition of abatement from Carl and Merlene Ransdell concerning the 1995 valuation for assessment by the Assessor's office on Parcel #5611-252-00-0012. Assessor Cruzan recommended this appeal be denied. Comm Story moved to deny this appeal, seconded by Comm McClellan and carried. These proceedings were tape recorded and it was noted that all the commissioners were present.

ENERGY IMPACT MONIES: Administrator Weaver stated that he talked with Local Affairs representative Ken Charles about making application for energy impact monies by October 1, 1995. The monies will be used to improve 13 miles of CR G (McElmo).

MC ELMO ROAD IMPROVEMENT COMMITTEE (CR G) meeting was changed to 7:00 p.m., Tuesday, August 29th at the M&M Truck Stop.

PLANNING Planning resolution P-46-95E was presented whereby Eileen E. Everett, owner of 457 acres, would be granted an exemption to the subdivision regulations to record a 5.009 acre tract in Section 5, T.36N., R.13W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried.

Planning resolution P-47-95E After-the-Fact was presented whereby Clare E. and Arline Craig, owners of 6.75 acres, would be granted an exemption to the subdivision regulations to record an exemption on this property. This is the only exemption that will be granted this property.

Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Liz Barten, owner of 12.98 acres, to create four lots within the Old Burton Place subdivision was received. Ms. Barten will be informed that she needs (a) all the landowners within the subdivision to sign an amended plat, (b) access approval from the Department of Transportation, and (c) to submit the request to the Planning Commission. A verbal request from a local bank to create a two lot subdivision (moderate) from a four acre parcel formerly owned by Modern Welding was presented. The subdivision will include a one acre parcel with the building and a three acre parcel. They will be notified that the proposal needs to go to the Planning Commission - the city will be notified. Presented for consideration was Jerry Wolf's question of whether a five acre parcel originally split from a ten acre tract with a house needs an exemption to the subdivision regulations. A variance was obtained on the five acre parcel with the house, but not on this five acres;. It was determined that this five acre parcel also needs a variance. The verbal request for an exemption to the subdivision regulations for Jerry Wolf to obtain an after-the-fact exemption on the five acre parcel was tentatively approved.

BOARD OF SOCIAL SERVICES was conducted.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented a draft article on Montezuma County's Federal Lands Program to be submitted to CCI. He also reported on the timber program, and the extended agenda for the Comprehensive Land Plan Working Committee.

ROAD DEPARTMENT Supervisor Tim McComb was asked to look at drainage problem at the Jim Dickey driveway off of CR 42. Request for permission to install a cattleguard on CR K.3 was re-addressed (see August 21, 1995, minutes). Supervisor McComb will contact Bob Layton and ask him if he will work out a problem with Kenny Goode, a neighbor, about the possible need for another at the end of the road. Graveling in Mancos will be done by tomorrow. There are 1.7 miles left to do. Administrator Weaver presented

08-28-95

2

graphs showing Road Department revenues and expenditures. These were discussed. Ron Lanier's report on spraying weeds was mentioned. Supervisor asked if the landfill road can be closed to the public during the two to three days they will be chip sealing. This was affirmed, if it is put in the paper several times, He said they would work with commercial haulers. Tentative date set to do the work is early next month, if temperature conditions are right.

ADJOURNED at 2:30 p.m.

Deputy Clerk Chairman

August 28, 1995

SEAL

Online Copy

Minutes 09/05/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 5, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, September 5, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk.

MINUTES of the previous meeting held on Monday, August 28, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for the month of August 1995 was received.

PAYROLL General fund vouchers #14076 thru #14194 in the amount of \$137,813.72, #23255 in the amount of \$15,966.45, #23256 in the amount of \$86,819.28, Road fund vouchers #14195 thru #14225 in the amount of \$40,021.72, #8815 in the amount of \$32,551.38, Landfill fund vouchers #14226 thru #14229 in the amount of \$6,465.52, and #120 in the amount of \$4,128.61 were approved for payment.

FOREST SERVICE ROAD 259: Landowners Howard VanPelt (Shorty), Gordon Kuhlman, Jeanna Kuhlman and Chris Majors, and Forest Service representatives Gary Ferdinando and Kathy Peckham met to discuss proposed improvements and possible closure (during muddy conditions) proposed by Chris Majors of FS Road 259. Mr. Majors is considering either an easement or a Special Use Permit to maintain the road so he can have year-round access to his property. The Forest Service representatives and Mr. Majors assured the other landowners that they would have a key to the gate during the months the gate is locked. The Forest Service representatives encouraged all the landowners using the road and wanting year-round access to apply for an easement to ensure this use. The offer made to Mr. Majors by the county under the old policy will expire at the end of September 1995 (see January 3, 1995, minutes). It was mentioned that even with an easement, this road can never be classified as a private road. Mr. Majors and the other landowners will consider their options and let the Board know their decision.

M&M TRUCK STOP INTERSECTION; Resident Bud Erickson presented a letter he received from the Governors office in answer to his letter about the safety of the intersection. Comm Colbert stated that a video has been made of the intersection traffic and will be presented to the Colorado State Department of Transportation by Mark Larson.

SHERIFF Sherman Kennell presented for signature a request that \$2,500 be paid from the Forfeiture Account for installation/upgrade of computer terminals for the Police Data System. This was signed. He reported on a fire on CR 39. He will re-enforce to the dispatchers the protocol when there is a fire in the county, since the Sheriff has to decide the extent of the county's responsibility. Also reported on was the increase of vandalism in the county, and a skull, possibly a hunter lost 20 years ago, found in Rough Canyon.

KERNAN CREEK SUBDIVISION developer Lex Hanson met to ask if the proposed subdivision could be done in two phases. He stated he would like to have the option to pay impact fees only for the first phase at this time. Action was tabled until after an on-site inspection, Wednesday, September 6th, of the property to assess the total impact fees and the use of the fees.

ABATEMENTS: Assessor Cruzan presented a petition of abatement for a value from the 1995 tax roll from Carroll Ventures - Red Barn, B&H Building Supply on Parcel #5609-073-01-002. Carroll Ventures' Attorney Bill Rasure was present. Assessor Cruzan recommended this appeal be denied. Comm Story moved to deny this appeal, seconded by Comm McClellan and carried. Assessor Cruzan presented a petition of abatement for an unspecified value from the 1995 tax roll from I. Eugene and Edith R. McNeil and Amanda Bandy on Parcel #5611-262-29-003. Assessor Cruzan recommended this appeal be denied. Comm McClellan moved to deny this appeal, seconded by Comm Story and carried. Assessor Cruzan presented a petition of abatement for an unspecified value from the 1995 tax roll from Paul and Amanda Bandy on Parcel #5611-122-00-002. Assessor Cruzan recommended this appeal be denied. Comm McClellan moved to deny this appeal, seconded by Comm Story and carried. Assessor Cruzan presented a petition of abatement for an unspecified value from the 1995 tax roll from Jerry R. Gunter on Parcel #5605-271-00-003. Comm Cruzan recommended this appeal be denied. Comm Story moved to deny this appeal, seconded by Comm McClellan and carried. These proceedings were tape recorded and it was noted that all the commissioners were present.

EVANS FAMILY TRUST: Partners Gerald, Ken, Mel and Don Evans and Dolores, Joyce and Kathy Evans met to discuss a 11.72 acre tract. Their Attorney Kent Williamson was present. The brothers all have a 1/4 interest and would like to have separate deeds to the property. Discussed were (a) obtaining variances for the acreage - 4 tracts, 2.93 acres each, (b) a Plan Unit Development (PUB) - cluster, (c) septic systems, and (d) safety problems of the narrow bridge - they asked if it could be grandfathered for-use if the property is split. Action was tabled. An on-site inspection of the property will be done on Wednesday, September 6th.

GAMING IMPACT: Representatives from the Division of Gaming and other entities, George Turner, Renny Fagan, Tom Kitts, Tom Fears, and Phil Wargo stated they would start re-negotiating the Gaming Compact with the Ute Mountain Ute tribe today. A draft copy of the proposed Gaming Compact between the Ute Mountain Ute Tribe and the State of Colorado was presented. Sheriff Kennell and Undersheriff McDonnell were present. The law enforcement contract, unreleased impact study by the Tribe, and the need for a good impact study were discussed. The Board expressed that they felt that the county should be reimbursed for negative impacts.

OFFICE OF COMMUNITY SERVICES; Mike Preston presented a Road System Evaluation Summary of Goals and Tasks in connection with the proposed comprehensive land use plan.

ADJOURNED FOR LUNCH with the City of Cortez.

JOE MOORE RESERVOIR (FS ROAD 693): Big Piney Subdivision resident Carl Wilhite met to ask if research was done on conveyance of an easement to the county from the Colorado Game and Fish (see Minutes of July 17, 1995). Frank Boskovick and Road Supervisor McComb were present. He was told that a research of the records showed no evidence that this section was accepted by the county in 1969, and old county maps did not reflect it as an unimproved county road. He asked if the county would request an easement from the Forest Service. If the county had the easement, he could continue to maintain this section without the expense of a Special Use Permit from the Forest Service. This was denied. The Board recommended that he go to the Forest Service for an easement. Comm Colbert noted that the county under the present policies and lack of funds cannot help with or do any upgrading on this section of road. At Mr. Wilhite's request these proceedings were tape recorded, and it was noted that all the commissioners were present.

QUIT CLAIM DEED between J. E. Ashcroft and Birdie L. Ashcroft (Turkey Creek Ranch) and Montezuma County was signed (see attached).

CONSERVATION EASEMENT – BEAR CREEK RANCH: Owner Attorney Charles Shafer and Attorney Denny Ehlers, representing a prospective buyer of the ranch, met with the Board. The property owned as one parcel, consists of 49 acres, 22 acres within a conservation easement and the remaining 27 acres outside the easement. The prospective buyer has expressed a desire to create a 2-lot minor subdivision – keep the 27 acres, creating a 2-lot minor subdivision, (c) restricting commercial use on both lots, (d) restricting placement of the only allowed residence on the 22 acres, and (e) making the 27 acres also part of the conservation easement, with the restriction of only one residence on it. It was noted by the Board that they feel a subdivision changes the use of the 49 acres, as a whole, as presented when the conservation easement was accepted by the County. Attorney Ehlers stated he will contact the prospective buyer with these ideas and come back to the Board with a proposal.

SOUTHERN COLORADO TELEVISION TRANSLATOR ASSOCIATION (SCTTA) Board Director Art Thomas presented information on signals purchased by them. He invited the Board to their meeting tonight.

HEALTH DEPARTMENT Nurse Bette Sutter presented the School Nursing Contract between Montezuma County Health Department and the Mancos School District (RE-6) for signature. Comm McClellan moved to sign the contract, seconded by Comm Story and carried.

FAIRGROUNDS Manager Dante Sena presented a letter asking for approval to schedule a concert at the fairgrounds this month. This was approved.

WEED CONTROL PROGRAM. Ron Lanier and Don Morris conducted an inspection of the weed truck used for spraying noxious weeds.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: Planning resolution P-48-95E was presented whereby Deborah Enrich, owner of 80 acres, would be granted art exemption to the regulations to record a 5.11 acre tract in Section 12, T.36N., R.13W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-49-95E (James and Carolyn Baughman) was tabled until a 60' easement is obtained. A verbal request for an exemption to the subdivision regulations for Sarah Bradford to sell a reservoir to Walter Ertel was tentatively approved, contingent on limiting use as an irrigation reservoir, with no residence or commercial use, and access. A verbal request for an after-the-fact exemption to the subdivision was tentatively approved for Robert King to sell an .18 acre parcel, contingent on its being sold only to an adjoining landowner.

IRENE MINOR SUBDIVISION plat was signed.

