

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 7, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 7, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday December 17, 2007 and Friday, December 21, 2007 were read. Comm. Rule move to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

**PAYROLL:** General fund checks in the amount of \$275,660.90, District Attorney fund check #52017 in the amount of \$20,686.43, Treasurer fund check #52018 in the amount of \$212,257.04, Road department fund checks in the amount of \$70,492.00, Treasurer fund check #20915 in the amount of \$55,538.73; and Landfill fund checks in the amount of \$14,673.39, Treasurer fund check #5499 in the amount of \$11,284.57 were approved for payment.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of December 31, 2007... (See attached).

**ROAD: Lloyd Everret** was asked if the Road Department might repair the vans for the Senior Nutrition Department. He said he would talk to the mechanics for their input before committing to repair the vans. He said he would talk to Sue Fletcher to see exactly what kind of repairs she is talking about. Administrator Harrison informed the Board that the City of Cortez offered the County the use of their nitrogen generator to inflate tires if we were interested. Mr. Everret informed the Board that the Department is building chips for Dolores County. Water on the road at the intersection of Road M was and 26 discussed. Myrna Palmer called and asked the County to look into water that's running through her property to see if there is something they can do to help. Mr. Everret asked for direction concerning damage to mail boxes when plowing roads. He stated several mail boxes were knocked down because of excess snow. Is it the Department's responsibility to repair said boxes? The Department doesn't have a policy in place to deal with a situation like that. The Road Department will talk to the residents and a resolution will be drafted concerning putting mail boxes in the County right of way and it is the responsibility of the resident to maintain their box.

**PLANNING: Planning Director Susan Carver** discussed the minutes from the Planning Commission meeting held on December 20, 2007. (See attached) She informed the Board of a letter received from Tim Hunter for appointment as an alternate to the Planning and Zoning Commission. The position will be advertised before making any decision. No action was taken at this time. Director Carver set public hearings for the following; High Impact Permit for Aramark Sports and Entertainment Services, LLC for February 4, 2008 at 3:00 p.m. Next was for a High Impact Permit for City of Cortez for the expansion at the airport was scheduled for February 11, 2008 at 10:00 a.m. and High Impact Permit for a storage facility for Michael Marston, Duane Dale agent, for January 28, 2008 at 3:00 p.m. She presented a letter written to area surveyors. (See attached)

**TIM BATES** met to request permission to use the County Annex on March 15, 2008 for a banquet for the National Turkey Federation and to serve 3.2 beer and wine. Comm. Rule moved to give the National Turkey Federation permission to serve 3.2 beer and wine as long as they have an approved liquor license from the City of Cortez and to use the County Annex for a banquet, seconded by Comm. Chappell and carried.

**BOARD OF EQUALIZATION:** It being the time set aside a Board of Equalization hearing is held concerning an appeal from Daniel and Kathi Bjorkman on account numbers R4373, R4517, R13699, R13700, and R12866 as to property classification. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor gave an overview of the appeal. Mr. Daniel Bjorkman was on a conference call and presented his case at this time. After hearing all the testimony and seeing the evidence presented Comm. Rule moved to agree with the Assessor's Office recommendation as to the residential/commercial classification on account number R4373, and residential for account numbers R4517, R13699, R13700 and R12866. The motion was seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**LUNCH: 12:40 p.m.**

**ADMINISTRATOR HARRISON** presented a draft resolution of the Board of County Commissioners, acting as the ex officio governing board of the Montezuma County Law Enforcement Authority entering into an agreement with Gerald Wallace, Montezuma County Sheriff. No action was taken at this time. (See attached) He also presented a draft proposed Law Enforcement Authority (LEA) concerning funding for review. No action was taken at this time. (See attached) A proposal for review was presented concerning a road impact fee study. No action was taken at this time. (See attached) Administrator Harrison discussed space assessment needs for the Court system. (See attached)

**THE FOLLOWING OFFICE APPOINTMENTS FOR 2008 WERE MADE:**

**COUNTY COMMISSIONERS;**

**CHAIRMAN:** Comm. Rule moved to elect Comm. Koppenhafer as Chairman, seconded by Comm. Chappell, motion carried. Comm. Koppenhafer abstained.

**VICE CHAIRMAN:** Comm. Chappell moved to elect Comm. Rule as Vice-Chairman, seconded by Comm. Koppenhafer. Motion carried. Comm. Rule abstained.

**COMMISSIONER OF DEEDS:** Comm. Rule moved to elect Comm. Chappell as Commissioner of Deeds, seconded by Comm. Koppenhafer, motion carried. Comm. Chappell abstained.

**2008 APPOINTMENTS:**

**COUNTY ATTORNEY:** Comm. Rule moved to appoint Bob Slough as County Attorney. Seconded by Comm. Chappell and carried.

01/07/08

3

**COUNTY ADMINISTRATOR/BUDGET OFFICER:** Comm. Chappell moved to appoint Ashton Harrison as County Administrator and Budget Officer, seconded by Comm. Rule and carried.

**DIRECTOR OF SOCIAL SERVICES:** Comm. Rule also moved to appoint Dennis Story as Director of Social Services, seconded by Comm. Chappell and carried.

**HEALTH OFFICER:** Comm. Chappell moved to appoint Dr. Gerald Griebel as the County Health Officer, seconded by Comm. Rule and carried.

**SOUTHWEST WORKFORCE BOARD:** Comm. Rule moved to appoint Dennis Story to a one year term on the Southwest Workforce Board, seconded by Comm. Chappell and carried.

**REGION 9 ECONOMIC DEVELOPMENT BOARD AND SOUTHWEST REGIONAL TRANSPORTATION COMMITTEE:** Comm. Chappell moved to appoint Comm. Rule to the Region 9 Economic Development Board and the Southwest Regional Transportation Committee. Comm. Rule moved to appoint Comm. Chappell as Alternate on both Boards: Both motions were seconded by Comm. Koppenhafer and carried. Comm. Rule abstained from first motion and Comm. Chappell abstained from second motion.

Noted: **Legal Publications:** Cortez Journal, Mancos Times, and Dolores Star.

**SUSAN UNDERWOOD HART AND ERNEST MANESS** acting as agents for **STONER RANCH** met to ask the Board to issue a quit claim deed to Stoner Ranch concerning a railroad right-of-way that is on their property and they wish to clean up the title. They stated the portion in question has not been used as a road. The property will be researched further and a legal description will be obtained before proceeding.

**LIQUOR LICENSE:** Clerk's Deputy Tammy Neely presented a transfer of ownership for G Will Liquors LLC. She asked for approval of a temporary liquor license for **David Kyzer** to operate until the transfer is complete. Comm. Rule moved to approve a temporary liquor license for the transfer of G Will Liquors LLC, David and Joy Kyzer, seconded by Comm. Chappell and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing a High Impact Permit Application submitted by **Montezuma Rally Inc., Agent Thomas E. Hover, Jr.** for a four day motorcycle rally starting the Thursday before Labor Day weekend and ending the following Monday morning for the years 2008, 2009, and 2010 on property owned by Glen Humiston located at 40334 Hwy 184, Mancos. Co. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the application. **Thomas E. Hover, Jr., and Joyce Humiston** presented their information. Comm. Koppenhafer opened the hearing up to public comment at this time. **Joe Milarch**, a neighbor, spoke with concerns about the noise from the concerts and he stated he felt threatened during a conversation with some employees of the Rally when he addressed his concerns. **Diane Milarch** asked if this event was in accordance with the Land Use Code since it was on agricultural zoned property. She said she would like to see the land use code be amended to address such special events and that would remove some of the gray areas with regard to these events. **Greg Kemp** stated he had attended the rally and was impressed with the organizers and infrastructure. He said it appeared to be a family friendly event and response to a medical emergency was done quickly. He encouraged the Board to grant the organizers a permit for 2008 and beyond. Joe Milarch stated the land use code should be changed. Comm. Koppenhafer closed the public comment portion of the hearing at this time. After hearing all the testimony and evidence presented, Comm. Chappell moved to approve a high impact permit for Montezuma Rally Inc. for the year 2008 and they need to obtain all federal, state and local permits, to cap the attendees at 5000 per day, to establish emergency exits and to add Montezuma County as an additional insured on

the liability insurance policy. The motion was seconded by Comm. Rule and carried. (See attached). Comm. Koppenhafer closed the hearing at this time.

01/07/08

4

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

Letter from Department of Local Affairs concerning notification of the Law Enforcement Authority. (See attached)

Thank You letter from the Ute Mountain Mesa Verde Birding Festival. (See attached)

Letter of interest in the Lodger's tax board from Betsy Harrison. (See attached)

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

**MEETING ADJOURNED 4: 50 p.m.**

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County Clerk

01/07/08

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Chairman

The minutes of the January 7, 2008 meeting were read and approved January 14, 2008

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 14, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 14, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, April 7, 2008 and Thursday, April 10, 2008 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule and carried.

**ROAD:** **Lloyd Everett** stated Bill Ivy is supposed to send the Department a copy of the new forest service road plan. Mr. Everett and **Dee Graf** met to ask the Board to do a government to government exchange of a dump truck owned by the County and used at the road department to the Mancos Cemetery District. Comm. Chappell moved to donate a 1991 GMC 1 ton truck (vin number IGDJC34J3ME535571) to the Mancos Cemetery District, seconded by Comm. Rule and carried. Administrator Harrison informed the Board of vehicles that will be going to auction. Two from the Road Department are a 1985 Intl. Truck (vin # IHTLKTVR8FHA17452), a 1998 Ford Pk. (vin# 2FTZX18WXWCA13986), a 1998 Che. UP from the health department (vin# 1GNDDT13W2W2223014) and a 1987 Che. Van from senior nutrition (vin # IGCCM15E4HB217773). (See attached). Discussed the parking area at the Racetrack. Discussed the truck route on Road P. Mr. Everett stated the department will be doing mag chloride on that road. They talked about the water flow going into the culverts on Road G. Mr. Everett said work is still being done on that area.

**JAMIE SELLAR-BAKER** presented the San Juan Public Lands Annual Report for fiscal year 2007. (See attached) She discussed mineral leasing and what may happen in the future in the oil and gas industry.

**LANDFILL:** **Landfill Manager Debby Barton** presented the profit and loss statement for the month of March, 2008. (See attached) Manager Barton requested permission to pay the road department for the overtime work that's done at the Landfill. The Board stated she should work with Lloyd Everett concerning the overtime payment. Manager Barton discussed a letter received from **J.C. Holdings of Cortez LLC (Doug**

**and Randy Carver**) concerning the lease agreement with the Carvers. (See attached) Purchase by the County for the 40 acres listed under the original lease was discussed.

**BOARD OF EQUALIZATION ABATEMENTS:** It being the time set aside the following abatement hearings was conducted. The roll was called and the proceedings were taped for the record.

**JOAN E. KRAJACK: Assessor Mark Vanderpool** presented abatement petitions for Joan E. Krajack on accounts R004946 and R004964. Assessor Vanderpool stated the accounts were over-market. He recommended a corrected value of 132,320 on account number R004946 for a refund of \$1,955.44 and a corrected amount of 690,820 on account number R004964 for a refund of \$3,373.12. Comm. Rule moved to agree with the Assessor's recommendation on account numbers R004946 and R004964, seconded by Comm. Chappell and carried. (See attached)

**LYLE C. COX LIVING TRUST, BETTY COX LIVING TRUST, LYLE C. AND BETTY COX:** Assessor Vanderpool presented abatement petitions on Lyle C and Betty Cox Living Trust and Lyle C. and Betty Cox. He stated the property was over-market and recommended a corrected value of 143,850 on account number R005092, a corrected value of 242,250 for account number R005090 and a corrected value of 163,710 on account number R005091. Comm. Chappell moved to agree with the Assessor's recommendation on account number R005092 for a refund of \$2,596.45, for a refund on account number R005090 of \$1,719.55 and for a refund on account number R005091 of \$2,142.14. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearings at this time.

**MISSY MILLER** discussed the upcoming Teen Maze and invited the Board to attend and invited them to attend a lunch on alcohol awareness.

**VETERAN'S AFFAIRS:** Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for March, 2008, seconded by Comm. Rule and carried. (See attached).

**LUNCH: 12:10 P.M.**

**PLANNING: Planning Director Susan Carver** updated the Board on a storage facility being built by Joshua Boren and that Mr. Boren has submitted an application for zoning and a single lot development concerning said facility. Director Carver stated the application is scheduled to go before the Planning Commission in May 22, 2008. Joshua Boren along with his attorney Jon Kelly met to discuss how the construction is coming and that he is using specialized builders to do the work. He stated he has no intention of opening the storage units until all permits are obtained and the zoning and high impact permit process is completed. Mr. Boren said the storage units come from Denver on flat bed trucks and needs a platform poured before they can be dropped. The Board said he needs to go through the zoning and high impact process. Comm. Rule moved that Joshua Boren is constructing said new facilities on land beyond the use existing under Section 8103.1 of the code and that Joshua Boren does not have the necessary zoning, and permit or waiver or exemption required by the Montezuma County Land Use Code to legally change and expand the use of land beyond the use existing under Section 8103.1, and therefore, Joshua Boren's activities are in violation of the Montezuma County Land Use Code. The motion was seconded by Comm. Chappell and carried. Comm. Rule made a motion to approve the filing of the complaint for injunction if said Board determines that Mr. Joshua Boren has not ceased construction of the facilities. Seconded by Comm. Chappell and carried.

**Director Carver** presented for review and determination of two after the fact exemption requests on 2 separate tracts for **Charlotte Wood**. The first tract is located at 22920 Hwy 491, Yellow Jacket and the second tract is

located at 22910 Hwy 491, Yellow Jacket. Ms. Wood and legal representative Michael Green gave an overview of the application. Ms. Wood and Mr. Green questioned the road impact fee of \$2400.00. It was suggested to do a boundary line adjustment and join the two tracts into one with one land description. No action taken.

**JIM CANDELARIA AND DEAN MATHEWS** met to discuss road concerns on Road N.8. Due to problems with the no left turns on the road and traffic concerns it was suggested to hold a public hearing concerning the no left turn. A public hearing has been scheduled for May 27, 2008 at 2:00 p.m.

**GERALD AND RITA HUDDDELSTON with Huddelston Surveying** met to discuss county road right of ways concerning red signed and green signed roads in regards to surveying properties of 35+ acre tracts. The County does not separate the green signed roads from the 35+ acre tracts.

**REVIEW AND DETERMINATION OF A PROPOSED** GIS Digital drawing submittal policy were presented for review. Director Carver said she has put a disclaimer on digital format drawings for the Montezuma County GIS digital land use map updates policy. Comm. Chappell moved to approve the digital format drawings for the Montezuma County GIS digital land use map updates policy. Seconded by Comm. Rule and carried. (See attached)

**PROPOSED AMENDMENTS TO THE LAND USE CODE CHANGES** were presented for review.

**RESOLUTION P-24-96E (second amendment):** Planning Director Susan Carver presented an application from Ernest and Bernice Scheller on property located at 21070 Road B, Cortez and Schelli Porter on property located at 21180 Road B, Cortez, **Agent Mike Porter**. This request is for an amendment to Resolution P-24-96E to adjust the acreage to be 3.0 acres and a variance from the required 25' setback to a 6' setback for agricultural setbacks to a barn on property owned by the Scheller's and located at 21070 Road B, Cortez. Comm. Chappell moved to approve the request to amend Resolution P-24-96E to adjust the acreage to 3.0 acres and to approve a zoning request of AR3-9 and for a variance of the setbacks from 25' to 6' for a barn on property owned by Ernest and Bernice Scheller. Seconded by Comm. Rule and carried. (see attached)

**CONTRACT:** Comm. Rule moved to sign the contract between The San Juan Basin Area Agency on Aging and Montezuma County for nutrition services C-1, C-2 and Title 3B services, seconded by Comm. Chappell and carried. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted;  
Draft of a letter from the Planning Department in regards to property that may not be in compliance with the Montezuma County Land Use Code. (See attached)  
Summons 2008CV29 – (See attached)

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

**MEETING ADJOURNED 5:40 p.m.**

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County Clerk  
04/14/08

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Chairman







**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 14, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 14, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday January 7, 2008 were read. Comm. Rule move to approve the minutes as presented, seconded by Comm. Chappell, and carried.

**TREASURER Sherry Dyess** presented a list of institutions designated as public depositories for the deposit of public funds of Montezuma County. Comm. Chappell moved to approve the list of depositories designated for deposit of public funds, seconded by Comm. Rule and carried. (See attached).

**ROADS: Lloyd Everret** was informed of a letter received from **Michael Green** in regards to the official county road map, stating the map should only contain roads that are owned and/or maintained by the County. He wrote that red signed roads should not be on the official county road map as they are not official county roads. (See attached) Mr. Everret stated he has had calls from people who run off the road because they think the snow that has been pushed off the road is the edge of the road.

**GIS SPECIALIST SCOTT DARLING** met to update the Board on the addressing of county roads. It was suggested to name roads in subdivisions with the main road into the subdivision be the name of the subdivision.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing a High Impact Permit Application submitted by Glenna and Dodd Harris, agent are Commnet Four Corners, LLC, Keith and Tracy Utt. The hearing is for a proposed communications tower on property located at 20601 Hwy 491, Lewis, Co. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director **Susan Carver** gave an overview of the project while **Keith Utt** explained the project of the proposal to construct a cellular communications facility to provide Montezuma County with more efficient

cellular phone services. Comm. Koppenhafer opened the hearing to public comment at this time. Gayel Alexander questioned the 50x50 foot. The 50x50 will be moved 30' foot. **Connie McNair** questioned the  
01/14/08 2

height requirement of the tower. **Tom McConville** asked what the distance of the center point of the tower is in relation to his property, had concerns with effect on property values and any health effects caused by the tower. **Gerald Wallace** asked if the tower would interfere with high speed internet service and if it does could the problem be mitigated. **Christy Engle** has concerns with health issues, property values and she stated she was not a fan of the tower. Hearing no other comments, Comm. Koppenhafer closed the public comment portion. After hearing the comments made and the evidence presented, Comm. Rule moved to approve the high impact permit for Commnet Four Corners, LLC on property located at 20601 Hwy. 491, Lewis, Co., seconded by Comm. Chappell and carried. Comm. Koppenhafer closed the public hearing at this time. (See attached)

**PLANNING: Planning Director Susan Carver** presented a change rider for Mid-America Pipeline Company LLC. This rider would change the principal and surety from \$500,000.00 to \$250,000.00. Comm. Rule moved to accept the change rider for Mid-America Pipeline, LLC. From \$500,000.00 to \$250,000.00, seconded by Comm. Chappell and carried. (See attached).

**LANDFILL: Landfill manager Debby Barton along with Tim Bates** presented the profit and loss statement for month ending December, 2007 and the breakout of basic unreconciled costs per ton for year to date. (See attached)

**MONTEZUMA EMS COUNCIL coordinator Cindy Ramsay** informed the Board of a problem with a hum in the communications from the Menefee tower. She requested funding to help repair the problem. Comm. Chappell moved to authorize the request for funding, not to exceed \$2,000.00 from the Emergency Telephone Service Fund to help with the repair of the Menefee Tower, seconded by Comm. Rule and carried. (See attached)

**CORTEZ CEMETERY DISTRICT: Cortez Cemetery District President, Robert Wilson, Vice-President June Head and cemetery manager Becky O'Camb** met with the Board to request discretionary funding for the District. They also informed the Board of their intentions to ask the voters for a mill levy increase this year. They were informed the Board doesn't have that type of discretionary funds. (See attached)

**LUNCH 12:15 p.m. with Kinder Morgan.** Kinder Morgan and the Board expressed their various concerns with the Canyon of the Ancients National Monument draft management plan. **Bob Clayton and Ken Havens with Kinder Morgan and Ernie Williams from Dolores County** was present. No action was taken.

**SENIOR NUTRITION: Sue Fletcher and Mary Holiday** presented a 5311 project equipment contract between Montezuma Senior Services and Colorado Department of Transportation for signature. Comm. Rule moved to sign the 5311 project equipment contract with Montezuma County Senior Services and CDOT, seconded by Comm. Chappell and carried. (See contract on file with Senior Nutrition Department)

**ADMINISTRATOR HARRISON** reported on a draft bill being introduced concerning sufficient water supplies for land use approval for review. (See attached). He informed the Board that the State has installed 12 air quality monitoring devices. This installation addresses the concerns of the Montezuma Vision Project and there will not be a need to form a citizen's committee to look at installing air quality monitoring devices as

referenced in the minutes of July 9, 2007. Administrator Harrison and Planning Director Susan Carver discussed the air curtain burner operated by Western Excelsior  
01/14/08

3

and they informed the Board that the burner has been relatively trouble free and no comments or complaints have been received concerning said burner. (See letter attached).