MILDRED ESTATES SUBDIVISION plat was submitted for approval. Comm McClellan moved to approve and sign the final plat for the Mildred Estates Subdivision (major), seconded by Comm Story and carried.

STATUTES on the Board of Health septic requirements were read.

ADJOURNED at 5:00 p.m.

SEAL

Deputy Clerk Chairman

September 5, 1995

Minutes 09/11/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 11, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 11, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman SEP 18 1995
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Tuesday, September 5, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

911 AUTHORITY BOARDS Comm McClellan made a motion to direct the Clerk to issue Order Number 0-25-95 to the Treasurer to pay \$647.03 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

SOUTHWEST COMMUNITY RESOURCES (CDBG): Request by Southwest Community Resources for reimbursement from Colorado Housing was signed.

SHERIFF Sherman Kennell and Undersheriff Bob McDonnell met to discuss dispatch changes and cost to the county, and source of food for the jail. They invited the Board to inspect the jail anytime - inspection of the jail was tentatively scheduled for next Monday.

SUPERIOR ALARM owner Mark Hill stated he had questions about language used in the proposed agreement between Superior Alarm and Montezuma County/City of Cortez Joint Justice Building for dispatch services. The agreement was reviewed, changes made, and the agreement was signed, effective October 1, 1995. Sheriff Kennell and Undersheriff McDonnell were present.

LANDOWNER Gerry Wolf met to ask that the after-the-fact exemption fee of \$300 be waived on a 5-acre parcel he bought in 1979. The original 10 acres was split into two 5-acre parcels in 1973, and at that time he bought one of the 5-acre tracts and obtained a variance for it. The other 5-acre tract was not addressed by the County in the variance. He felt that the Board of Commissioners at that time should have included both splits in the variance procedure, and that he should not be penalized now for this oversight. Mr. Wolf requested that the total fee be waived, since he did all that was required at the time he bought the second 5 acres in 1979. Comm Story made a motion (1) to waive the total after-the-fact exemption fee, based on the circumstances that the County in 1973 created one parcel with a variance and one parcel without a variance, (2) to tentatively approve the -after-the-fact exemption, contingent on a survey, and septic and driveway permits being obtained, as applicable, and paid for by Mr. Wolf, and (3) to waive all fees for after-the-fact exemptions pertaining to the same situations where the county created illegal splits under 35 acres. The motion was seconded by Comm Colbert and carried. Comm Story, aye; Comm Colbert, aye; Comm McClellan, nay.

LANDOWNERS Carolyn Baughman and Robin Carver met to discuss access to an adjoining property owned by Ernie Jacques. Ms. Baughman explained their request to split 3.11 acres from 40 acres off CR 24.5. It was noted that they have removed old fences and built a private road to the Baughman and Carver homes. A document showing a 30' easement to the Jacques' property was presented. It was noted that an easement is on the county map as an unimproved county road all the way to the canal. Ms. Baughman and Ms. Carver assured the Board that the Jacques property will always have unobstructed access. Comm Story moved to add this statement to Resolution P-49-95E and attach a copy of the easement to the resolution, seconded by Comm McClellan and carried.

LANDOWNER Carol Sturtz stated they have decided to combine the two small parcels in the East Summit Lake area into one parcel (see August 14, 1995 minutes). She asked Administrator Weaver to explain the after-the-fact exemption fee of \$300. This was done. She requested that the after-the-fact exemption fee be waived. This was denied, since the split was created by the developer of these parcels. It was reiterated that a survey of the total parcel is still required before the after-the-fact exemption can be granted.

STATE REPRESENTATIVE Jim Dyer met with the Board. Discussed were: (a) legislation for the Clerks's office to check for exemption numbers on all land transactions, (b) ARA ruling, (c) property taxes, and (d) Department of Transportation priority listing for improving the M&M Truck Stop intersection.

LANDOWNER Bruce Maness met to discuss his proposed golf course. He asked if there were any county regulations for him to comply with if he decides to construct a golf course on a part of his 40 acres on CR H and 25. He was told that at this time, since there would be no land split, the only requirement would be to obtain a driveway access permit and a septic permit.

OFFICE OF COMMUNITY SERVICES: Hike Preston presented Resolution #13-95 authorizing the execution of GOCO Contract #5356 to develop an AG lands open space and wildlife comprehensive plan element and approving contract terms and conditions. Amended Agreement between Montezuma County and the Pine Zone Timber operators was also submitted for signing. Comm Story moved to adopt this resolution and sign the amended contract, seconded by Comm McClellan and carried. A meeting to inspect the Pine Zone Project with FS Supervisor/BLM Area Manager Cal Joyner was tentatively set for September 27th.

HEALTH DEPARTMENT Nurse Bette Sutter recommended that internalist Carla Demby be appointed as the Health Officer, to replace Dr. Kent Akin who is moving. This recommendation was affirmed and Ms. Demby will be contacted about whether she will accept the appointment.

CONTIGUOUS COUNTIES LIMITED GAMING IMPACT FUND contract between the Department of Local Affairs and the Board of County Commissioners was presented. Comm McClellan moved to sign the contract, seconded by Comm Story and carried.

ADMINISTRATOR Weaver reported on energy impact monies. The proposal includes a county match of work by the road department and monies for road preparation. Tentatively the grant monies received will be ear-marked to chip/seal CR G (McElmo). He also mentioned a request by the Civil Air Patrol for gravel at the airport. This was approved.

DOLORS SCHOOL Transportation Manager Larry Britton stated that three families are living in tents and camp-trailers on private land seven miles off Hwy 184 on the Hay Camp Mesa Road, which is designated as an unimproved county road. Between the three families there are eight children. He asked if the county would do snow removal this winter, so their bus could pick up the children for school. Road Supervisor Tim McComb was present. It was noted that the county is not required to provide snow removal on unimproved county roads. The request was denied.

ROAD DEPARTMENT Supervisor Tim McComb reported that, with the weekend rain, conditions were such that CR G (McElmo) to the Roy Tozer property was bladed Saturday. Drying conditions prevented doing the whole road. CR 32 was bladed. Condition of CR 38 was discussed - at this time it will not be bladed. It was noted that any question about problems with roads other than county designated roads should be discussed with the Road Supervisor, before any statements are made. This will be done. A request from the Colorado Division of Water Resources representative Glen Humiston for, permission to pour concrete to repair a washed out bridge abutment on CR 43 was discussed. Since the abutment has washed out, the water level is too low for their flow meters. Supervisor McComb will check damage to the bridge abutment and whatever is needed to be done to bring the water level back to the original depth will be done. The Water Resources offer to furnish the concrete will be considered after the area is chocked. They are putting tack oil on the landfill road today, and will start the chip/sealing tomorrow. Last week's on-site inspection results were noted - (1) Kernan Creek Subdivision on CR 34 (see minutes of September 5, 1995): Approval was given for Mr. Hanson to pay only Phase I impact fees now ... these monies will be put in the road department account and accounted for separately for use on the road to the subdivision. All subdivision fees must be paid now for Phase I and Phase II. Phase II impact fees will be due when that phase is started. (2) Evans Family Trust (see minutes of September 5, 1995): The partners were told they need to go through the Planning Commission public hearing procedures. Dependent on the Planning Commission recommendations, tentative approval was given by the Board for a cluster development, a septic system for 3 units, use of an individual septic system for the other unit, and a central water system.

AMENDED CONTRACT between the Public Safety, Colorado State patrol and the City of Cortez and Montezuma County was submitted. Comm Story moved to sign the amended contract, seconded by Comm McClellan and carried.

BOARD OF SOCIAL SERVICES was conducted.

LANDFILL MANAGER Ron Lanier reported that bids have been advertised for the landfill building.

LIQUOR LICENSES: Deputy Clerk Betty Davis presented an application for renewal of a retail liquor license for the Eagle Claw Trading Post. The Sheriff's department reported no problems with this outlet. Comm Story moved to approve the application, seconded by Comm McClellan and carried. Deputy Davis also presented an application for renewal of a retail liquor license for the Last Chance Liquor Store. The Sheriff's Department reported no problems with this outlet. Comm Story moved to approve this application, seconded by Comm McClellan and carried. Deputy Davis mentioned that an application is being completed by Eagle Claw Trading Post, Charles K. Schroeder, to add a 8'x20' trailer on the front of the building for storage. The Board had no objections to this addition, contingent on access (safety) and compliance with any road set backs. Deputy Davis will notify Mr. Schroeder of these concerns.

09-11-95

4

PLANNING: Planning resolution P-49-95E was presented whereby James L. and Carolyn Baughman, owners of 40 acres, would be granted an exemption to the subdivision regulations to record a 3.11 (3.01 not acreage) tract in Section 10, T.35N., R.16W. This is the only exemption that will be granted this property. It is also understood that the Baughman's will allow Ernie Jacques or his assigns a 30 foot unobstructed easement to his property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Request to cancel P-41-94 by Alvin Sattley was approved. A verbal request by Dan Griffin for an after-the-fact exemption to the subdivision regulations to create a 2-lot subdivision was tentatively approved. A verbal request by Dennis Beaty for Walter Lockhart for an exemption to the subdivision regulations to split 3 acres from 42 acres was tentatively approved. Southwest Bean Company will be notified that if they want to create a subdivision they need to (a) submit an application, (b) go through the Planning Commission, and (c) have the septic inspected by a certified engineer. The Anasazi Heights Subdivision fire code was presented.

ADJOURNED at 2:30 p.m.

Deputy Clerk

Chairman

September 11, 1995

SEAL

Online Copy

Minutes 09/18/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 18, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 18, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk.

MINUTES of the previous meeting held on Monday, September 11, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's and Treasurer's reports were received for August 1995.

ACCOUNTS PAYABLE: General fund vouchers #23257 thru #23445 in the amount of \$106,368.64, Road fund vouchers #8767 thru #8883 in the amount of \$90,499.59, and Landfill fund vouchers #119 thru #132 in the amount of \$62,287.66 were approved for payment.

CLERK Evie Ritthaler stated the Sheriff has informed her that his department will no longer do VIN inspections due to a lack of funds. Inspections requiring certification will still be done by the Sheriff's department. It was noted that VIN inspections are required by law, and that some equipment, mobile homes, etc., cannot be brought to the courthouse for the inspection. The Board will discuss the problem with the Sheriff.

PROPOSED AMENDMENT 38-35-109-C.R.S. - proposed legislation setting forth information for the Clerk's office to check when deeds are recorded - was reviewed, changes made, and approved. Copies will be sent to appropriate persons for submission to the Colorado legislature for consideration.

LANDOWNER Robert King asked for an after-the-fact exemption to the subdivision regulations for .3 of an acre close to the Dolores River, and a septic permit for the parcel. Action was tabled until Sanitation Manager Periman was contacted. *** Later in the morning Manager Periman and Mr. King met with the Board. Manager Periman stated that State regulations would probably allow limited septic usage. Mr. King needs to submit a survey and plat of the parcel to Manager Periman. Manager Periman will check for flood plain status and do an on-site inspection of the parcel. Results will be brought to the Board.

LIQUOR LICENSE: Deputy Betty Davis presented a new application for a 3.2% beer license for the Thriftway Marketing Cooperation dba Thriftway 228. A Public Hearing is scheduled for October 16, 1995, at 10:00 a.m. An investigation will be done by the Sheriff's department with a set radius of 1/2 mile.

REGION 9 Executive Director Ed Morlan presented a memorandum items for discussion. Comm McClellan moved to appoint Comm Gene Story as the representative from Montezuma County to the Region 9 EDD Board of Directors, seconded by Comm Colbert and carried. Comm McClellan moved to recommend the appointment of Tonya Graffis to fill a vacancy on the RLF Loan Fund Committee from Montezuma County. The Board recommended that the libraries in the county be contacted for the three Access Colorado Library Information Network (ACLIN) grants. Brochures on the SCAN program were also presented.