**COMMUNITY EMERGENCY RESPONSE COMMITTEE** representatives **Dennis Atwater and Lori Johnson** asked the Board to create a line item in the county budget to monitor and control funds used by the Community Emergency Response Committee. They also discussed some of the functions performed by the community emergency response team. It was stated it could be set up as an emergency response committee account. It was agreed to track the funds like they do the Fair Board funds.

**LAW ENFORCEMENT CONTRACT:** A contract between the Town of Dolores and the Montezuma County Sheriff's Office for law enforcement was presented for signature. Comm. Rule moved to sign the Town of Dolores's resolution number 264, 2007 series between the Montezuma County Sheriff's Office and the Town of Dolores, seconded by Comm. Chappell and carried. (See attached)

**FAIR BOARD** representative **Deb Avery and Jan Sennhenn** met to inform the board that Allen Whited and Tiffany Alexander expressed interest in serving as alternates on the Fair Board. Comm. Chappell moved to appoint Allen Whited and Tiffany Alexander as alternates to the Fair Board for a term of four years.. Seconded by Comm. Rule and carried.

**FINDINGS AND PERMIT** for the High Impact Permit number 531 for a four day motorcycle rally in 2008 for **Montezuma Rally Inc.** was presented for signature. Comm. Rule moved to sign the findings and permit for a four day motorcycle rally in 2008 for Montezuma Rally Inc. Seconded by Comm. Chappell and carried. (See attached)

**LORETTA MURPHY** met to discuss ownership status of minerals that an oil company wishes to lease. It was suggested to have a title company do a title search of the property and mineral interests on the property in question. Ms. Murphy will contact the title companies to see if they will do a search and what it would cost to do such a search.

**22<sup>ND</sup> JUDICIAL DISTRICT** facility space needs assessment was presented. **Eric Hogue** spoke as to the current and future space needs. (See attached)

**LODGER'S TAX BOARD:** **Sue Scott** with the Montezuma County Lodger's Tax Board presented a draft of the by-laws for the Montezuma County Lodger's Tax Committee for review. Comm. Chappell moved to appoint **Betsy Harrison and Judith Swain** to the Montezuma County Lodger's Tax Board to a three year term expiring January, 2011, seconded by Comm. Rule and carried.

**CORTEZ FIRE PROTECTION DISTRICT:** **Hal Shepherd**, Chairman of the Cortez Fire Protection District met to update the Board about the fire code violations at the Comfort Inn. (see letter attached) He requested the County Commissioners to adopt the International Fire Code 2006 in the Cortez Fire Protection District, if not in the entire County. Mr. Shepherd also requested that every commercial building in the Cortez Fire Protection District have a certificate of occupancy as required by the 1997 UBC code. Comm. Chappell

01/14/08

4

moved to authorize the Cortez Fire Protection District to inspect commercial/industrial facilities in accordance with the 1997 UBC fire code. Seconded by Comm. Rule and carried.

**ADMINISTRATOR HARRISON** presented a corrected certification of valuation and mill levies, correcting the information concerning the Lewis Arriola Fire Protection District. (See attached)

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

Letter from Natural Energy Resources Company concerning Colorado's Breakwater and Energy Solution. (See attached)

Letter from the State Board of Equalization concerning public hearing notice. (See attached)

List of Directors for Montezuma County Water District #1. (See attached)

Copy of minutes of the regular meeting of November 8, 2007 and agenda for January 10, 2008 meeting of the Dolores Water Conservancy District. (See attached)

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

**MEETING ADJOURNED 5:40 p.m.**

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County Clerk  
01/14/08

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Chairman

Minutes of the January 14, 2008 meeting were read and approved January 21, 2008

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 21, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 14, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman - ABSENT  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday January 14, 2008 were read. Comm. Chappell move to approve the minutes as presented, seconded by Comm. Koppenhafer, and carried.

**ROAD:** **Lloyd Everret** mentioned there are several slick spots on the county roads due to the cold weather. **RESOLUTION 1-2008** was presented. Comm. Chappell moved to adopt Resolution 1-2008 clarifying the responsibility of the Road and Bridge Department as to the removal of snow from driveways and damage to mailboxes and other objects erected in county easements and rights-of-way caused by snowplowing operations. The motion was seconded by Comm. Koppenhafer and carried. (See attached)

**PLANNING:** **Planning Director Susan Carver** presented for review and determination of a preliminary plat: Re-plat of RC Southwest Development, LLC. **Ernest Maness and Gregg Leighton** met to discuss property located in city and county concerning an after the fact boundary line adjustment on property located at 309 N. Broadway, Cortez, Co. Comm. Chappell moved to approve a boundary line adjustment on property located at 309 N. Broadway, Sections 26 and 27, Township 36N, Range 16W. N.M.P.M. Seconded by Comm. Koppenhafer and carried. (See attached) Mr. Maness presented a quit claim deed for signature on an abandoned right of way for Rio Grande Southern Railroad. Comm. Chappell moved to sign the Quit Claim Deed for the abandoned Rio Grande Southern Railroad right of way to **Donald R. McLean and John G. Musgjerd**, seconded by Comm. Koppenhafer and carried. (See attached) Director Carver presented findings and permit for **high impact permit no. 547** for the construction of a cellular communications tower on property located at 20601 Hwy. 491, Lewis, Co., Glenna Harris, applicant. Comm. Chappell moved to sign the findings and permit on high impact permit no. 547. Seconded by Comm. Koppenhafer and carried. (See attached) Director Carver informed the Board of a complaint she received concerning bright lights on a barn on property owned by

01/21/08

2

Margaret Johnson Gaddis. Director Carver will draft a letter to Mrs. Gaddis and Mr. Lucas concerning said complaint. (See attached).

**CERTIFICATION OF NON-ACCEPTANCE** of tobacco industry funds and resources was presented for signature. Comm. Chappell moved to sign the certification of non-acceptance of tobacco industry funds and resources for the Health Department, seconded by Comm. Koppenhafer and carried. (See attached)

**VETERAN'S AFFAIRS:** Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for December, 2007, seconded by Comm. Koppenhafer and carried. (See attached).

**ADMINISTRATOR HARRISON** informed the Board that the County is large enough to issue private activity bonds for housing. He also informed the Board that the terms for the lodger's tax board needs to be amended to read that Judith Swain's term be for one year and the term of Betsy Harrison be for three years. Comm. Chappell moved to amend the motion of January 14, 2008 amending the term for Judith Swain from three years to one year. Seconded by Comm. Koppenhafer and carried.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story and LouAnn Everret. Director Story presented an agreement for legal services reimbursement for approval. Comm. Chappell moved to accept the agreement for legal services reimbursement between Montezuma County Department of Social Services and Montezuma County. Seconded by Comm. Koppenhafer and carried. (See attached)

**SHERIFF'S POSSE: Wanda Martin** introduced the Sheriff's Posse new Major, **Lowell Volk**. They met to update the Board on what the Sheriff's Posse has done in 2007 and to ask for their continued support for 2008. \$2,000.00 was budgeted for 2008 for the Sheriff's Posse. They also discussed the handicap parking situation at the Fairgrounds.

**GALEN LARSON** met to express his concerns with the condition of Road L and 22 and requested something be done to help improve the intersection.

**LUNCH: 12:00 noon**

**LAW ENFORCEMENT AUTHORITY:** Acting as the Law Enforcement Authority Board (LEA), an agreement was presented for the purposes of providing additional law enforcement services in the unincorporated areas of Montezuma County. Comm. Chappell moved to sign the Law Enforcement Agreement 2008-1 between the Law Enforcement Authority Board and the Montezuma County Sheriff, seconded by Comm. Koppenhafer and carried. (See attached)

**JAMES DIETRICH** met to update the Board on the proposed **FEMA** flood plain mapping. **Jim Siscoe** spoke on the flood plain map in the Dolores River Valley. Mr. Dietrich reviewed the current ordinances with the Board. Mr. Dietrich discussed federal lands in regards to the energy transport corridor.

**PLANNING Director Susan Carver** began discussion on the definition of boundary line adjustments and the process for the conveyance of acreage less than 35 acres. Various area surveyors and developers voiced their concerns on this matter. The Board will look into the possibility of having a policy and procedure process for

boundary adjustment/agreements. Mr. Gerald Huddleston expressed concern with the roads being paved over surveyor's reference markers, which makes the surveyor having to dig up the road to find the reference marker. He would like to see cooperation between the county and the surveyors to mark these points before paving over them.

**PROPOSED AMENDMENTS:** Director Carver presented and discussed proposed amendments to the land use code for review. The proposed amendments were forwarded to the Planning Commission for their review and recommendations.

**MARIANNE MATE** met to update the Board on the McPhee breakwater project.

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

Letter from the Dolores School District RE-4A concerning commending Jim Satley and Jim Becher for their diligent work within their district. (See attached)

Letter from the Archaeological Conservancy concerning the final management plan for the Lancaster Preserve. (See attached)

Letter from State of Colorado in reference to the Montezuma County Landfill-final audit report. (See attached)

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

**MEETING ADJOURNED 5:30 p.m.**

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County Clerk  
01/21/08

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Chairman

Minutes of the January 21, 2008 meeting was read and approved January 28, 2008



**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 28, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 28, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator -ABSENT  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday January 21, 2008 were read. Comm. Rule move to approve the minutes as presented, seconded by Comm. Koppenhafer, and carried.

**ROAD:** There was no road report today.

**JAMES DIETRICH** submitted a letter for the Board to sign addressed to Governor Ritter in regards to the BLM administration of oil, gas and CO2 leases on the Canyon of the Ancients National Monument and private lands adjacent to it. (See attached)

**LANDFILL: Landfill manager Debby Barton** met to discuss repair costs on the 1995 International dump truck and Manager Barton does not recommend repairing this dump truck. She requested approval from the Board to look at purchasing a used dump truck. She was asked to check with the road department to see if they have a truck that might meet the Landfill's need first.

**ROY ELDER** met to talk about Road 43. He said the road had been maintained by the County in the past and he says the road should be considered a county road and he feels the road was illegally abandoned by the County. The road will be addressed again when the public hearing concerning the county road map is done.