PLANNING: Planning resolution P-37-95E Amended was presented whereby Gary L. Bane, owner of 74.35 acres, would be granted an amended exemption to the subdivision regulations to record a 13.60 acre tract in Section 6, T.38N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-42-95E Amended was presented whereby Danny J. and Catherine Ayers, owners of 320 acres, would be granted an amended exemption to the subdivision regulations to record a mistake by Thomas Engineering on the legal description in Section 35, T.37N., R.18W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-50-95E After-the-Fact was presented whereby Norman L. and Margaret R. Trivett, owners of 6.0 acres, would be granted an after-the-fact exemption to the subdivision regulations to record this tract in Section 3, T.36N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-51-95E was presented whereby Walter and Patsy Lockhart, owners of 42.62 acres, would be granted an exemption to the subdivision regulations to record a 3.0 acre tract in Section 19, T.37N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-52-95E was presented whereby James O. and LaVaughn Linnens, owner of 50 acres, would be granted an exemption to the subdivision regulations to add a .46 acre tract to the 50 acres in Section 25, T.37N., R.15W. The .46 acre tract was created by the DOT when work was done on Highway 184. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from David and Gracia Hopcia to be granted an after-the-fact exemption to the subdivision regulations on 9 acres was tentatively approved.

ADMINISTRATOR Weaver presented proposed options for payment of property taxes by Shell Western E&P. The options were discussed. Irrevocable of Letter of Credit was received from Kernan Creek Subdivision developer Lex Hanson. A meeting with the City to discuss the Justice Building was tentatively set for Monday, October 2nd, at 7:00 p.m.

JAIL inspection was done.

M&M TRUCK STOP INTERSECTION M&M Truck Stop owner Mark Larsen presented a graph and an aerial photo of the intersection. A video done by OTI Video Services, which recorded traffic in the intersection, was shown. OTI Video Services representatives Jeff and Shellie Purcell were present. Copies of the video will be presented to persons and government entities that might help support and secure funds to improve the safety of the intersection.

ROAD DEPARTMENT SUPERVISOR Tim McComb reported that chip/seal patching on CR G was done last week. The first coat of the double penetration seal was done on the landfill road last week. Discussed bridge on CR 43. Action was tabled until plan from the Colorado Division of Water Resources is received. The crusher is being moved to the McElmo gravel pit. Stinking Springs/Cache Canyon cooperative clean-up with the Bureau of Land Management (BLM) scheduled for October 6-7th was discussed. It was reiterated that BLM is the lead entity, and is responsible for any liability. Supervisor McComb stated the road department equipment and operators are available for Friday, October 6th and the following Monday, if needed. This was approved.

SAN JUAN RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL: Comm Story moved to appoint Comm Helen McClellan as a member, seconded by Comm Colbert and carried.

ADJOURNED at 3:00 p.m.

Deputy Clerk Chairman

SEAL

September 18, 1995

Minutes 09/25/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 25, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 25, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, September 18, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Economic Impact Analysis, Ute Mountain Casino, Towaoc, CO dated March 1994 was received.

DOLORES COMMUNITY CENTER representatives Edward Merritt, Jr., Ruby Gonzales, and Shawna Valdez met to ask for funds to complete payment for the new sprinkler system at the Center. Comm Story moved to pay \$2,000 from the lottery funds to the Dolores Community Center, seconded by Comm McClellan and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston gave update on securing counters for the traffic count in the County in connection with the proposed land use plan. It was affirmed that Road Department employee Don Morris is available to help with the process. Workshop with Mike Young was scheduled to determine type and placement of the counters.

COMMUNITY CORRECTIONS BOARD: Comm McClellan moved to appoint Sheriff Kennell to replace Tim Wood as a member of the Community Corrections Board, seconded by Comm Story and carried.

CLERK Evie Ritthaler stated that 1995 is not a designated election year; but, the School Boards will elect new members, and the State has submitted one question for the Ballot. Expenses will be shared for the election. The Dolores Water Conservancy District question being put to the people will not be an expense to the Clerk's office. The Clerk's office will sell print out lists and name labels to them for their mail out ballot.

LIQUOR LICENSES; Deputy Clerk Betty Davis presented an application for a "change of premises" for the Eagle Claw Trading Post (see September 11, 1995 minutes). Comm McClellan moved to accept this application for a change of premises," seconded by Comm Story and carried. Clerk Ritthaler was present. Deputy Davis stated that the Sheriff's office investigator informed the Clerk's office last week that they do not have the funds or time to perform the task of canvassing the neighborhood when needed for liquor licenses. Statutes will be researched to determine if additional fees might be imposed for the added expense of canvassing by the Clerk's office. Budget funding for VIN and canvassing will be compiled and submitted to the Board. A meeting then will be scheduled with the Sheriff.

PUBLIC HEARING - EMPIRE ELECTRIC PROPOSED TRANSMISSION LINE: It being the time set aside, it public hearing was conducted on the proposed transmission line project by Empire Electric. The project includes upgrading the present 69 kV to 115 kV from the Blue door sub-station to a new proposed sub-station to be built on the reservation. The roll was called and Proof of Publication was read. Comm Story was excused because of a conflict of interest. Empire Electric representatives David Rightley and Neal Stephens and Ute Mountain Ute Tribe Attorney Eric Stein were present. Empire Electric representatives presented a summary of the project, map, drawing of the proposed poles, land and easement issues, and environmental issues. Attorney Stein stated the Ute Mountain Ute Tribe is in favor of the proposed upgrade. No public was present. Comm McClellan moved to approve a permit for Empire Electric to upgrade the line, seconded by Comm Colbert and carried. These proceedings were taped for the record.

LANDFILL Manager Ron Lanier asked Empire Electric representatives about the new line for the landfill. He was told that the job has been contracted – scheduling was discussed.

COMM Colbert was absent for the remainder of the meeting.

EAGLES OVERLOOK cluster developer Carter Norris and Realtor Bob Durant met to discuss the project. Information on cluster zoning was presented to the Board. Mr. Norris asked for a letter of support for attachment to his application to the Division of Transportation for approval of a second access. A letter will be written stating a safety concern, since it was determined that the development needs to access for emergency purposes.

BOARD OF SOCIAL SERVICES was conducted.

STINKING SPRINGS/CACHE CANYON CLEAN-UP MEETING: Comm McClellan reported on the meeting. A request to the Department of Transportation for a donation of orange trash bags was denied by them.

ROAD DEPARTMENT Supervisor Tim McComb stated that Vic Hodges has requested temporary closure of both ends of unimproved CR 24 off CR S. Vic Hodges was present and stated he has contacted all but one of the residents on the road. The road does not access any public lands. A problem with trash dumping, unsafe winter conditions, and acts of vandalism were stated for the reasons for the request. To take care of the safety problem, the Board approved the Road Department determining the road closure as necessary. The residents will pay for any gates installed and cost of locks and keys. Mr. Hodges will get all the landowners to sign off on a temporary road closure document. Discussed need for old water struck replacement or repair, or purchase of new water truck for mag-chloride use. It was suggested that the request be submitted in next year's budget. Purchase of a fork lift for \$2,500 was approved. A poor job was done on the landfill chip/sealing. Supervisor McComb will contact the Grand Junction company, and ask that they come down and inspect, and re-do sections that were not done to the satisfaction of the County. Payment for the job will be held until the work is satisfactory.

LANDOWNERS Larry and Kay Fitzwater met to ask for any help in getting the condemned Forest Service Bear Creek bridge repaired in a timely manner. The bridge is the only access they have to their year-round property. The problem will be discussed with Forest Service/BLM Supervisor Cal Joyner.

ADJOURNED at 2.30 p.m.

Deputy Clerk

Chairman

September 25, 1995

SEAL

Minutes 10/02/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY COLORADO
OCTOBER 2, 1995

STATE OF COLORADO)
) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 2, 1995, at the courthouse in Cortez, Colorado, there were present.

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, September 25, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for the month of September 1995 was received.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 26 to the Treasurer to pay \$647.03 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

PAYROLL; General fund vouchers #14238 thru #14360 in the amount of \$140,174.80, #23447 in the amount of \$15,631.92, #23449 in the amount of \$87,642.58, #667 in the amount of \$64,913.48, Road fund vouchers #14361 thru #14391 in the amount of \$48,383.73, #8885 in the amount of \$32,765.25, and Landfill fund vouchers #14392 thru #14395 in the amount of \$5,505.62 and #133 in the amount of \$3,582.75 were approved for payment.

STATUTES on Liquor Laws in regard to canvassing and fees were presented and discussed.

M&M TRUCK STOP INTERSECTION: M&M Truck Stop, owner Mark Larson presented an informational packet on the intersection, which included a photo of the intersection and proposed solutions to alleviate some of the problems. These were discussed. Mr. Larson asked for a letter of support from the Board for inclusion in the packet. This was approved. The packet will be presented at meetings with all the interested entities.

LANDOWNER Mike Tobin met with the Board to request an exemption from the road requirement imposed by the Planning Commission for his proposed two lot moderate subdivision. He desires to split a 6-acre tract into two 3-acre parcels. He stated this was his intent when they bought the property in 1992. There are two homes on the acreage with two approved septic systems. The request was denied, until the road is brought up to county specs in accordance with the current subdivision rules and regulations adopted in 1994.

BRIDGE load limits for emergency vehicle access, and the need to address this issue when exemptions and subdivisions are being considered was discussed.

ADJOURNED to do an on-site inspection of CR G and lunch with the City of Cortez.

TOWN OF DOLORES Mayor Jim Cattles asked for information on the triple chip/seal procedure. He asked if the county would cooperate with the town of Dolores with equipment and operators to pave one street next year, and eventually help do all the streets (approximately seven blocks). It was affirmed that the county will work with the town of Dolores on this project. Road Department Supervisor McComb was present.

10-02-95

2

ROAD DEPARTMENT Supervisor, Tim McComb stated problems with chip/seal on CR G will be corrected by the responsible company this week. They bladed all the gravel section of CR G (McElmo Canyon) last Friday. Battlerock School representative Steve Hanson asked Supervisor McComb if mag-chloride could again be put in front of the school to control the dust problem. It was noted this has been done once a year in the past. Application for mag-chloride this year was approved. Supervisor McComb presented mag-chloride costs for 1995. These were discussed. A letter from the Bureau of Land Management (BLM) asking for cooperation in the protection of Indian ruins under a section of CR 10 was discussed. 1986-88 Memorandum of Understanding with the BLM was read. BLM will buy the gravel and fabric mat. They asked if the county would haul the gravel, install the mat, and spread the gravel. Supervisor McComb will contact FS/BLM Manager Cal Joyner about the need to install the mat. Approval was given to cooperate with the BLM. Supervisor McComb presented proposed changes to comp time policies. These were discussed.

ADJOURNED at 3:00 p.m. to do an on-site inspection of the chip/seal on the landfill roads (CR F and CR 25).

Deputy Clerk Chairman
October 2, 1995
SEAL

Online Copy

Minutes 10/09/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 9, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 9, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, October 2, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports for the month of September 1995 were received.

LETTERS will be written to Chris Majors and Charles Mahaffey reiterating that the offer given them in 1994 has expired as of September 30, 1995 (see January 10, 1994 and January 3, 1995 minutes).

STINKING SPRINGS/CACHE CANYON clean-up report was given by Comm McClellan.

HEALTH DEPARTMENT: Comm McClellan moved to sign the amended Women, Infants and Children (WIC) Contract, for increase funding for the program, seconded by Comm Story and carried.

SPRING CANYON SUBDIVISION developer Cliff Fossum met to express objections to the Planning Commission's decision to allow a two-lot subdivision off of the Spring Canyon Subdivision Road 30.2 (McGrath and Gellatly, see August 21, 1995 minutes). It was suggested that the subdivision Homeowner's Association contact users outside the subdivision and ask them to be involved in maintenance of the road. Attorney Fossum presented statutes concerning private and public roads to Attorney Slough for review. County responsibilities on roads shown on plats as being dedicated to the public: were discussed. It was affirmed that this issue needs to be researched and addressed for future situations.

SHERIFF Sherman Kennell, Undersheriff Bob McDonnell and Clerk Evie Ritthaler met to discuss the responsibility of liquor license canvassing and field VIN inspections. Liquor License application polling: Undersheriff McDonnell stated that the Sheriff's department will continue to do all the required reports on liquor license applications, except the polling. The suggestion was made that applicants do their own polling as allowed by law. After discussion this was approved. Undersheriff McDonnell stated that the department would spot check the polling reports. Field VIN inspections: Undersheriff McDonnell stated that the Sheriff's department will continue to do all field VIN inspections. Scheduling and fees were discussed and will be decided at a later date. *** First payment from Superior Alarm was received for dispatch services. The City of Cortez will receive a credit for 1/2 the amount. Need to create a Dispatch District or funding to support the dispatch program by a 1% sales tax was discussed. It was affirmed that the County, for the rest of the year, will take care of any dispatch fees for the Search and Rescue and K-9 programs, and Mesa Verde National Park use of the dispatch services will be absolved by the Sheriffs department, as a trade-out for their services.

BOARD OF SOCIAL SERVICES was conducted.

HEALTH DEPARTMENT Nurse Bette Sutter presented the PreNatal Contract. Comm Story moved to sign the Pre-Natal Contract between the Department of Health and Montezuma County Board of Commissioners, seconded by Comm McClellan and carried. Carla Demby has turned down the offer to be appointed the Health Officer. Other recommended appointees were discussed. SUBDIVISION PLAT APPROVAL POLICY: A notation will be made on all applicable subdivision plats as follows: "Approval of the subdivision plat by the County does not constitute acceptance by the County of any public right-of-way."

PLANNING: Planning resolution P-42-95E (Second Amendment) was presented whereby Danny J. and Catherine Ayers, owners of 320 acres, would be granted an exemption to the subdivision regulations to amend P-42-95E for a second time, due to a change in the easement description in Section 35. T.37N., R.18W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-53-95E was presented whereby Mark and Stacy Compton, owners of 80 acres, would be granted an exemption to the subdivision to record a 10 acre parcel in Section 4, T.36N., R.16W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-54-95E After-The-Fact was presented whereby Gary Don and Bonny J. White, owners of 13.99 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption on this property in Section 14, T.35N., R.16W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-55-95E After-The-Fact was presented whereby Deborah Kim Bondeson and James Knight, owners of 4.27 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption on this property in Section 34, T.37N., R.14W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning Resolution P-56-95E After-The-Fact was presented whereby Janet Shepard, owner of 8.45 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption on this parcel in Section 34., T.37N., R.14W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A verbal request for an after-the fact exemption to the subdivision regulations was tentatively approved for Jerry Fetterman on a 6.5 acre parcel. *** Other items discussed: Kernan Creek Subdivision developer Les Hanson has decided not to phase-in the subdivision. All the road impact fees will be paid up front for the 17 lots. The plat was presented for approval. Comm McClellan moved to sign and approve the plat with the notation being, added to the plot as follows: "Approval of the subdivision by the County does not constitute acceptance by the County of any public right-of-way," seconded by Comm Story and carried. Motion was then withdrawn because the plat had not been signed off on by Mr. Hanson. It will be resubmitted at a later time. An article will be placed in the newspaper reminding residents that the 90-day after-the-fact grace period is about over.

REYNOLDS MINOR SUBDIVISION: Comm Story made a motion to approve and sign the final plat for the Reynolds Minor Subdivision. The motion was seconded by Comm McClellan. The motion was tabled until further discussion about driveway access. The approved driveway permit was discussed with Road Supervisor McComb (see April 17 and May 15, 1995 minutes). The motion then carried.

ROAD SUPERVISOR Tim McComb gave a report on the Stinking Springs/Cache Canyon clean-up. On Friday, October 6th, the road department took 21 loads of trash to the landfill. Approximately 600 sacks of trash picked up by volunteers will be taken to the landfill today or tomorrow by the road department. There was no landfill charge. He stated that there is still lots of trash in the area. The Bureau of Land Management has indicated that they will no longer issue wood permits for the area and the roads will be blocked. Comm Story made a motion to commend Comm McClellan, Administrator Weaver and Supervisor McComb for their participation in the

10-09-95

clean-up. The motion was seconded by Comm Colbert and carried. Supervisor McComb asked that he receive any changes, made by the Board, in regard to the standard requirement for subdivision road specs. These changes will be noted in the minutes. Supervisor McComb reported that the cattleguard issue on CR K.3 has been settled to the satisfaction of Bob Layton and Kenny Goode. A large haystack creating visibility problems at the CR BB and 10 intersection was discussed. It was determined that it was not in the county right-of-way.

FAIRGROUNDS Manager Dante Sena presented Race Track Association minutes dissolving the association and asking that the County assume operations of the race track. This was approved. He reported on activities at the fairgrounds. He also asked if lottery monies were available for outdoor arena lighting, if GOC Co monies were available for beautification, and if County Lodgers tax funds were available for advertising. An on-site inspection of the fairgrounds to address these needs was tentatively scheduled for next week. He presented, for review, a Montezuma County Fairgrounds Horse Boarding Agreement which was recommended by the Advisory Board. It was noted that if the agreement is approved the County would be accepting some liability. It will be rewritten with changes and annual beginning and ending dates for the horse boarding service and presented again for approval.

OFFICE OF COMMUNITY SERVICE: Traffic monitoring workshop was held. Present were Mike Preston, Steve Harris, Don Morris, Mike Young and Fred Thomas. Eight counters have been placed on county roads for 7 days. A request by Fred Thomas that one more be placed will be considered. Mike Young presented information on available counting equipment with different capabilities. He recommended that a seasonal count be done four times a year for at least two years to establish base-line data and that a county road monitoring program be put in place for a ten-year plan. A proposed plan will be compiled and submitted at a later date by Mike Preston for consideration by the working committee of the proposed comprehensive land plan.

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

October 9, 1995

SEAL

Minutes 10/16/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 16, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 16, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, October 9, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for the month of September 1995 was received.

ACCOUNTS PAYABLE: General fund vouchers #28214 thru #28390 in the amount of \$148,417.52, Road fund vouchers #28391 thru #28440 in the amount of \$42,523.39, and Landfill fund vouchers #28441 thru #28450 in the amount of \$25,948.39 were approved for payment.

GAMING IMPACT FUND ORDERS: Comm McClellan made a motion to direct the Clerk to issue orders to the Treasurer to pay from the Gaming Impact Fund -Order Number 0-27-95 for \$35,086.00 to the Montezuma County Road and Bridge; Order Number 0-28-95 for \$15,000.00 to the Cortez Fire District; Order Number 0-29-95 for \$19,803.00 to the Cortez Police Department; Order Number 0-30-95 for \$23,544.50 to Montezuma County Department of Social Services; and, Order Number 0-31-95 for \$25,287.50 to the Montezuma County Sheriff's Department. The motion was seconded by Comm Story and carried.

PROPOSED MEETING to address crime prevention in the County was discussed and will be scheduled with appropriate representatives from schools, county and city entities.

SOUTHWEST COMMUNITY RESOURCES (CDBG): Request for reimbursement from Colorado Housing was signed.

LANDFILL MANAGER Ron Lanier gave a progress report on the landfill. Bids for the concrete and building will be opened this week. Lease purchase of the facility was discussed. Manager Lanier will compile an updated financial report on the landfill project.

UNDERSHERIFF Bob McDonnell gave a report on the auction held October 7th.

PUBLIC HEARING - LIQUOR LICENSE - THRIFTWAY #228: It being the time set aside, a Public Hearing was conducted for the consideration of a 3.2% beer license for the Thriftway Marketing Cooperation dba Thriftway #228. The roll was called and proof of publications was read. Present were County Clerk Evie Ritthaler, Deputy Clerk Betty Davis, Thriftway representatives Robert Moss and Cindy Clark, and investigator Undersheriff Bob McDonnell. Deputy Clerk Betty Davis presented the application for the 3.2% beer license. Fingerprint results have been received and there is no problem. Undersheriff Bob McDonnell presented the Report of Investigation. The canvassing/polling was done by the applicant. The following question was asked - "Are you in favor of this license?" Polling results showed 10 residents contacted and in favor of the license, Comm Story moved to approve the application, seconded by Comm McClellan and carried. These proceedings were taped for the record.

LANDOWNER Irene Stacer, owner of 10 acres, met to discuss her proposed 3-lot subdivision. She objected to the Planning Commission's requirement that each lot have its own septic system. She stated that one 3.5 acre parcel has a septic system. At this time the remaining acreage which would become two parcels has one shared septic system that was constructed three years ago and engineered for two households. Action was tabled until further research. LINCOLN MINOR SUBDIVISION: Comm Story moved to approve and sign the final plat for the Lincoln Minor Subdivision, seconded by Comm McClellan and carried.

KERNAN CREEK RANCH SUBDIVISION: Comm McClellan moved to approve and sign the final plat for the Kernan Creek Ranch Subdivision, seconded by Comm Story and carried.

PLANNING: Planning Resolution P-57-95E After-The-Fact was presented whereby David and Gracia Hopcia, owners of 9.61 acres, would be granted an exemption to the subdivision regulations to obtain an after-the-fact exemption on this property in Section 34, T.37N., R.14W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-59-95E After-The-Fact was presented whereby Kurtis and Ina Warren, owners of 1.47 acres, and Norman and Lorna Butler, owners of 5.87 acres, would be granted an exception to the subdivision regulations to record an after-the-fact exemption on these properties in Section 23, T.37N., R.15W. This is the only exemption that will be granted these properties. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request by Dr. Edward Merritt for an exemption to the subdivision regulations on a 15-acre parcel adjoining a subdivision developed by him was discussed. The request was tentatively approved as an after-the-fact exemption.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED for an on-site inspection of the Fairgrounds.

REALTOR Paul Williamson representing Dr. Merritt asked for an explanation of why the exemption requested was tentatively approved as an after-the-fact exemption. Explanation was given that this parcel was created as a result of the subdivision but not included, thus making it an illegal parcel.

LANDOWNER J.T. Wilkerson stated that his proposed 3-lot subdivision's road base-rock surface is 18 feet wide, with a finished running surface 12 feet wide. After discussion it was determined that this was adequate for the road and tentative approval was given for the private road.

COMP TIME for the Road Department was discussed again. Administrator will prepare an amended policy for consideration.

OFFICE OF COMMUNITY SERVICE: Mike Preston discussed the upcoming Colorado State Transportation meeting. It was determined that the M&M Truck Stop intersection and improvement of four State highway miles north of Dolores need to be addressed at the meeting. The Montezuma County Comprehensive Plan Overview (Draft) was reviewed, and land use issues discussed.

ADJOURNED at 3:15 p.m.

SEAL

Deputy Clerk Chairman
October 16, 1995

Minutes 10/23/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 23, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 23, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, October 16, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

UNDERSHERIFF Bob McDonnell presented a request for withdrawal of monies from the Forfeiture Account to pay for several Sheriff Department items. This was approved and the request signed. Victims of Crime Act grant was presented for signature. It was signed.

RESIDENTS Peter and Nancy Dericks stated they have recently moved to the county and were interested in being involved with local government. County government and issues were discussed. They attended the meeting until noon.