**PUBLIC HEARING:** It being the time set aside a public hearing is held to consider a resolution to vacate and abandon a portion of County Road K.6 as a public and county maintained road. The roll was called, the public notice was read and the proceedings were recorded for the record. County Attorney Bob Slough read the statutes into the record. **Attorney Michael Green** was on a conference call and gave an overview of the case

on behalf of **Helen, Gerald A. and Donnie V. Gonzales**. **Don Gonzales** stated the road to be approximately 405 feet. Comm. Koppenhafer opened the hearing to public comment at this time. **Tom Yannerell** stated he  
01/28/08

2

recently purchased a house on that road and has concerns with maintenance from Hwy 184 to that point on that portion of the road. Comm. Koppenhafer stated the road would be maintained to that property road if a turn around could be acquired. Comm. Koppenhafer read a letter into the record from **Marlis and Joe DeLaRonde** opposing any abandonment of any portion of MC Rd. K.6. (See attached) **Dennis Butler** stated there would be problems concerning a turn around. **Francine Finney** voiced her opposition to an alternate turnaround. Hearing no further public comments, Comm. Koppenhafer closed the public comment portion of the hearing. The public hearing was continued until Tuesday, February 19, 2008 at 3:00 p.m. No action was taken at this time.

**LUNCH: 12:07 p.m.**

**MARIANNE MATE AND PENNY WU** met to discuss the grant application for the McPhee Breakwater Project. Montezuma County would be the applicant for said grant. Comm. Chappell moved to sign the grant application for the McPhee Breakwater Project with the understanding this will be accomplished without obligating the County to any cash funding. Motion seconded by Comm. Rule and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to consider a special event beer and wine permit application for Four States Ag Expo to be held at the Montezuma County Fairgrounds, 30100 Hwy 160, Cortez, Co. The event will be held on March 6th, 7th, and 8th, 2008. The roll was called, the public notice was read and the proceedings were taped for the record. **Clerk's Deputy Tammy Neely** gave an overview of the application. Present were **Kelly Wilson, Tiffany Alexander, Wayne Geisinger and Keri-Lyn Riley**. The handicap parking was discussed. Comm. Koppenhafer opened the hearing to public comment at this time. Hearing no public comment, that portion of the hearing was closed. After hearing all the evidence presented, Comm. Rule moved to accept the application for the special event beer and wine permit for the Ag Expo, seconded by Comm. Koppenhafer. Comm. Rule and Comm. Koppenhafer voted aye, Comm. Chappell voted nay, motion carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**MONTEZUMA COUNTY FAIRGROUNDS RACETRACK USAGE AGREEMENT** was reviewed at this time. Comm. Rule moved to approve the Montezuma County Fairgrounds usage agreement for Jack and Craig Nelson for the dates specified in the agreement. Seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a High Impact Permit Application for a storage facility submitted by **Michael Marston, Duane Dale agent**. The property is located at 6820 Road 24, Cortez, Co. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the application. Agent Duane Dale presented his application at this time. Comm. Koppenhafer opened the hearing to public comment. There being no public present, that portion of the hearing was closed. After hearing all the evidence presented, Comm. Rule moved to approve the high impact permit and commercial zoning for Michael Marston for a storage facility at 6820 Road 24 contingent upon a 1997 UBC form being obtained prior to construction of the facility from the Planning and Zoning. Motion was seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

**FINDINGS:** Comm. Rule moved to approve the findings and permit for High Impact Permit no. 548 for the construction and operation of a commercial storage facility located at 6820 Road 24, Cortez, Co., Michael Marston, applicant with Duane Dale, agent. Seconded by Comm. Chappell and carried. (See attached)

**PLANNING: Planning Director Susan Carver** presented a petition for public hearing before the Board of County Commissioners regarding an AR 3-9 zoning request and pre-sketch plan on property owned by **Properties, LLC. (Timothy G. Singleton, agent)** A public hearing has been scheduled for Monday, March 10, 2008 at 2:00 p.m. (See attached)

Director Carver gave an overview of the Planning Commission Meeting held January 24, 2008. (See attached) Planning Director Carver presented an application from **Tom and Leita Hughes** to review and determine a request to amend Lot 7 of the Van Horn Subdivision. The property is located at 17269 Road G, Cortez, Co. The applicants would like to amend their lot to include approximately 7 acres of property owned by **Chris Lee Jeter** at 17415 Road J, Cortez, Co. A survey will need to be obtained. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted;  
Letter from the Department of Local Affairs concerning the employee residence reports. (See attached)  
Montezuma County Landfill final audit report (See attached)

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

**MEETING ADJOURNED 5:45 p.m.**

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County Clerk  
01/28/2008

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Chairman

Minutes of the January 28, 2008 meeting were read and approved February 4, 2008.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
February 11, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 11, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Kim Percell Deputy County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** for February 4, 2008, Meeting was cancelled due to inclement weather.

**MINUTES** of the regular meeting held on Monday January 28, 2008 were read. Comm. Rule move to approve the minutes as presented, seconded by Comm. Koppenhafer, and carried.

**MARK VANDERPOOL COUNTY ASSESSOR:** Presented a contract between **Montezuma County and Mary Ellen Denomy Certified Public Accountant**. Commissioner Rule moved to sign the contract between Montezuma County and Mary Ellen Denomy, seconded by Commissioner Chappell, motion carried.  
(See attached)

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of January 31, 2008. (See attached).

**ROAD REPORT: RANDY SMITH** reported they are working with the snow plows on the county roads. Commissioner Koppenhafer discussed his concerns with the destruction of mailboxes caused by snowplow operations. Administrator Harrison will meet with the foremen to discuss the mailboxes and **Resolution 1-2008**. Administrator Harrison requested the Road Department take a dump truck to the Landfill for them.

**SCOTT DARLING:** Presented the **HIGHWAY USE TAX FUND REPORT**, for signature. Commissioner Chappell moved to accept and sign the Road Inventory Report for the H.U.T.F., seconded by Commissioner Rule, motion carried. (See attached)

**SHERIFF GERALD WALLACE:** Presented the **JUSTICE ASSISTANCE GRANT**. Commissioner Chappell moved to sign the Colorado Division of Criminal Justice Assistance Grant Program 2008 Application, seconded by Commissioner Rule, motion carried. (See attached) Sheriff Wallace also presented the **LOCAL COURT SECURITY TEAM GRANT APPLICATION**. Commissioner Chappell moved to sign the Local Court Security Team Grant Application, seconded by Commissioner Rule, motion carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a High Impact Permit Application for the expansion of the **CORTEZ MUNICIPAL AIRPORT**, submitted by the City of Cortez, Agent(s) **Russ Machen** and **Rebecca Whitehead**, on property owned by the City of Cortez located at 22870 Road F, Cortez Co., consisting of 377 acres, more or less, situated in S.8, T.35N., R. 16W., N.M.P.M. lying west of Hwy 491, South of Road G. The hearing was held Monday February 11, 2008, at 10:00 A.M. in the Commissioner's hearing Room, Montezuma County Courthouse, the roll was called and the proceedings were taped for the record. Commissioner Chappell moved to approve the High Impact Permit, zoning and the approved findings of the Planning Commission for the City of Cortez Municipal Airport, seconded by Commissioner Rule, motion carried. (See attached)

**ADMINISTRATOR HARRISON:** Collected bids to install gutters at the Armory. Commissioner Rule moved to accept the bid from **SOUTH VALLEY SEAMLESS GUTTER**, as presented, second by Commissioner Chappell, motion carried. (See attached) Administrator Harrison informed the Commissioners he will solicit bids to bring the handicap ramps at the Court House up to code.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of January 2008, (See attached) Administrator Harrison presented a resolution for a Loan from the Capital reserve to the Landfill. Commissioner Rule moved to sign **RESOLUTION #2-2008** Authorizing a loan from the Capital Reserve Fund to the Landfill Enterprise Fund in the amount of Five Hundred Thousand Dollars (\$500,000.00), second by Commissioner Chappell, motion carried. (See attached)

**HEALTH DEPARTMENT: Lori Cooper** gave an annual review to the Board. She also presented a contract for signature between **COLORADO DEPARTMENT OF PUBLIC HEALTH** and Montezuma County. Commissioner Chappell moved to approve the Memorandum of Agreement between Colorado Department of Public Health and the Board of County Commissioners as presented, second by Commissioner Rule, motion carried. (See attached) A discussion was held in regards to the Dental Program and putting an Air Monitor on top of the Health Department Building.

**TAMMY NEELY Chief Deputy County Clerk:** Presented a Liquor License on behalf of **G Whil Liquors**. Commissioner Rule moved to sign the application for G Whil Liquors transfer of ownership from Dana Baxstrom to David and Joy Kyzer, the name G Whil Liquors will remain the same, second by Commissioner Chappell, motion carried,

**JAY STRINGER:** Presented his concerns with zoning related to the Stringer court case. Correspondence received through Email from **Karen Welch** regarding the High Impact Permit and Zoning process, comments and general nature. (See attached)

**LUNCH: 12:30**

02/11/2008

3

**ADMINISTRATION:** Amber Zickefoose presented a bid for the yearly Stationery Proposals. Commissioner Rule moved to accept the Bid from **CORTEZ COPY AND PRINT** as presented for the Stationery Proposal, second by Commissioner Chappell, motion carried.

**PLANNING:** Planning Director Susan Carver presented for review and determination of an AR10-34 zoning request and Preliminary Plan for a proposed 2 Lot Minor Development for **THE RIDGE TRUST; Rene Nash Grantor, Agent James McNichol**, located at 20051 Road N Cortez, Colorado. The property is situated north of Road N East of Road 20 located in S.1, T.36N, R17W, N.M.P.M. Commissioners requested the applicant start with the exemption process and then bring back to them for further discussion. (See attached) Susan Carver presented Proposed **AMENDMENTS** to the **MONTEZUMA COUNTY LAND USE CODE**, to the commissioners. Commissioner Rule moved to send the proposed amendments to the **Planning Commission**, second by Commissioner Chappell, motion carried. (See attached) An amended report to the Commissioners was presented by Susan for the December 20, 2007 Planning Commission meeting. (See attached) Susan recommended that **TIM HUNTER** be re-appointed as an alternate on the **Planning Commission Board**. Commissioner Chappell moved to re-appoint Tim Hunter as an alternate to the planning Commission Board, second by Commissioner Rule, motion carried.

**VETERANS MONTHLY PAY:** Commissioner Chappell moved to approve the Veterans Monthly pay report as presented, second by Commissioner Rule, motion carried.

**CASEY McCLELLAN:** Presented his concerns regarding the Lot Length and Width criteria in the **Land Use Code**. It was stated that this subject should go through the Planning Commission for review and then a Planning Commission recommendation be presented to the Board. Casey also presented his concerns with the **WATER QUALITY REQUIREMENTS** for Contractors stating that the letters received were inadequate. No action was taken by the Commissioners at this time.

**KYLE POLICH:** Requested the Fairgrounds for a Rodeo on April 12, 2008. He was advised to see Chief Deputy Clerk Tammy Neely in the County Clerks office.