LANDOWNER Irene Stacer and Jean Childress met to discuss the issue Ms. Stacer presented last week (see October 16, 1995 minutes). Statutes were read. It was affirmed that if Ms. Stacer creates a 3-lot subdivision, each parcel must have its own septic system, which would include a septic tank and leach field inside the property lines of said parcel. They were referred to the Assessor's office for the option of individual tax bills.

***This decision was related to Sanitation Manager Periman later in the morning.

LIQUOR LICENSE - PRIEST GULCH CAMPGROUND: Deputy Betty Davis presented all application for renewal of a 3.2% beer license for the Priest Gulch Campground. The Sheriff's department reported no problems with the outlet. Comm McClellan moved to approve the application, seconded by Comm Story and carried.

SUNDANCE SUBDIVISION developer Paul Long met to ask that impact fees for Phase II be waived, reduced, or a portion of the monies be returned to him for use on the roads in the subdivision. Mr. Long stated that the subdivision access is off a State Highway. Statutes were discussed. Comm McClellan made a motion to approve and sign the final plat for the Subdivision Phase II, with impact fees delayed until more research. The motion was seconded by Comm Story and carried.

LANDOWNERS Elmer and Vanda Jones appeared to discuss their RV Park (see August 1, and August 15, 1994 minutes). The park has four hook-ups. They were advised that they need to comply with State regulations for a RV Park. They agreed to do this. Comm McClellan made a motion that Elmer and Vanda Jones have until July 31, 1996, to comply with the regulations. The motion was seconded by Comm Story and carried.

10-23-95

2

LANDOWNERS Jeannie Hinton and Cindy Green asked for input on county regulations pertaining to subdivisions, after-the-fact exemptions, and exemptions. The properties discussed were in the vicinity of CR 27 and H. It was noted that a landowner has the right to put a private road anywhere on his own property. Also discussed were regulations when a septic system is installed by the landowner. Sanitation Manager Periman who was present stated that a permit and an inspection are required.

PLANNING: Planning resolution P-60-95E After-The-Fact was presented whereas Jerry Fetterman and Linda Honeycutt, owners of 7.29 acres, would be granted an exemption to the subdivision regulations to obtain an after-the-fact exemption on this property in Section 5, T.37N., R.17W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-61-95E After-The-Fact was presented whereas Jeannie Hinton, owner of 3.00 acres, would be granted an exemption to the subdivision regulations to obtain an after-the-fact exemption on this property in Section 31, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-62-95E was presented whereas Frederick and Berta Schaak, owners of 160 acres, would be granted an exemption to the subdivision regulations to record an exemption on a 4.42 acre tract which was created when the Dolores Water Conservancy District put in a canal in Section 19, T.39N., R.17W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried.

FAIRGROUNDS Manager Dante Sena presented a list of priorities for improvements at the fairgrounds. The Board requested that Manager Sena compile a projected plan showing long-term expenses and revenues. Action on requested improvements was tabled until the plan is submitted and reviewed.

WEST DOLORES ROAD: Comm McClellan moved to accept the right-of-way application between the Department of Transportation, Federal Highway Administration and Montezuma County on a portion of the West Dolores Road, seconded by Comm Story and carried.

ROAD DEPARTMENT Supervisor Tim McComb asked for clarification of the comp time issue. This was discussed. Administrator Weaver presented "Amendment to Personnel Policy Chapter III Hours of Work and Overtime" 3.2.5 (see attached). Comm McClellan moved to approve this change in policy effective October 23, 1995, seconded by Comm Story and carried. Battlerock School's request for mag-chloride this fall was discussed. Supervisor McComb will try and locate a small amount for this application.

CORTEZ SENTINEL reporter Gail Binkly interviewed the Board about the Pine Zone Project. SHELL WESTERN E&P meeting with the Board was tentatively scheduled for November 6, 1995.

ADJOURNED at 2:10 p.m.

Deputy Clerk Chairman

October 23, 1995

SEAL

Minutes 11/06/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 6, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 6, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, October 23, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

SUMMONS: A summons, Case No. 95CV114, received by Sheriff Deputy Jim Keen was presented to the Board from David Gee vs Montezuma County, Montezuma County Sheriff's Department and Steve Nowlin, and has been filed with the District Court, County of Montezuma, State of Colorado. It will be submitted to the Insurance Company.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-32-95 to the Treasurer to pay \$648.68 from the 911 account to U.S. West Communications, Denver CO 80244-001. The motion was seconded by Comm Story and carried.

PAYROLL: General fund vouchers #14403 thru #14522 in the amount of \$142,593.00, #23636 in the amount of \$15,483.70, #23637 in the amount of \$89,095.28, Road fund vouchers #14523 thru #14553 in the amount of \$48,495.27, #8943 in the amount of \$32,653.71 and Landfill fund vouchers #14554 thru #14557 in the amount of \$5,125.52 and #144 in the amount of \$3,335.70 were approved for payment.

LANDFILL: Contractors Buck Morris, Michael Morris, and Dean Brookie, and Landfill Manager Ron Lanier met to discuss scheduling concrete work, building the facility, and installing the baler at the landfill. The Board's concerns about the following issues were discussed: (1) Concrete curing, because of cold weather. The Board asked if the whole construction project should be postponed until spring. The contractors assured the Board that they felt the concern can be taken care of by taking extra steps to keep the concrete warm (blankets, etc.) and by testing the concrete. (2) Environmentally safe air quality in the facility; Contractor Brookie assured the Board that the building was designed around industry standards by an engineer. He will contact the engineer and get particulars on steps designed to protect air quality within the facility and send this information to the board. Administrator Weaver presented figures on projected growth of the landfill and the financial figures supporting the loan. An appraisal requested by the bank is scheduled to be completed this week. Morris Construction will be notified by next Monday, whether to start construction on the pad.

HEALTH DEPARTMENT Nurse Bette Sutter stated that Dr. Gerald W. Griebel has been contacted and will accept an appointment as the County Health Officer. Comm Story moved to appoint Dr. Griebel as the County Health Officer, seconded by Comm McClellan and carried. Nurse Sutter asked if the Department Heads could again meet with the Board on a quarterly basis. This was affirmed.

REALTOR Joyce Boyles met to explain the request for an after-the-fact exemption for a 32-acre parcel split recently from 80 acres. The Board stated they will not grant an exemption on this parcel and explained their position based on the fact that the property was split after the adoption of an after-the-fact policy on August 14, 1995. Two options were presented to Ms. Boyles - (1) leave the 32 acres as an illegal parcel, or (2) have the original owner of the 80 acres comply with the county's subdivision rules and regulations. This would involve the creation of a subdivision and it was suggested that any action should include present and future splits of the 80 acres. The Spring Canyon Road easement (access to the 80 acres) also needs to be addressed, and developer Cliff Fossum needs to be made aware of any proposed development of the 80 acres. Ms. Bayles stated she would notify all appropriate persons of the options. Mr. Fossum will be notified of planned road access use. It was noted that the Basin Title Company did not address the exemption problem at the time of their title search. Another parcel split in 1992 before the adoption of subdivision regulations on June 14, 1994, was also discussed.

PLANNING: Planning resolution P-63-95E After-The-Fact was presented whereas Edward G. Merritt, owner of 15.41 acres, would be granted an exemption to the subdivision regulations to obtain an after-the-fact exemption and record this parcel in Section 10, T.37N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-64-95E was presented whereas J. T. Wilkerson, owner of 41.03 acres, would be granted an exemption to the subdivision regulations to record a .76 acre parcel in Section 27, T.39N., R.14W. This parcel is to be added to an adjoining landowner's property and is not to be considered a separate tract to be sold. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request by Richard and Yolanda Denton for an after-the-fact exemption on an old parcel was tentatively approved. A verbal request by Jess and Linda Quam for an after-the-fact exemption on an old parcel was tentatively approved. A verbal request for an after-the-fact exemption for Kurtis and Ina Warren was tentatively approved - current fees will be applicable since the Warrens took no further action on a verbal request tabled by the Board in 1994 (see March 14, 1994 minutes). Ginger Black presented a summary report on 1990 thru 1995 Subdivisions and Exemptions and After-the-Fact Exemptions. She will compile figures on what percentage is presently still for sale. AMENDMENT 1: The possibility of the amendment allowing an increase in the county mill levy not to exceed the 1995 tam revenue was discussed. In connection with this possibility, it was agreed that the offer from Shell Western E&P for pre-payment of their 1996 taxes would be tabled at this time.

BOARD OF SOCIAL SERVICES was conducted.

LEWIS-ARRIOLA ELEMENTARY SCHOOL WILDLIFE SANCTUARY PROJECT: Representatives Cindy Smart, Roy Brown and Pat Robichaux asked if the County would support and sponsor a grant from GOCO. The grant application for monies to complete the second phase of the project was presented for review. Comm McClellan moved to sign the grant application as sponsor, seconded by Comm Story and carried.

ANIMAL DAMAGE CONTROL PROGRAM: Personnel funding was discussed. Administrator Weaver will write a letter to the Division of Wildlife asking that they consider funding this position.

UNDERSHERIFF Bob McDonnell was informed that the tentatively scheduled crime prevention meeting for last Monday was rescheduled for Monday, November 20th at 1:30 p.m.

IMPACT FEES: Distribution of impact fees among four departments - (a) law enforcement, (b) social services, (c) roads, and (d) administration - was discussed. Next week, Administrator Weaver will submit figures derived by using a distribution formula.

ROAD DEPARTMENT Supervisor Tim McComb reported that mag-chloride has been put on the CR G (McElmo) in front of the Battlerock School. A problem on CR J was discussed. Supervisor McComb and Comm McClellan will visit the resident and ask for her cooperation in not blocking CRJ. If the problem cannot be solved, the Sheriff will be notified. The area of a request for "Open Range" signage on the West Fork road was determined to be in Dolores County jurisdiction. Dolores County Commissioners will be contacted. Sheriff Posse representative Darrell Loyd is ready to haul the 10 loads of rejected sand for the Posse grounds driveway (see May 8, 1995 minutes). It was affirmed that a Sheriff Posse member can use the county grader to spread it. A request from the Cortez school bus yard for use of the county loader for one to two hours was discussed. Supervisor McComb will ask that they check with private entities for a loader, but if this is not feasible approval was given for them to use the county's.

DEVELOPER Bob Leighton presented plans for development of a light industrial park east of Cortez. Annexation by the City of Cortez, sanitation and water availability was discussed. Mike Preston was present. He was told that development of the property would have to go through the subdivision process, if the property is not annexed by the City. It was noted that the Board will schedule a meeting with the Sanitation Board in the near future. Mr. Leighton will be notified of the date and time.

ASSESSOR Bob Cruzan reported that two Board of Equalization property tax assessments are being appealed to the State Board of Assessment Appeals (Slater and Vergien). The Board recommended that the change of agriculture land to vacant land be defended in the Bradley C. Vergien assessment.

LANDFILL Manager Lanier met to discuss the Board's concern about the bid process and the short review time of the specs in connection with the landfill bids. It was determined that in the future all bids need plenty of lead time.

BAKER SANITATION owner Les Baker met to discuss his current and future contracts in connection with use of the landfill.

WILKERSON SUBDIVISION: Comm McClellan moved to approve and sign the final plat for the Wilkerson Subdivision, seconded by Comm Story and carried.

ADJOURNED at 4:00 p.m.

Deputy Clerk Chairman

November 6, 1995

Minutes 11/13/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 13, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado held on Monday, November 13, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator.
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, November 6, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer report for the month of October 1995 was received.

ACCOUNTS PAYABLE: General fund vouchers #28452 thru #28654 in the amount of \$142,165.52, Road fund vouchers #28655 thru #28706 in the amount of \$46,558.90 and Landfill fund vouchers #28707 thru #28716 were approved for payment.