**SUSAN CARVER:** Planning Director presented applicant **Bill Barrett Corporation, Agent Myles Coroy**, review and determination of a request to conduct a seismic surface test; in Section 22, 23, and 24; Township 39N, Range 18W; and also Sections 19 & 20, Township 39N, Range 17W. The Application will be kept on file

A discussion was held regarding a purchase of a County owned Loader. Commissioner Rule moved to direct Administrator Harrison to ask the Sheriff to investigate the purchase of a 966 Loader, second by Commissioner Chappell, motion carried.

**CORRESPONDENCE:** The following correspondence was read and noted;  
Letter from the City of Cortez concerning Brandon's Gate Impact Fees. (See attached)  
Letter from the City Of Cortez concerning The Bridge Homeless Shelter and Detox Facility (See attached)  
Letter from Attorney Cameron C. Secrist, P.C. regarding a Complaint filed in Federal District Court a case brought forth by Lori Goombi. Letter was forwarded to the Insurance Co. (See attached)

Letter from Region 9 Economic Development District of Southwest Colorado concerning Transportation Planning Region IGA. (See attached)  
02/11/2008

4

Letter from Kinder Morgan regarding Comments of Kinder Morgan CO2 Company, L.P. on Canyons of the Ancients National Monument Draft Resource Management Plan & Draft Environmental Impact Statement (See attached)

Letter from Public Lands Advocacy concerning Canyons of the Ancients National Monument Draft Resource Management Plan & Draft Environmental Impact Statement, (See attached)

Letter from Bill Barrett Corporation Comments Regarding the Draft Resource Management Plan & Draft Environmental Impact Statement for the Canyons of the Ancients National Monument. (See attached)

Letter from Questar regarding Canyons of the Ancients National Monument Draft Resource Management Plan & Draft Environmental Impact Statement

Letter from Robert I Bayless, Producer LLC regarding comments of Robert L. Bayless, Producer LLC on the Canyons of the Ancients National Monument Draft Resource Management Plan & Draft Environmental Impact Statement. (See attached)

Letter from Montezuma County Board of Commissioners regarding Comment Submittal Draft Resource Management Plan/ Draft Environmental Impact Statement. (See attached)

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

**MEETING ADJOURNED 5:30 p.m.**

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County Clerk  
02/11/2008

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Chairman

Minutes of the February 11, 2008 meeting were read and approved February 18, 2008.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
February 19, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, February 19, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday February 11, 2008 were read. Comm. Rule move to approve the minutes as presented, seconded by Comm. Chappell, and carried.

**ROAD:** **Lloyd Everett** stated he is working on a lease agreement in regards to the Tozer pit. Administrator Harrison informed the Board that Jim Becher will be retiring with his last working day being February 29, 2008. (See attached) A Flood Plain meeting will be held on March 5, 2008. Discussed the need to work on the bar ditches on the McElmo Canyon road. Comm. Chappell said he received a complaint about Road 23 east of Arriola then on Road T being narrow. Discussed the pot hole problems in the County and on the forest service roads.

**PLANNING:** **Planning Director Susan Carver** presented a preliminary plat for review on the **Heritage Hill Subdivision**, a 3 lot minor subdivision on property owned by the **Bengston Family Trust (David and Denise Bengston owners, Scott and Sharon Wallace agents)** The property is located at 21035 Road S, Cortez, Co. 81321. Agent Wallace and Attorney Jon Kelly discussed the application. (see attached) They talked about the water supply, the impact on Road S, lot lines, location of the current home meeting the set backs, and the septic system. Director Carver stated the septic system was an engineered system done by Thomas Engineering in August, 2005. Letters from Goff Engineering, letters of complaint signed by Dave and Lana Waters, Brad and Susan Reed, Ray and Sylvia Hagerman and David Wright and a letter from Montezuma Water Company dated February 15, 2008 were submitted. (See attached) It was stated the property is currently zoned as AR 10-34. After much discussion Comm. Chappell moved to approve a preliminary plat for a 3 lot minor subdivision on property owned by the Bengston Family Trust, property located at 21035 Road S. Seconded by Comm. Rule and carried. (See attached)



**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted at this time. Present were Dennis Story, Lori Higgins and LouAnn Everett. Mr. Story presented an agreement for child

02/19/08

2

support enforcement purchase of legal services and Montezuma County for approval. Comm. Rule moved to approve the child support enforcement purchase of legal services agreement between the Department of Social Services and Montezuma County. Seconded by Comm. Chappell and carried. (See attached)

**SOUTHWEST MEMORIAL HOSPITAL** representatives **Chuck Bill and Dan Jessup** presented the financial statements for the quarterly and year to date operations ended December 31, 2007. (See attached) Mr. Bill informed the Board that they have received a rural health clinic status for the Southwest Memorial Primary Care Center.

**LUNCH: 12:15 P.M.**

**PLANNING:** Director Carver presented an application from **L & L Storage, Curtis and Lucy Cowan**, applicants. They are requesting an amendment of high impact permit number 439 to be forwarded to the Planning Commission for review. The expansion is for two storage units on property located at 27881 Hwy 160, Cortez, Co. Comm. Chappell moved to approve forwarding High Impact Permit number 439 to the Planning Commission for review. Seconded by Comm. Rule and carried. (See attached)

Director Carver presented a request for High Impact Permit to be forwarded to the Planning Commission for review for two CO2 wells named Goodman Point #13 and Goodman Point #17 on property owned by Steve and Teri Chappell at 15607 and 15989 Road P, Cortez, Co. Comm. Chappell recused himself from these proceedings. Comm. Rule moved to forward the request for a high impact permit to the Planning Commission for two CO2 wells named Goodman Point #13 and Goodman Point #17. Seconded by Comm. Koppenhafer and carried. (See attached)

**ASSESSOR MARK VANDERPOOL** met to discuss the County Assessor's computer system. Assessor Vanderpool stated the current computer services with Tyler, Eagle is undependable and the system does not work as well as it should. He said he has inquired about other software companies and discussed these systems. One company he has inquired about is Colorado Custom Ware. Assessor Vanderpool said they are an established company in Colorado and he has talked to other Colorado assessors who are on the system and they give them a good recommendation. The Board instructed Administrator Harrison to look into an energy impact grant to purchase software.

**ROGER LAWRENCE with the rifle and gun club and RICHARD ST. JOHN** met to request the use of the Fairgrounds for a gun show. He asked if there was something that could be done about the dirt floor. It was explained that the dirt floor is used for an indoor arena. The club will look into obtaining something to cover the floor for their shows.

**CONTINUATION OF PUBLIC HEARING:** It being the time set aside a continuation of a public hearing is held to consider a resolution to vacate a portion of County Road K.6 as a county road. The roll was called, the public notice was read again, and the proceedings were taped for the record. Comm. Koppenhafer opened the meeting to public comment at this time. Attorney Michael Green spoke as to the width of the road. Lloyd Everett with the County Road Department spoke concerning the turnaround. Gerald Gonzales, Dennis Butler, S.E. Garcia, Attorney Green, and Larry Lee also spoke. A short recess was called so Attorney Green could speak with his clients. The meeting resumed and Attorney Michael Green presented a proposal. He said that if the County will vacate the road, the County can use the current turnaround until spring then move the turnaround down to

the Gonzales' gate. He stated the Gonzales' would be giving the County permission to use the property for a turnaround only. Another short recess was called. The meeting resumed. After hearing all the evidence presented, Comm. Chappell moved to adopt **Resolution 3-2008** to vacate that portion of Road K.6 located on the Gonzales' property contingent upon exhibit 4 being drawn and attached to said resolution and

02/19/08

3

the Gonzales' signing said resolution. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

**WAYNE WOLF** introduced himself to the Board. They discussed PILT payments, the impacts of mineral lease monies and local processes along with other issues that concern the County. Mr. Wolf is a candidate for the U.S. Congress.

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

- Letter to Tim Hunter concerning re-appointment as an alternate to the Planning Commission. (See attached)
- Findings and Permit for High Impact Permit no. 106- expansion of the Cortez Municipal Airport. (See attached)
- Letters to Steve Beverlin, Dolores District Ranger and a letter to Mark Stiles, Forest Supervisor concerning an extension to the comment period for the Draft Land Management Plan (See attached)
- Letter from USDA analysis for the West Mancos EA Project (See attached)
- Letter from CDHS concerning Federal Financial Awards (See attached)
- Letter from DOLA concerning proposed modifications to the Energy and Mineral Impact Grant Program parameters. (See attached)
- Notice of Claim from Kim and Joe Traucht and Golden Years Retirement Home (See attached)

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

**MEETING ADJOURNED 5:23 p.m.**

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County Clerk  
2/19/08

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Chairman

Minutes of the February 19, 2008 meeting was read and approved February 25, 2008.  
Monday, February 18, 2008 was a holiday.

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

February 25, 2008

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 25, 2008 at the courthouse in Cortez, Colorado, there were present:

- Gerald W. Koppenhafer, Chairman
- Larrie D. Rule, Vice-Chairman
- Steve Chappell, Commissioner of Deeds
- Bob D. Slough, County Attorney
- Ashton N. Harrison, Administrator
- Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Tuesday February 19, 2008 were read. Comm. Rule move to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

**ROAD: Lloyd Everett** reported the Department is continuing to plow snow and stated there will be a lot of drainage issues coming. He said they are getting behind on their projects due to the weather.

**Steve Beverlin** with the Forest Service met with the Board and discussed the Forest Service's policy concerning snow removal on the Dolores-Norwood Road. He said he knew the policy was to leave some snow on the

roads but was not sure of the policy on paved roads. He stated he would look into the paved road snow removal policy and get back to the Board.

**Randy Smith** stated the Department will not be able to do the work on the Landfill project scheduled in April. He stated they are limited with their equipment and cannot handle it. The project will be discussed with landfill Manager Debby Barton and will return with the presentation at a later date.

Mr. Everett stated he has three applications from people within the Department for the position recently opened by the retirement of Jim Becher. Mr. Everett was instructed to give the applications to Administrator Harrison. Administrator Harrison was asked by the Board to re-open the applications for the position of Road Supervisor with a goal to fill the position by June 1, 2008.

**ADMINISTRATOR HARRISON** presented a letter written to Governor Bill Ritter for signature. Comm. Rule moved to sign said letter concerning the Governor's attempt to freeze the mill-levy. Seconded by Comm. Chappell and carried. (See attached) He then presented a list of members for the Senate Bill 94 for the 22<sup>nd</sup> Judicial District. Comm. Chappell moved to approve the list of names presented to be appointed to the Senate Bill 94 Juvenile Services Planning Committee. Seconded by Comm. Rule and carried. (See attached)

**PLANNING: Planning Director Susan Carver** presented an application from the **Four Corners Christian Camp , Bill Ellingson, applicant.** He is asking for a waiver petition from certain threshold standards allowing the applicant to proceed with their current activities without having to do a high impact permit on property located at 14051 Road 37, Mancos, Co. Agent Bill Ellingson was present. Sanitarian Melissa Wilson spoke concerning the septic in regards to the RV sites. Since there will be no change or increase in usage at the facility, and since the threshold standards in regards to traffic will not be exceeded and the replacement dorms will be built according to the 1997 UBC standards, it was stated a waiver will not be necessary. (See attached)

**ORDER:** Comm. Rule moved to approve order number 1-2008 to transfer \$7,006.60 from the Senior Citizens Bus Fund to the General Fund for Montezuma County's share of bus purchase through CDOT. Seconded by Comm. Chappell and carried. (See attached)

**BOARD OF EQUALIZATION:** It being the time set aside a Board of Equalization hearing is held on the following abatement petitions. The roll was called and all proceedings were taped for the record.

**JOHN SIMBECK:** Appraiser **Cynthia Claytor** presented a petition for abatement for John D. Simbeck (Account number R015096) Appraiser Claytor stated the property should be classified as residential and not as vacant land. Comm. Chappell moved to approve the abatement in the amount of \$2,302.40 on account number R015096, seconded by Comm. Rule and carried. (See attached)

**LOIS E. RICHARDSON:** Appraiser **Cynthia Claytor** presented a petition for abatement for Lois E. Richardson. (Account number R015721) The property should be classified as agriculture and not vacant land. Comm. Rule moved to approve the abatement on account number R015721 in the amount of \$1,322.88, seconded by Comm. Chappell and carried. (See attached)

**ERIK J. PAAK:** Appraiser **Cynthia Claytor** presented a petition for abatement for Erik J. Paak. (Account number R000390). Appraiser Claytor stated the land size factor was the reason for the abatement. Comm. Chappell moved to approve the abatement on account number R015721 in the amount of \$2,644.28, seconded by Comm. Rule and carried. (See attached)

The hearings were closed at this time.

**TREASURER'S REPORT:** The Treasurer's report for the month of October, 2007 was received. (See attached)

**MISSY MILLER** met to update the Board on the school community youth coalition. The purpose of the coalition is to address substance abuse and violence issues among the youth of Montezuma and Dolores Counties. She spoke about the Teen Maze program they conduct. (See attached) She stated she is looking for a task force to address these issues in the community. Comm. Chappell expressed interest in participating in the program.

**LUNCH:** 12:00 Noon

**CHRIS BURKETT AND ANDY BASS** with the City of Cortez met with the Board to see if the County would like to participate in a GOCO grant and asked if they could participate in the match for the grant in the amount of \$1500.00. The grant will be for bleachers for various events. The Board stated they could help with \$1500.00 in 2009. A letter of support for the grant will be written.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit application for support services/operations on property owned by Aramark Sports and Entertainment Services, LLC, Keith Erikson agent. The property is located at 34879 Hwy 160, Mancos, Co. The roll was called, the public notice was read, and the proceedings were taped for the record. Present were Keith Erikson, Carl Mittleman, Vice President of operations of Aramark, Chris Page, and Jim Brosersma. Planning Director Susan Carver gave an overview of the application. Keith Erikson, general manager for Aramark's Mesa Verde National Park location, addressed the sewage system concern. Melissa Wilson with the Montezuma County Health Department spoke as to the sewage disposal system report done by Teri Forth, engineer with Thomas Engineering. Comm. Koppenhafer opened the hearing to public comment at this time. Ray Huseby spoke as to the sewage disposal system. David Nigteagle stated he has hiked the area and has never smelled any odor from their lagoons and praised Aramark's efforts concerning fire mitigation and spoke in support of Aramark's operations. Hearing no further public comments, Comm. Koppenhafer closed the public comment portion. Mr. Erikson submitted their 2008 housing agreement and on page 2 it states that in the WABS housing there is no charge to the employee. (See attached). Director Carver mentioned the property is currently unzoned and she stated the property may require commercial zoning at some point. Discussed the cabins used to house employees needing to be built according to the UBC code. After hearing all the evidence presented, Comm. Chappell moved to approve a high impact permit for Aramark Sports and Entertainment Services, LLC, Keith Erikson agent on property located at 34879 Hwy. 160, Mancos, Co. and subject to getting a letter concerning fire mitigation and complying with all State, Federal and Local laws and regulations. Seconded by Comm. Rule and carried. (See attached.) Comm. Koppenhafer closed the hearing.

**NORM BIRTCHER** was not able to attend today and has been rescheduled for March 3, 2008 at 4:00 p.m.

**COLORADO DIVISION OF WILDLIFE IMPACT ASSISTANCE GRANT APPLICATION:** Comm. Rule moved to sign the Colorado Division of Wildlife Impact Assistance Grant Application as amended, seconded by Comm. Koppenhafer and carried. (See attached)

**SHALUN MALONEY and RICHARD TIBBITS** with Mountain Stone Inc met to discuss donating, selling or leasing land located at 23494 Hwy 145 #G and owned by High Camp Company to the DOW. They asked if the County had any problems with them donating, selling or leasing said land to the Division of Wildlife. (See attached) The Board stated they had no problem concerning said sale, donation or lease of this property. A letter of support will be written.

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

Flyer from USDA Rural Development – Accomplishments for 2007. (See attached)

An amended petition to the state board of assessment appeals concerning Daniel L. Bjorkman Trust (See attached)

E-mail from Gini Pingenot concerning COGCC minutes. (See attached)

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

**MEETING ADJOURNED 4:55 p.m.**

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County Clerk

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Chairman

Minutes of the February 25, 2008 meeting were read and approved March 3, 2008

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 3, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 3, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Kim Percell, Deputy County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday February 25, 2008 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Koppenhafer, and carried.

**ROAD: Lloyd Everett** reported the department continues to plow snow, and are dealing with drainage issues. **Administrator Harrison** presented Lloyd a letter of thank you from the **Friends of Chicken Creek**. There was a discussion regarding **Crow Canyon's** plans to rearrange parking and facility locations, it was decided that Administrator Harrison would request a project plan.

**PHONE CONFERENCE:** a conversation was held with **Paul Saks** in regard to a law suite with **Roland Hoch and Roy Elder, Commissioner Koppenhafer and Attorney Bob Slough** continued to recuse themselves from these proceedings. Commissioners Chappell and Rule agreed to dismissal without prejudice and with prejudice after 6 months.

**PLANNING: Planning Director Susan Carver** presented an amended exemption for applicants **Herbert and Betsy Moise., #P-21-1974**, property located at 27326 Rd. H Cortez Colorado. **Commissioner Chappell** moved to amend Resolution #P-21-1974 property located at 27326 Rd. H, owned by Hubert and Betsy Moise to add 6 acres more or less to tract 2. Seconded by Commissioner Rule, motion carried. (See attached)

Susan presented an application for final review and determination of an after-the-fact exemption on property located at 37875 Hwy 184 Mancos Colorado. Owners **Bakers Family Living Trust**, agent **Connie Pearson**. Commissioner Rule moved to approve the after-the-fact exemption at 37875 Hwy 184 in Mancos Colorado. Second by Commissioner Chappell, motion carried. (See attached)

A proposed amendment from the **Dolores School District Re-4A** to the **Land Use Code**, was presented. Commissioner Chappell moved to refer the amendment to the Planning Commission with special attention to the price schedule, from RE-4A school, second by Commissioner Rule, motion carried. (See attached)

**EMERGENCY MANAGEMENT: Lori Johnson, and Lori Cooper**, held a discussion requesting some direction from the commissioners regarding the **EMERGENCY ADVISORY BOARD**. It was suggested that there should be quality communication with the Sheriffs office and they will try to form bylaws and structure to the board.

**HEALTH DEPARTMENT: Lori Cooper** presented the **MONTEZUMA COUNTY SCOPE OF WORK- AIR QUALITY MONITORING PROJECT**. Commissioner Rule moved to approve and sign the Montezuma County Scope of Work- Air Quality Monitoring Project, second by Commissioner Chappell, motion carried (See attached)

**ECONOMIC DEVELOPMENT: Laura Lewis** presented a **Draft Bylaws** to the Board from the Economic Development Association for review. (See attached).

**Lunch: 12:25**

Commissioner Rule was absent for the remainder of the afternoon.

**GOVERNOR'S ENERGY OFFICE: John Canfield and Joani Matranga** presented a basic outline of the programs offered. They explained the process for Performance Contracting. John Canfield will provide a Boiler Plate Contract. The county can customize the Contract to fit their needs. It was decided to look at this project after further information was gathered.

**BOARD OF EQUALIZATION:** It being the time set aside a Board of Equalization hearing is held on the following abatement petitions. The roll was called and all proceedings were taped for the record.

**VINCENT STARK: Appraiser Cynthia Claytor** presented a petition for abatement for Vincent Stark (Account Number R014425). Cindy commented that it had been over valued and there was no opposition to this abatement. Commissioner Chappell moved to approve the abatement for Vincent Stark account #R014425 in the amount of \$1841.84, second by Commissioner Koppenhafer, motion carried. (See attached)



**RHONDA JAMES:** Appraiser Cynthia Claytor presented a petition for abatement for Rhonda James (Account number M001040), stating that there was a computer error in the value assessed to her mobile home.

Commissioner Chappell moved to approve the abatement for Ronda James, account #M001040 in the amount of \$5444.88, second by Commissioner Koppenhafer, motion carried. (See attached)

**SUSAN SEBETKA:** Appraiser Cynthia Claytor presented a petition for abatement for Susan Sebetka (Account Number M001729), stating that this was an error with the assessed value of a mobile home. Commissioner Chappell moved to approve the abatement for Susan Sebetka, account #M001729 in the amount of \$12,446.64, second by Commissioner Koppenhafer, motion carried. (See attached)

**CHARLES AND WANDA MARTIN:** Appraiser Cynthia Claytor presented a petition for abatement for Charles and Wanda Martin (Account Number R011514) stating that land had been classified as Vacant in error and should have been classified as Residential. Commissioner Chappell moved to approve the abatement for Charles and Wanda Martin account # R011514 in the amount of \$1,303.72, second by Commissioner Koppenhafer, motion carried. (See attached)

**MICHAEL WILLIAMSON:** Appraiser Cynthia Claytor presented a petition for abatement for Michael Williamson (Account Number R012207) stating the land had been reclassified as Residential. Commissioner Chappell moved to approve the abatement for Michael Williamson account #R012207 in the amount of \$3338.76, second by Commissioner Koppenhafer, motion carried. (See attached)

**MARY DUFUR:** Appraiser Cynthia Claytor presented a petition for abatement for Mary Dufur (Account numbers R015691, R015692, and R15690) stating the land had been taken out of classification Agriculture, but the land was currently in CRP was then re-classified as Agriculture. Commissioner Chappell moved to approve the abatement for Mary Dufur account numbers R015691, R015692 and R15690 in the amounts of \$1380.20, \$2784.24, and \$2591.52, second by Commissioner Koppenhafer, motion carried. (See attached)

**ADMINISTRATION: Administrator Ashton Harrison** presented a letter to **High Camp Company**, from the County Commissioners, regarding **Twin Spruce**. Commissioner Chappell moved to approve the No-opposition letter to High Camp Company as presented, second by Commissioner Koppenhafer, motion carried. (See attached)

**SUSAN CARVER: Planning Director** presented for signatures the Findings Permit of facts for Aramark ,(See attached) A discussion was held regarding Digital Drawings. The Commissioners requested Susan to send a letter out to the surveyors for comments.