RESIDENT R. T. Stacy asked if there had been any follow-up on his concerns ff July 17, 1995. The answer was no. He was invited to the crime forum meeting, and will be notified of the next scheduled meeting with the Division of Transportation about proposed work on Highway 145, north of Dolores. Proposed comprehensive land use plan funding, impact fees, and a proposed sales tax were discussed. At his request, Administrator Weaver will supply him with copies of the last five years of the approved Budget for a comparative study.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss impact fees.

The first traffic count is done. Steve Harris will be contacted for in-put on an applicable formula for distribution of impact fees using the traffic count figures. Options for impact fees will continue to be researched. It was noted that cost of growth figures need to be compiled. At this time, subdivision developers need to pay impact fees under the current subdivision regulations. These fees will be put into an escrow account until there is a final decision on impact fees.

COMM COLBERT was absent from the meeting from 10:00 a.m. until 2:00 p.m.

LOCAL AFFAIRS representative Ken Charles met to discuss the State Contiguous County Gaming Programs. He asked if the Board would be interested in joining with LaPlata County to do an Impact Study on gaming. He stated that cost for the proposed study would be divided between the participating Indian Tribes and Counties, and the Gaming Commission. Action was tabled until more information is obtained about the reason why the study is being proposed. He stated that the hearing for Energy Impact grant monies to improve 13 miles of CR G (McElmo) is scheduled for February 20, 1996, in Grand Junction, CO. More information will be gathered about users of the road.

PLANNING: Planning resolution P-42-95E (Third Amendment) was presented whereas Danny J. and Catherine Ayers, owners of 320 acres, would be granted an exemption to the subdivision regulations to amend P-42-95E for a third time, due to a change in the legal description on this parcel in Section 35, T.39N., R.18W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-65-95E After-The-Fact was presented whereas Richard and Yolanda Denton, owners of 3.0 acres, would be granted an exception to the subdivision regulations to record an After-The-Fact exemption on this parcel in Section 16, T.38N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Also mentioned (1) a possible exemption request from Paul Long to combine a 3 acre parcel outside the Sundance Subdivision with a 5-acre parcel within the subdivision - any adding on would require a signature on the plat from all the subdivision landowners, and (2) a possible subdivision by Carl Northcutt to split property with 3 mobiles for mortgage purposes.

BOARD OF SOCIAL SERVICES was conducted.

LIQUOR LICENSE - EAGLE CLAW TRADING POST: Deputy Betty Davis presented an application for renewal of a retail 3.2% beer license for the Eagle Claw Trading Post. The Sheriff's department reported no problems with the outlet. Comm Story moved to accept the application, seconded by Comm McClellan and carried.

RESIDENT Don Dove presented a letter and drawing showing problem areas at the intersection of CR H and 25 (Oak Street Bridge area). Road Supervisor Tim McComb explained that the bridge is scheduled to be replaced in 1996 and the road straightened. Mr. Dove asked for a guard rail in one area. The Board and Supervisor McComb tentatively scheduled an on-site inspection of the intersection next week.

ADMINISTRATOR Weaver presented an aerial photo done with overlays showing proposed solutions for the M&M Truck Stop intersection.

ROAD DEPARTMENT SUPERVISOR Tim McComb stated that some of CR G (McElmo) was bladed last week and it is in fair condition. He contacted the resident all CR J. The resident assured him that the road was not intentionally blocked and will not be in the future. Supervisor McComb asked if the county would accept a proposal from Billy Goode to haul and spread gravel for CR 8 (Hay Camp Mesa), if the county would furnish it. This is a fully maintained county road. Mr. Goode and the county both use the road to access gravel pits. This was affirmed. Jim Dickey's request that the county patch holes on Kelly Hill was discussed. The hill will be looked at to determine what asphalt can be left and what needs to be pulled up and hauled off. The area will be graveled. Supervisor McComb will check CR 38.

LANDFILL, Appraiser Maggie Love presented the proposed appraisal "Summary of Important Conclusions" for the landfill. Landfill Manager Ron Lanier was present. Ms. Love expressed concern about the concrete slab being poured this late in the year and stated there needs to be close supervision when it is done. It was noted that the Sun Dale & Associates engineer and a Brookie Architecture & Planning, Inc. representative must be on-site when the concrete work is done. These two entities will be held responsible for Morris & Sons Construction, Inc., the contractor who was low bidder to do the concrete work. Bids will not be officially awarded until the financial agent notifies the County that the lease purchase has been approved. Contracts were looked at, and several items noted that need to be checked on before the contracts are signed.

ADJOURNED at 4:00 p.m.

Depdy Clerk Chairman

November 13, 1995

SEAL

Minutes 11/20/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 20, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado held on Monday, November 20, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, November 13, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for the month of October was received.

WALL WOOD SALES, INC., owner Dudley Millard, James Suckla, Montezuma County Economic Development president Lance Michaels, and Kevin and Pantatta Barlow met to ask if Montezuma County had any objections to keeping the Dolores-Norwood road (Groundhog) open. The company would maintain the road for a logging operation until the last of December. Montezuma County's portion of the road is a Forest Service Schedule "A" road. A letter from Dolores County who maintains the remainder of the road which is largely private land was discussed. Dolores County expressed opposition to Mr. Millard maintaining the road past the November 15th date, which both counties had agreed upon in the past. A Forest Service permit has been obtained for him to do snow removal on the Schedule "A" portion in Montezuma County. The Board stated they have no objections to Mr. Millard's plans, since it meant jobs for approximately 20 employees who work for Mr. Millard. **** Later in the day there was a conference call with the Dolores County Board of Commissioners. Liability was discussed. They stated it is not their policy to accept responsibility of the road after the November 15th date. They will re-consider the request. They will call Mr. Millard and request that he start now while the weather is good.

LANDFILL: Sun Dale Associates engineer Wayne Dale, Brookie Architecture Planning, Inc. representative Dean Brookie presented proposed plans for the concrete work. Landfill Manager Ron Lanier was present. Items discussed were: (a) Quality of concrete because of cold weather - Dean Brookie will contact contractor Buck Morris and ask if he is willing to pay the cost for blankets, etc. to heat the concrete, if needed. (b) Responsibility for the job - Wayne Dale stated that he makes sure that the contractor follows the rules and specs. He will be on-site when the concrete is poured - soils of the building site have been tested. He stated that December 15th is the usual cut-off for pouring concrete in LaPlata County without the use of heating agents. (c) Air Quality - Dean Brookie stated that OSHA Standards are followed, but monitoring in the building is not in the contract - carbon monoxide detectors could be installed. Financial letter of commitment for the lease purchase is expected this week. Contractors will be contacted when this is received.

CITY OF CORTEZ Manager Bill Ray presented a drawing of the proposed City police facility to be built next to the Justice Building on jointly-owned city and county land. He asked if the Board would agree to separate land ownership for the new facility and the Justice Building. This was affirmed - a legal description will be done. The Board stated that the county would like to be included in any revenue, if the airport is ever sold. Manager Ray agreed to this. This will be discussed further at a later date.

PARTNERS representative Lisa Cochrane gave an update on the juvenile holding facility located in Cortez, which serves five counties. She stated another facility is proposed for the 4-corners area and their organization is trying to get it located in Montezuma County.

ROAD DEPARTMENT Supervisor Tim McComb reported that they have bladed and rolled the Kelly Hill road. The asphalt was not removed at this time. The Board asked that he require the Mancos Foreman to watch for any problems that might create a safety hazard. Personnel health problems were discussed. Supervisor McComb will check date of last blading of lower CR G (McElmo) and let the Board know. They will plan on blading it again when the area receives moisture. They are crushing rock in the McElmo gravel pit. Preliminary work on CR G (McElmo) in anticipation of approval of grant monies was discussed. Approval was given to do some of the preliminary work as they have time. Comm Story asked that Supervisor McComb visit San Juan County and inspect the "armor coat" used on some of their roads.

M&M TRUCK STOP INTERSECTION: Resident Bud Erickson met to discuss the proposed changes at the intersection scheduled for 1996.

ON-SITE INSPECTION of CR H and CR 25 was done with Road Supervisor McComb.

CRIME FORUM: The following people met to discuss an increased crime rate in Montezuma County: Judge Sharon Hansen and Judge Christopher Leroi; City of Cortez - Bill Ray, Roy Lane, Bob Diederich; Social Services - Dennis Story; Town of Dolores - Jim Cattles, Toni Kelly, and John L. Lyons; Town of Mancos - Ed Hallam; Sheriff Department - Sherman Kennell, Bob McDonnell, and Steve Nowlin; Probation - Tom Cole and Lynn Williams; Dolores Schools - Tom Brown; Mancos Schools - Ray Carey; Cortez Schools - Bill Thompson; Partners - Lisa Cochrane; and citizens - Dick Stacey and Lou Shaffer. Undersheriff Bob McDonnell presented a "Summit on Crime in Montezuma County," report. A Task Force group (see attached list) was created to research national solutions. It was affirmed that this is a county-wide community problem and needs to be addressed.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: Planning resolution P-58-95E After-The-Fact was presented whereas Jack and Lynelle Rule, owners of 9.36 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption on this parcel in Section 15, T.38N., R.14W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-66-95E After-The-Fact was presented whereas Howard E. and Dana R. Baxstrom, owners of 4.463 acres, would be granted an exemption to the subdivision regulations to record an exemption on this parcel in Section 4, T.35N.9 R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-67-95E was presented whereas the County of Montezuma, owner of 240 acres, would be granted an exemption to the subdivision regulations to record a 8.17 acre tract in Section 12, and Section 13, T.35N., R.16W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-68-95E After-The-Fact was presented whereas John and Kathryn Knollmiller, owners of 5.49 acres would be granted an exemption to the subdivision regulations to record an exemption on this parcel in Section 14, T.37N., R.16W. This is the only exemption that will be granted this property, which was created by Edward and Susan Roseberry (see P-5-82). Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried.

Planning

11-20-95

3

resolution P-38-95E (Richard P. Jones and Barbara P. Jones) originally presented and signed August 7, 1995, was presented for re-signing and was signed. A verbal request for an after-the-fact exemption from Leonard Maez to split 5 acres from 236 acres was tentatively approved. A verbal request for an after-the-fact exemption from Joseph and Silvano Garcia to split 19 acres was tentatively approved, contingent on a 60' easement. A verbal request from Paul Long to change acreage in Phase II of the Sundance Canyon Subdivision was tentatively approved, contingent on an amended plat with signatures from all the present landowners within Phase II.

ADJOURNED at 4:00 p.m.

Deputy Clerk Chairman

November 20, 1995

SEAL

Online Copy

Minutes 11/27/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 27, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado held on Monday, November 27, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, November 20, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT Supervisor Tim McComb reported that CR G (McElmo) has been bladed eleven times in 1995 - once each month except June - two times in September. October 29th was the last time the whole road was done. Discussed the budget for the proposed project on CR G (McElmo). Data is still being compiled. After the data is reviewed, a request for more grant monies may be considered. They are still crushing at the McElmo gravel pit. They have received several complaints about the condition of CR BB. Crews have been doing some blading. Plan for snow removal was discussed. The condition of road department equipment (graders, dump trucks, etc.) was discussed. Some may have to be parked because of lack of funds to repair them.

RESIDENT Dick Stacey met to comment on the Crime Forum held last week. He expressed his concern that no representation from the District Attorney's office or the Ute Mountain Ute Tribe, Towaoc, Co. attended. He felt that a follow-up meeting should be scheduled. This was affirmed. SWANNER SUBDIVISION owner Dick Swanner met to have his minor subdivision

plat signed. It was signed.

LANDOWNERS Don and Glenda Griffin stated that Empire Electric has asked for a designated 20' surveyed utility easement on their 6-acre parcel, as a contingency before signing off on their exemption request. They were advised to meet with Empire's General Manager Neal Stephens.

PROPOSED 1996 COUNTY BUDGET was discussed.