**PAYROLL:** General fund checks in the amount of \$302,260.11, District Attorney fund check #52392 in the amount of \$24,455.74, Treasurer fund check #52391 in the amount of \$237,658.26, Road department fund checks in the amount of \$84,058.91, Treasurer fund check #21050 in the amount of \$67,929.76; and Landfill fund checks in the amount of \$16,155.89, Treasurer fund check #5577 in the amount of \$12901.20 were approved for payment.

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

- A letter from the Montezuma County Sheriff’s Office regarding Arrestee Immigration Status.
- A letter from Montezuma Board of County Commissioners to The State Board of Great Outdoors Colorado regarding resurfacing Tennis Courts within the City of Cortez.
- A letter from Mr. Mark Wolfe, Director Colorado Historical Society regarding the Puzzle House Archaeological Community.
- A letter from The Archaeological Conservancy regarding the Puzzle House Archaeological Community Acquisition.
- A letter from United States Department of the Interior regarding the Environmental Assessment for the Sandstone Allotment grazing permit.
- Montezuma County Contract for Accounting Services with Mary Ellen Denomy.

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

**MEETING ADJOURNED 5:15 p.m.**

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County Clerk

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Chairman

Minutes of the March 3, 2008 meeting were read and approved March 10, 2008

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 10, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 10, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds - ABSENT  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday March 3, 2008 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Koppenhafer, and carried.

**ROAD** : Administrator Harrison discussed the DOLA grant concerning the scope of work on Road G. He talked about the chip sealing and the need to see why the chip seal that is currently being done is failing. **Lloyd Everett** presented the road count at the Ag-Expo and indicated the overall vehicle count was down from last year. (See attached). Mr. Everett said the Department will be working on a sink hole south of town. A letter was received from Grant Coffey, Research Archaeologist with the Crow Canyon Archaeological Center concerning an alternate access into the north side of the Goodman Point Unit to Hovenweep National Monument along with aerial photos. It was stated that a 24' culvert would be required if vehicles will be driving across it, however, a 10' will be sufficient if there will be no vehicles driving across it. Also it was stated for the need for them to contact Mr. Everett in regards to the purchase pedestrian crossing signs.. (See attached). Reported a call about the condition of Roads U and 24 and needing some attention. He stated the engineers are to be here to set the base elevations on the McElmo Bridge. It was mentioned there are problems on road CC, west of Pleasant View and the road is in need of work. Mr. Everett was informed to tell all road supervisors not to plow any red signed roads. An energy and mineral impact assistance grant was presented for signature between the Department of Local Affairs and Montezuma County. Comm. Rule moved to sign the energy and impact assistance grant number 6139, Montezuma County Road G Chip Seal program, seconded by Comm. Koppenhafer and carried. (See attached).

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of February 29, 2008. (See attached).

**GRADY GARDNER AND BRENT POWELL** met to ask the Board for their assistance in preventing the BLM from closing a road and blocking their access to their property. Their concerns were losing access to their property if a gate is installed. (See attached) A letter will be drafted to the Bureau of Land Management stating the Board would not allow them to block any access concerning all landowners affected and sent to the Congressmen and Senators as well.

**LANDFILL: Landfill manager Debby Barton** presented the profit and loss statement for month ending February, 2008. She discussed the summary of the Four Corners Recycling Initiative. Manager Barton introduced **Eric Freels** with the Dolores Public Lands Office who explained their grant efforts concerning recycling operations in the County and asked the Board for their support. Preliminary approval for support was given. He was asked to draft a support letter and to come back with budget figures. (See attached)

**SHERIFF GERALD WALLACE and WANDA MARTIN** presented the Law Enforcement Authority vehicle lease purchase agreement for signature. Comm. Rule moved to adopt **Resolution 2008-4** authorizing the lease purchase financing for three 2008 Dodge Durangos and one 2008 Ford Expedition and all equipment therein. Seconded by Comm. Koppenhafer and carried. (See attached)  
Administrator Harrison informed the Board that Montezuma County does not pay Lori Johnson to be the director of the emergency operations, nor does the City of Cortez. Montezuma County does interact with the City of Cortez for 2.5 full time employee dispatchers, which Ms. Johnson is one. He stated the City of Cortez receives a grant from the State to provide emergency management services.

**BARBARA LYNCH** representing the Cortez Farmer's Market asked permission to place a banner type sign on the Courthouse advertising the Farmer's Market from June through October. They were informed the City of Cortez has a sign ordinance and they will need to contact them also. It was stated to contact Bill Bedker with the Maintenance department before committing to allow the sign on the building. Then Mr. Bedker will contact Barbara Lynch.

**LUNCH: 12:00 noon**

**BOARD OF EQUALIZATION:** It being the time set aside a Board of Equalization hearing is held on the following abatement petitions. The roll was called and all proceedings were taped for the record.

**DOC AND MICHELLE CHARBONNEAU:** Appraiser Mark Vanderpool presented an abatement petition from Doc and Michelle Charbonneau concerning property located at 33884 Road M, Mancos, Co. Account number R005585. The taxpayer stated a home was on the property and it was determined by the Assessor's Office the home was more than 50% completed and the property should be classed as residential which resulted in a tax adjustment of \$3,136.60. Comm. Rule moved to agree with the Assessor's recommendation on account number R005585 for an abatement refund of \$3,136.60, seconded by Comm. Koppenhafer and carried. (See attached)

**RUEDI BEAR:** Appraiser Mark Vanderpool presented an abatement petition from Ruedi Bear concerning the property classification on account number R0055343 located at 40205 Road J. The property should be classified as agriculture as Mr. Bear leases the property to a neighbor for agriculture purposes. Comm. Rule moved to agree with the Assessor's Office on account number R005343 located at 40205 Road J, Mancos, Co. for a rebate of \$4,017.84, seconded by Comm. Koppenhafer. (See attached)  
Comm. Koppenhafer closed the Board of Equalization at this time.

**ADMINISTRATOR HARRISON** reported that on January 21, 2008 he mentioned Montezuma County passes some threshold in regard to size wherein we can directly insure private activity bonds. A meeting with the State Division of Housing has been arranged at their request to discuss what these thresholds are.

Due to the fact no bids were received for construction of ADA ramps, Administrator Harrison asked for permission to seek a contracting source for this project. Permission was given.

**ENERGY AND MINERAL IMPACT GRANT:** Administrator Harrison presented an energy and mineral impact assistance program application for a software package for the Montezuma County Assessor's Office. Comm. Rule moved to sign the application for the proposed project for a County Assessor's software package. Seconded by Comm. Koppenhafer and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a zoning request for AR3-9 and pre-sketch plan for the proposed subdivision of 36 lots on 160 acres on property owned by **Sin Vacas properties, LLC, Timothy G. Singleton**, agent with legal representation by **Kelly R. McCabe**. The property is located at 31242 Road W, Dolores, Co. Planning Director Susan Carver gave an overview of the project. Attorney **McCabe** gave an overview of the proposed subdivision. **Tim Singleton** explained more about the subdivision. **Pete Singleton** presented an overview of the Summerhaven Proposal and spoke as to lot size, water, fire, road management and covenant issues. Comm. Koppenhafer opened the hearing to public comment at this time. **Attorney Jon Kelly** spoke as to personal property rights and what adverse impacts said subdivision would have on neighboring property owners. He stated this proposal differs from others in that there is one way in and one way out. **David L. Doran** has concerns about fire mitigation and water wells as a water source. **Dennis Miller** spoke as to the density of the area and he stated he is a water resource engineer and has concerns with the apparent reliance on water wells and concerns with traffic. **John Cowell** spoke about safety issues. **Tom Volm** has concerns about the availability of water for fires. **Rhonda Swanner** read a letter from **Clark Richins** concerning personal property rights. **Sharon Logee** has problems with the functioning of the water dock at Dolores. **Diane Cowell** spoke about the earthquake fault on the mesa and how water wells might affect the fault even though the fault is inactive at this time. **Dick Swanner** talked about the 3 acre implementation according to the land use code. **Kathleen Butler** stated she has a fresh spring well on her property and has clean water and does not want to see the well depleted. **Ruth Gould** asked what affordable housing consists of. **Bruce Christiansen** gave positive input about respect toward the developers and about the process concerning this hearing. He spoke to plan A and plan B. **Don Raney** spoke to say he has a dry well on his property and has to haul his water. He has safety concerns and issues with the lack of water supply. **Greg Kemp** spoke in regards to a comparison from the developers with this subdivision to other subdivisions in the County. He states that no comparison can be made. **Engineer Nathan Barton** stated he had been retained by landowners on the mesa to address various concerns about services, impacts and availability of such services. **Eric Bikis** has a water consulting business in Durango, Co. and has a degree in hydro-geology. He said he has been retained by landowners on Granath Mesa to evaluate the water supply on the mesa. He spoke as to the immediate and long term supply of water. **Toni Kelly** stated they dug a well but they have been hauling water since 1997. Hearing no further public comments, that portion of the hearing was closed. Attorney McCabe addressed the various concerns stated during the public comment period. He said this application is for zoning of AR3-9. The question was raised about what other zoning is currently on Granath Mesa. **Bob Becker** with the Colorado Division of Water

Resources spoke as to well permit criteria. He said a domestic well is permitted for 35 acres or larger, however, smaller sites can

03/10/08

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obtain a permit if augmented. **Rhonda Lancaster** with the Town of Dolores addressed the water supply issue. Diane Cowell responded to Ms. Lancaster's remarks. After hearing all the comments made and reviewing all the evidence presented Comm. Rule moved to approve the AR3-9 zoning but not to approve the pre-sketch plan. Seconded by Comm. Koppenhafer and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**PLANNING: Planning Director Susan Carver** presented an After-The-Fact exemption request for a parcel created in 1977 on property located at 9998 Road 29, Cortez, Co. It was stated an access goes through property owned by **Doris and Kirk Kemps** then accesses the property owned by **Brant Meinrod**. Comm. Rule moved to approve Planning **Resolution P-02-08 After-The-Fact**, seconded by Comm. Koppenhafer and carried. (See attached).