BOARD OF SOCIAL SERVICES was conducted.

LANDFILL: Resolution #14-95: Comm Story made a motion to adopt this resolution concerning the financing of a Solid Waste Processing Facility and approving a Ground Lease, A Lease Purchase Agreement, and Related Documents and Transactions between Jinco Leasing Corp., as a lessor and Montezuma County, Co, as lessee. The motion was seconded by Comm McClellan and carried. Comm McClellan moved to amend the motion to designate Thomas J. Weaver as the County representative, seconded by Comm Story and carried.

Comm Story moved to sign the Ground Lease Agreement dated December 1, 1995, between Jinco Leasing Corp., and Montezuma County, seconded by Comm McClellan and carried.

Comm McClellan moved to sign the Solid Waste Processing Facility Lease Purchase Agreement dated December 1, 1995, in the principal amount of \$968,240.00 between Jinco Leasing Corp., and Montezuma County, Co., (includes baler cost), seconded by Comm Story and carried.

Comm Story moved to sign the Depository and Limited Agency Agreement dated December 1, 1995, by and among Montezuma County, Co., Jinco Leasing Corp., and First National Bank of Longmont as Depository and Limited Agent, seconded by Comm Story and carried.

Comm Story moved to sign the Assignment dated December 1, 1995, from Jinco Leasing Corp. to First National Bank of Longmont seconded by Comm McClellan and carried.

Comm Story moved to sign the No Arbitrage Certificate with Jinco Leasing Corp. and Bank of Longmont, seconded by Comm McClellan and carried.

Comm Story moved to sign the Information Return for Tax-Exempt Governmental Obligation Form #8038-G, seconded by Comm McClellan and carried.

Comm Story moved to sign the General Certificate, seconded by Comm McClellan and carried.

Comm Story moved to sign the Uniform Commercial Code Financing Statement, seconded by Comm McClellan and carried.

Comm Story made a motion to sign the Standard Form of Agreement between the Owner, Montezuma County Board of Commissioners and the Contractor, Morris and Sons Construction, Inc. for the Solid Waste Processing Facility. The motion was seconded by Comm McClellan and carried.

ADJOURNED at 1:45 p.m.

Deputy Clerk Chairman

November 27, 1995

SEAL

Minutes 12/04/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 4, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado held on Monday, December 4, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, November 27, 1995, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

EXTENSION OFFICE Agent Kenny Smith asked about the status of the Access Colorado Library Information Network (ACLIN) grants. Minutes of September 18, 1995, were read. He will follow-up on the grants.

PAYROLL: General fund vouchers #14566 thru #14687 in the amount of \$140,343.13, #23848 in the amount of \$15,885.74, #23849 in the amount of \$88,136.78, Road fund vouchers #14688 thru #14718 in the amount of \$48,163.23, #9003 in the amount of \$32,455.95 and Landfill fund vouchers #14719 thru #14722 in the amount of \$5,835.99, #156, in the amount of \$3,738.21 were approved for payment.

GAMING IMPACT FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-33-95 to the Treasurer to transfer \$21,341.00 from the Gaming Impact Fund to the Montezuma County Social Services Department. Motion was seconded by Comm Story and carried.

HEALTH DEPARTMENT: Comm McClellan made a motion to sign the amendment to the existing Womens, Infants, and Children (WIC) contract between the State of Colorado Department of Public Health and Environment and Montezuma County Board of County Commissioners. The motion was seconded by Comm Story and carried.

RESIDENT Bob Leighton met to discuss his proposed light industry park. He was invited to a meeting tentatively scheduled with the Sanitation Department on December 12, 1995.

LEWIS CEMETERY DISTRICT member Jim Sturman presented a written resignation from Secretary Betty Duncan and a recommendation for the appointment of William Duncan as secretary. Comm McClellan moved to appoint William (Bill) Duncan as the Lewis Cemetery District Secretary, seconded by Comm Story and carried.

LANDFILL: Administrator Weaver reported on finalizing the landfill contract last week in Denver, CO. He reported that the baler was shipped and is on-site at the landfill. According to the contract, the road into the landfill needs to be an all weather road. Supervisor McComb will meet with Landfill Manager Lanier about bringing the road up to specifications.

CRIME FORUM: Goals, and how to address problems and produce results were discussed. Administrator Weaver will contact the Ute Mountain Ute Tribe for representation on the Crime Task Force.

BOARD OF COMMISSIONER REGULAR MEETING CHANGE: It was affirmed that after the December 18, 1995 meeting the Board of Commissioners will not meet until January 8, 1996.

PLANNING: The proposed moderate Northcutt Subdivision was discussed. The subdivision has met all the requirements and will be presented at the January 1996 Planning Commission meeting for consideration.

BOREN SUBDIVISION (Minor) final plat was signed.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED for an on-site inspection of the new baler at the landfill - and lunch with the City of Cortez.

ROCKY MOUNTAIN CHOCOLATE FACTORY trucking representatives Joan Colcord and Beth Johnson met to discuss the new guardrail on CR 25 - CR F and the wash board condition of the graveled apron. Road Supervisor McComb was present. The new guardrail narrows the road, which creates a blind spot and presents a safety problem with their trucks turning into the Colcord property. Suggestions were to extend the culvert to widen the road and put asphalt on the apron. Supervisor McComb stated that next year asphalt will be put on the apron area. He will look at the situation and do something now to help alleviate the problems.

POSTED BRIDGE WEIGHT LIMITS: Several local business people (see attached list) met to express concern about posted weight limits on county bridges. Road Supervisor McComb was present. Spokesperson, Best Logs Industry owner, Bill Simmons stated he was concerned about the 23-ton weight limit signs, especially on CR 27 and CR 25 bridges, and the possibility of receiving tickets from the Sheriff and/or State Highway Patrol if their trucks violate the limits. Supervisor McComb stated that the bridge weight limits were the result of a State engineer assessing the bridges and making that determination. The group was advised to hire their own registered professional structural engineer for a second opinion on the weight limits. They were encouraged to meet with the Board on January 8, 1995 with the results. Mr. Simmons requested a copy of the bridge weight limit report and the State engineer's name. He was directed to the Road Department. The Board will talk with the law enforcement entities about the situation.

FOUR CORNERS TRAIL CLUB representatives Roy Johnson, Dale Slavens, and Darlene LeBlanc presented photos of a proposed new trail. They asked if the County would sponsor their application for a State of Colorado Parks grant. The Board will sign a letter of support for the club.

LANDOWNER Russel Hindmarsh met to discuss a proposed project in 1993 on CR 28. He stated that the funding from ASCS is now available to help Rich Lee with the project. Supervisor McComb was present. Minutes of May 3, 1993, May 10, 1993 and July 12, 1993 were read. He was advised that he and Rich Lee will need to agree on what is required from each of them for the project. After this is done, Supervisor McComb will work with them to do the county's portion of the project. Supervisor McComb will contact Rich Lee and ask that he come in and discuss the project with the Board.

ROAD DEPARTMENT Supervisor Tim McComb reported that they are blading CR G (McElmo) to the lower end this week. Personnel was discussed.

ANIMAL DAMAGE (PREDATOR) CONTROL PROGRAM: State Department of Agriculture Director Craig Coolahan and Michael A. Yeary, Mary Watkins, Russel Hindmarsh, Casey Brown, and Paul Bandy met to discuss funding for the predator program. The Bureau of Land Management Advisory Board will be contacted for any available funds. A request will be made to the Division of Wildlife (DOW) that they meet with the Commissioners in the near future to discuss the problem. Paul Bandy and Casey Brown pledged \$3,000 from their entities. Discussed was a need for greater involvement for support and funding from the Cattlemen's Association, Wool Growers Association, Farm Bureau, DOW, BLM and other entities concerned with community safety

12-04-95

2

BOARD OF COMMISSIONER REGULAR MEETING CHANGE: It was affirmed that after the December 18, 1995 meeting the Board of Commissioners will not meet until January 8, 1996.

PLANNING: The proposed moderate Northcutt Subdivision was discussed. The subdivision has met all the requirements and will be presented at January 1996 Planning Commission meeting for consideration.

BOREN SUBDIVISION (Minor) final plat was signed.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED for an on-site inspection of the new baler at the landfill – and lunch with the City of Cortez

ROCKY MOUNTAIN CHOCOLATE FACTORY trucking representatives Joan Colcord and Beth Johnson met to discuss the new guardrail on CR 25 – CR F and the wash board condition of the graveled apron. Road Supervisor McComb was present. The new guardrail narrows the road, which creates a blind spot and presents a safety problem with their trucks turning into the Colcord property. Suggestions were to extend the culvert to widen the road and put asphalt on the apron. Supervisor McComb stated that next year asphalt will be put on the apron area. He will look at the situation and do something now to alleviate the problems.

POSTED BRIDGE WEIGHT LIMITS: Several local business people (see attached list) met to express concern about posted weight limits on county bridges. Road Supervisor McComb was present. Spokesperson, Best Logs Industry owner, Bill Simmons stated he was concerned about the 23-ton weight limit signs, especially on CR 27 and CR 25 bridges, and the possibility of receiving tickets from the Sheriff and/or State Highway Patrol if their trucks violate the limits. Supervisor McComb stated that the bridge weight limits were the result of a State engineer assessing the bridges and making that determination. The group was advised to hire their own registered professional structural engineer for a second opinion on the weight limits. They were encouraged to meet with the Board on January 8, 1995 with the results. Mr. Simmons requested a copy of the bridge weight limit report and the State engineer's name. He was directed to the Road Department. The Board will talk with the law enforcement entities about the situation.

FOUR CORNERS TRAIL CULB representatives Roy Johnson, Dale Slavens, and Darlene LeBlanc presented photos of a proposed new trail. They asked if the County would sponsor their application for a State of Colorado Parks grant. The Board will sign a letter of support for the club.

LANDOWNER Russel Hindmarsh met to discuss a proposed project in 1993 on CR 28. He stated that the funding from ASCS is now available to help Rich Lee with the project. Supervisor McComb was present. Minutes of May 3, 1993, May 10, 1993 and July 12, 1993 were read. He was advised that he and Rich Lee will need to agree on what is required from each of them for the project. After this is done, Supervisor McComb will work with them to do the county's portion of the project. Supervisor McComb will contact Rich Lee and ask that he come in and discuss the project with the Board.

ROAD DEPARTMENT Supervisor Tim McComb reported that they are blading on CR G (McElmo) to the lower end this week. Personnel was discussed.

ANIMAL DAMAGE (PREDATOR) CONTROL PROGRAM: State Department of Agriculture Director Craig Coolahan and Michael A. Yeary, Mary Watkins, Russel Hindmarsh, Casey Brown, and Paul Bandy met to discuss funding for the predator program. The Bureau of Land Management Advisory Board will be contacted for any available funds. A request will be made to the division of Wildlife (DOW) that they meet with the Commissioners in the near future to discuss the problem. Paul Bandy and Casey Brown pledged \$3,000 from the entities. Discussed was a need for greater involvement for support and funding from the Cattlemen's Association, Wool Growers Association, Farm Bureau, DOW, BLM and other entities concerned with community safety

12-04-95

3

and livestock problems related to the overpopulation of bears, coyotes, and mountain lions. Comm Story made a motion to support the 1996 program with \$2,100, contingent on a concentrated effort being made by all the entities to address funding issues next year for the 1997 program. The motion was seconded by Comm Colbert. Comm Story "aye," Comm Colbert "aye," and Comm McClellan "nay." The motion was carried.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

December 4, 1995

SEAL

Online Copy

Minutes 12/11/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 11, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 11, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, December 4, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

Treasurer reports were received for November 1995.

ACCOUNTS PAYABLE: General fund vouchers #28717 thru #28873 of \$97,265.49, Road fund vouchers #28874 thru #28919 in \$36,197.48 and Landfill fund vouchers #28920 thru #28936 in \$23,329.91 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-34-95 to the Treasurer to pay \$647.74 from the 911 account, to U.S. West Communications, Denver, CO 80244-001. The motion was seconded by Comm Story and carried.

HELICOPTER: Sheriff Sherman Kennell and Dr. Michael Duehrssen presented information on an offer from the Department of Defense for a free used helicopter and free parts as needed. It would have to be picked up at the expense of the county, would be considered as county property, and could be sold by the county. Discussed was proposed use by different entities including the area oil companies, Ute Mountain Ute Tribe, hospital, sheriff, federal, city, county and other entities for medical emergencies, law enforcement, and fire. There are no funds available in the county budget to pay for maintenance, insurance, operation, or maintenance personnel expenses. Liability insurance needs to be researched. Suggestion was made that entities could make contributions to the County Grants would be applied for to cover some of the expenses. Grants would be applied for to cover some of the expenses. Grants would be applied for to cover some of the expenses. No action was taken. The Sheriff will keep the Board updated on the proposal.

JOINTLY-OWNED CITY AND COUNTY LAND: City Manager Bill Ray and Attorney Cliff Fossum met to discuss and present an agreement on the proposed land trade. Comm McClellan made a motion to sign the "Instrument and Intergovernmental Agreement Creating Estates in Land Between the County of Montezuma and the City of Cortez." The motion was seconded by Comm Story and carried.

JOINTLY-OWNED CITY AND COUNTY LAND: City Manager Bill Ray and Attorney Cliff Fossum met to discuss and present an agreement on the proposed land trade. Comm McClellan made a motion to sign the "Instrument and Intergovernmental Agreement Creating Estates in Land Between The County of Montezuma and The City of Cortez." The motion was seconded by Comm Story and carried.

PLANNING: Landowner George LeSatz asked if he, as the holder of a Deed of Trust on 5 acres included in the proposed Northcutt Subdivision, could request that the developer plat this parcel as a 5-acre lot within the subdivision, not to be combined with other acreage in the subdivision. This was affirmed. Mr. LeSatz stated he would talk with the developer. It was noted that a revised plat will need to be done. Landowner Ronald Volz requested verbal approval for an exemption to the subdivision regulations to sell 1.14 acres to an adjoining landowner to adjust a boundary. Tentative approval was given. He asked that the fee be waived. This was denied. Ginger Black was present.

12-11-95

2

SOUTHWEST COMMUNITY RESOURCES (CDBD): Request for reimbursement from Colorado Housing was signed.

CU CENTER representatives Bob Maynes and Doug Bowman gave a report on improvements and programs at the center. A request for funds was tabled. Sources for impact monies to upgrade CR G (McElmo Canyon), which is designated secondary route for the "Trail of the Ancients," were discussed.

DISPATCH CENTER: Police Chief Roy Lane, Undersheriff Bob McDonnell, and Cortez Fire Department representative Jay Blafour representing the Communications Committee reported that the State Division of Communication was interested in helping establish a dispatch center in Cortez. Discussed was a formal plan and available grant monies. Two ideas for funding the center were as follows: (a) create a Special District, or (b) if the voters approved a county sales tax, share revenues with the county. Total allowable sale tax will be researched.

FIRE DEPARTMENT representative Jay Balfour reported on tires being burned by a resident on his private property. He asked if some language might be included in the proposed Land Use Plan to control burning of tires and oil products that affect the air quality in the County. This was affirmed. He stated he will do further research and present it to the Land Use Plan Working committee.

FAIRBOARD member Dough Dean presented the Fairboard's nominations for two vacant appointments. The appointments were advertised in the newspaper – six names were submitted.

RESOLUTION #15-95: Landfill Manager Ron Lanier presented Resolution #15-95, dedicating a County Road as access to the landfill. Comm Story made a motion to adopt this resolution – now therefore be it resolved by the Board of Commissioners for Montezuma County that this road be forever and dedicated to the public and accepted for maintenance by Montezuma County. The motion was seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that they do not have a culvert long enough for CR 25 – CR F (see minutes of December 4, 1995). Approval was given for him to order one. He will contact Rocky Mountain Chocolate Factory trucking representative Joan Colcord with this information. A complaint by the Forest Service that the county is taking too much gravel from the Ormiston gravel pit will be checked. It was noted that water will not be drained at the Ormiston pit – since when the county is through crushing, the area is to have a pond. Date expiration for Gardner gravel pit lease was checked – it is in effect until 2005. 1991 minutes were read about fixing narrow section on CRP – culvert needs to be checked.

Conference call was placed to Bill Simmons (see December 4, 1995 minutes) about posted weight limits on CR 27 bridge. Supervisor McComb will post CR 27 with different designated limits for different size trucks. Next week Supervisor McComb will bring a copy of the bridge weight report done by the State Engineers.

AREA AGENCY ON AGING (AAA) BOARD: Comm McClellan was appointed to the Board. BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED at 3:40 p.m.

Deputy Clerk Chairman

December 11, 1995

SEAL

Minutes 12/18/1995 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 18, 1995

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 18, 1995, at the courthouse in Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman - Absent
Helen McClellan, Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk.

MINUTES of the previous meeting held on Monday, December 11, 1995, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

TV SPECIAL DISTRICT representatives Wayne Johnson and Dominic Aspromante presented information about a request by CBS to drop Denver, CO signals and pick up CBS signals from Albuquerque, NM. They will draft a letter for the Board to consider in requesting that this be reconsidered.

GENERAL LIABILITY INSURANCE: Comm Story moved that effective January 1, 1996, the County health insurance will be with Colorado Employee Benefit Trust (CEDT), seconded by Comm McClellan and carried. Comm Colbert and Attorney Slough were both excused from this decision, due to conflicts of interest.

FAIRBOARD: Fairboard member Darlene Hamilton and Extension Office Director Jan Brandt made recommendations for the two vacant appointments from the seven names nominated. Comm Story made a motion to appoint Ron Kimmi and Jimmy Smith to the two vacancies for the four year terms (1996-1999). The motion was seconded by Comm McClellan and carried. RESIDENT Mike Tobin gave an updated report on his moderate subdivision. He reported that Road Supervisor McComb has done an on-site inspection of the road and given him specs for the road improvements. The road needs to serve both lots. Mr. Tobin was told he will need to go through the Planning Commission. The public hearing will be tentatively scheduled for the February 1996 meeting. Ginger Black was present.

PLANNING; A planning resolution P-69-95E After-The-Fact was presented whereas Leonard A. Maez, owner of 236 acres, would be granted an exemption to the subdivision to record an after-the-fact exemption on 5.49 acres, in Section 33, T.37N., R.16W. This property will be given to his daughter, Cindy Randall. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Bill Grimes for an exemption to the subdivision regulations to split 12 acres from 160 acres was tentatively approved. A verbal request from Bob Leighton for an exemption to the subdivision regulations to split off 7 acres, to be given to Empire Electric, from 70 acres, more or less, was tentatively approved. A verbal request from Roscoe Rose for an exemption to the subdivision regulations to split from 500 acres 3 unconnected five-acre parcels for his children was tentatively approved. A verbal request from Rodney Rich for an exemption to the subdivision regulations to amend resolution P-39-92 was tabled. Mr. Rich will be notified that - (1) his request will be considered under the current subdivision regulations, and (2) he will need to go through the Planning Commission. He will also be told that the Board's recommendation is that all the acreage be platted as a subdivision.

LEONARD SUBDIVISION: Comm McClellan moved to approve and sign the final plat for the Leonard Subdivision, through the First National Bank, seconded by Comm Story and carried.

EWING SUBDIVISION: Comm Story moved to approve and sign the final plat for the Ewing Subdivision, seconded by Comm McClellan and carried.

1996 HOLIDAY SCHEDULE: Comm McClellan made a motion to approve, as submitted, the Official County Holiday Schedule for 1996 (see attached). The motion was seconded by Comm Story and carried.

ENERGY MINERAL IMPACT ASSISTANCE PROGRAM GRANT APPLICATIONS were submitted by Dolores Fire Protection District representatives Lloyd Johnson and Angela Broderick and Town of Mancos Manager John Lyons. An application was also received from Montezuma County. The applications were signed and prioritized.

LANDOWNER Rick Lee met to discuss the proposed additional 10 foot of right-of-way from Russell Hindmarsh pertaining to the proposed 1993 project on CR 28 (see minutes of December 4, 1995). Road Supervisor Tim McComb was present. Comm Story will contact Mr. Hindmarsh about the proposal. A letter will be written stating what is to be done and by whom and sent to the two residents. Approval needs to be received from them, before anything is done. Work would be tentatively scheduled for next spring (1996).

ROAD DEPARTMENT Supervisor Tim McComb presented copy of State engineer inspection reports for the CR 27 bridge and all the bridges in Montezuma County, and a copy of weight limit recommendations. Statutes on weight limits on road and bridges were read. It was affirmed that signs will be posted according to truck categories. Supervisor McComb recommended that the culvert on CR P be extended by 10' on one side. An on-site inspection by the Board was tentatively scheduled for January 8, 1996. A similar-situation on CR S was mentioned.

Residents complaints that a culvert on CR 23, south of CR M, needs to be extended, and that ditches on CR L need to be pulled were discussed.

PUBLIC HEARING - AMENDED BUDGET 1995: It being the time set aside, a Public Hearing was conducted regarding the Amended Budget for 1995. The roll was called and the Proof of Publications was read. Comm Story read the amendment. The unanticipated revenues and expenditures of such funds that created the need for the amended budget were explained. There being no protest against the proposed amended budget, the motion was made by Comm Story to adopt Resolution #16-95, authorizing the supplemental budget and appropriation. The motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

PUBLIC HEARING - 1996 BUDGET: It being the time set aside, a Public Hearing was held in regard to the proposed 1996 Budget. The roll was called and the Proof of Publication was read. No protest was made against the proposed resolutions. Comm Story made a motion to adopt Resolution #17-95, To Appropriate Sums of Money, whereas the Commissioners have adopted the annual budget in accordance with Local Government Budget Law an December 18, 1995. Motion was seconded by Comm McClellan and carried. Comm Story made a motion to adopt Resolution #18-95, summarizing Expenditures \$10,027,361 and Revenues \$10,071,732 for each fund, and adopting a Budget for Montezuma County, Colorado, for the calendar year beginning on the first day of January 1996 and ending an the last day of December 1996. The motion was seconded by Comm McClellan and carried. The difference of approximately \$45,371.00 will be taken from reserves. Comm Story made a motion to adopt Resolution #19-95, To Set Mill Levies. Motion was seconded by Comm McClellan and carried. It was noted that the mill levy is 16.136, exactly the same amount as set in 1995. These proceedings were tape recorded for the record.

RESIDENTS R. R. Hollen, Jr., Chester Tozer, Don Wilson, Gary Shaw, Neva Kindred, Florence Bane and Ron Volz met with the Board. They stated they disagree with the Board. they stated they disagree with the results of the November 7, 1995, special election to increase the mill levy to buy water from the Dolores Water Conservancy District. The recommendation was made that they present their concerns to a private attorney.

ORMISTON MEDICAL TRUST FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-35-95 to the Treasurer to pay \$3,000.00 from the Ormiston Medical Trust to the Valley National Bank fund for Kendall Clark, a cancer patient. The motion was seconded by Comm Story and carried.

STATUTES on State telecommunications network (dispatch center) were read.

AMENDED SUNDANCE II SUBDIVISION: Comm McClellan moved to approve and sign the amended plat for the Sundance II Subdivision, seconded by Comm Story and carried.

ADJOURNED at 4:50 p.m.

Deputy Clerk Chairman

December 18, 1995

SEAL

Online Copy