**PERSONNEL HEARING:** Upon a request from **Michael Stephenson**, the personnel hearing scheduled for March 10, 2008 at 4:30 p.m. has been re-scheduled for March 14, 2008 at 2:00 p.m.

**VETERAN'S AFFAIRS:** Comm. Rule moved to sign the County Veterans Service Officer's monthly report and certification of pay for February, 2008, seconded by Comm. Koppenhafer and carried. (See attached).

**CORRESPONDENCE:** The following correspondence was read and noted;  
Letter from the San Juan Public Lands Center in regards to granting the requested extension of the comment period. (See attached)

Dolores River Corridor Management Plan from the U.S. Dept. of Interior BLM (See attached)

Comm. Rule moved to continue this meeting until Friday, March 14, 2008 at 2:00 P.M. Seconded by Comm. Koppenhafer and carried.

### **MARCH 14, 2008**

Comm. Koppenhafer, Comm. Rule, Comm. Chappell, Administrator Harrison, Attorney Slough and Clerk Tullis were present. Comm. Koppenhafer re-convened the meeting at this time. (2:00 p.m.)

**PERSONNEL HEARING:** A personnel hearing concerning the termination of the Fairgrounds manager, Michael Stevenson is held. Mr. Stevenson was given the option to have the meeting be open or closed. He stated he was comfortable with the meeting being open. The proceedings were taped for the record. Audience members present were Don Bain, Jan Sennhenn, Lee Ann Milligan, Mary Ann Sanders, Amber Zickfoose, and Adam Loggett. After hearing all the testimony presented, Comm. Rule moved to support the termination of Mr. Stevenson as the Fairgrounds Manager, seconded by Comm. Chappell. The motion carried. Comm. Koppenhafer closed the hearing.

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

**MEETING ADJOURNED: 3:50 p.m.**

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County Clerk      3/10/08

Chairman

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 17, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 17, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney - ABSENT  
Ashton N. Harrison, Administrator - ABSENT  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday March 10, 2008 and March 14, 2008 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell and carried.

**ACCOUNTS PAYABLE:** General Fund #52390-52575 in the amount of \$233,551.49, Road Fund # 21053-21135 in the amount of \$118,699.19, and Landfill # 5579-5611 in the amount of \$16,104.28 for the month of February, 2008 were approved for payment.

**ADMINISTRATOR HARRISON'S REPORT:** Administrator Harrison reported that the IGA with the **ROAD:** There was no road report. The Board discussed the lighting and the numbering of the seats for the grandstands at the Fairgrounds, also the need to improve the restrooms at the fairgrounds racetrack.

**PLANNING: Planning Director Susan Carver** presented an application for the **Ridge Trust, Rene Nash, grantor, James McNichol, agent** for review and determination of an AR 10-34 zoning request and a preliminary plan for a proposed 2-lot minor development. The property is located at 20051 Road N, Cortez, Co. A review and determination of a request for an exemption adjusting a boundary conveying 15 Acres to be combined with a 42 acre parcel owned by the **Poe Family Partnership. RESOLUTION P-03-08 Exemption** conveying 15 acres from Rene Nash to be made part of property owned by the Poe Family Partnership, LLP was presented. Comm. Chappell moved to approve the exemption request, Resolution P-03-08 to convey 15 acres from Rene Nash to the Poe Family Partnership, seconded by Comm. Rule and carried. (See attached). She then presented the zoning and preliminary plan for a proposed 2-lot minor development for approval. Mr. Poe and Mr. McNichol informed the Board of their proposed plan. Comm. Rule moved to approve the 2-lot



minor development, the AR 10-34 zoning and the findings of March 17, 2008, seconded by Comm. Chappell and carried. (See attached)

**DIANA BUZA with the Pinon Project** presented the Emergency Shelter Grant for signature and asked for a letter of support. Comm. Rule moved to sign the Emergency Shelter Grant for the Pinon Project in the amount of \$20,000.00 with no County match, seconded by Comm. Chappell and carried. (See attached) She introduced **Becky** with Southwest Memorial Hospital who wanted to make the Board aware of a Live Well Colorado Grant application in regards to healthy eating, exercise and other health issues.

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

**LANDFILL Manager Debby Barton** discussed the results of bids received in regards to the landfill cell 2-B construction. Bidders were Lange Containment (\$280,485.00), Wright Lining (\$287,707.50), Sierra Geosynthetic Svcs.(\$321,561.00 actual – bid \$306,859.94), and Field Lining Systems (\$310,662.00). Comm. Chappell moved to award the bid for the Geosynthetics at the Landfill cell 2-B to Lange Containment, seconded by Comm. Rule and carried. (See attached) Manager Barton informed the Board of a 1993 Ford pickup she would like to purchase for the Landfill in the amount of \$4500.00. Comm. Rule moved to allow the purchase of the 1993 Ford F150 in the amount of \$4500.00, seconded by Comm. Chappell and carried.

**LUNCH: 12:00 NOON**

**DEB AVERY** talked about a Christmas lighting program to promote the area during the holiday season. She would like to see every business and others in the area put lights up with some sort of incentive for those who do put up lights. She said to invite people from the surrounding areas and that would help to promote our area. She said different displays could be sponsored by an organization, county, city or business. She also discussed the Birding Festival. Ms. Avery informed the Board of a grant application concerning a performing arts center. She said the grant is for a year of planning to see if there is a need for such a center and asked the Board for a letter of support for said grant. A letter will be written.

**PLANNING: Planning Director Susan Carver** presented an application for review and determination for zoning of AR3-9 on a portion and AR10-34 zoning request and preliminary plan for a proposed 4 lot moderate development on property owned by **Carl and Pamela Thompson** located at 30256 Hwy. 184, Dolores, Co. Comm. Chappell moved to approve the zoning of AR3-9 on lots 2,3, and 4 and AR 10-34 on lot 1 and to approve the preliminary plan for a proposed 4 lot moderate subdivision on property located at 30256 Hwy 184, Dolores, Co. The motion was seconded by Comm. Rule and carried. (See attached) Director Carver presented a letter written to area surveyors concerning digital format drawings for the Montezuma County GIS digital land use map updates for new parcels. GIS specialist Scott Darling was asking for the surveyor's opinion on the new policy. (See attached) She then reported on the happenings of the Planning Commission Meeting held on February 28, 2008. (See attached).

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

Letter from Pamela F. Mucklow, Esp. concerning wrongful conduct on the part of the D.A. (See attached)

Letter from Division of Reclamation Mining and Safety concerning McStone Aggregates LLC (see attached)

Letter from Miscelle Allison concerning her response to the BLM draft. (See attached)

**JAIL TOUR:** A tour of the County Jail facility was conducted at 3:00 p.m. The meeting will be adjourned at the completion of said tour.

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County Clerk  
03/17/08

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Chairman

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 24, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 24, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, March 17, 2008 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule and carried.

**ROAD: Lloyd Everett** said the Department is waiting for coal mix, and they are working on some potholes. He said culverts are thawing and water is running. The Department is hauling chips from Mancos to the Landfill. Discussed a problem concerning the amount of water flow in the Rock Creek ditch area in McElmo Canyon. Mr. Everett stated he is looking for a larger (8') culvert in order to handle the water flow. Administrator Harrison stated the grant concerning Road T has been fully executed by all parties involved.

**BOARD OF EQUALIZATION – ABATEMENT HEARINGS:** It being the time set aside a Board of Equalization abatement hearing is held on the following abatement petitions. The roll was called and all proceedings were taped for the record.

**DAVID NORTHRUP:** Appraiser Cynthia Claytor presented an abatement in the amount of \$3,945.08 for **David Northrup** on account number R003215 property located at 29373 Hwy 184. Mr. Northrup was present. Mr. Northrup stated he is using the property as agriculture. Appraiser Claytor stated they have not seen any agriculture use in 2 year. Comm. Rule moved to agree with the Assessor's recommendation on account #R003215 and an abatement of \$3,945.08. Seconded by Comm. Chappell and carried. (See attached)

**WILLIAM NELSON:** Appraiser Cynthia Claytor presented an abatement petition for William Nelson account number R003995 (35627 Hwy. 184) in the amount of \$2,395.72. She stated there was a cabin on the property they missed when assessing the property. Comm. Chappell moved to agree with the Assessor's recommendation for abatement in the amount of \$2,395.72 on account number R003995, seconded by Comm. Rule and carried. (See attached)

**ROMA O. RIFFEL:** Assessor Mark Vanderpool presented an abatement petition for Roma O. Riffel on account number R004837 (101 W. Railroad) in the amount of \$2,181.96. He stated the property was over market. Comm. Rule moved to agree with the Assessor's recommendation for abatement in the amount of \$2,181.96 on account number R004837, seconded by Comm. Chappell and carried. (See attached)

**TYLER AND LEIGH ANN BAKER:** Collette Heiney with the Assessor's Office presented an abatement petition for Tyler and Leigh Ann Baker on account number 8801-000-01-325 in the amount of \$3,618.16. She stated an audit of personal property revealed necessary adjustments. Comm. Chappell moved to agree with the Assessor's recommendation for an abatement of \$3,618.16 on account #8801-000-01-325, seconded by Comm. Rule and carried. (see attached)

**JAMES W. SWENSON:** Assessor Mark Vanderpool presented an abatement petition for James W. Swenson on account number R004838 in the amount of # \$2,411.62. He stated the property was over market. Comm. Rule moved to agree with the Assessor's recommendation for an abatement in the amount of \$2,411.62 on account #004838, seconded by Comm. Chappell and carried. (See attached)

**KATHRYN THOMPSON:** Appraiser Cynthia Claytor presented an abatement petition for Kathryn Thompson on account number R014369 in the amount of \$1,576.88. She stated there is a cabin on the property. Comm. Chappell moved to agree with the Assessor's recommendation for an abatement in the amount of \$1,576.88 on account number R014369, seconded by Comm. Rule and carried. (See attached)

**Comm. Koppenhafer** closed the Board of Equalization abatement hearings at this time.

**ASSESSOR MARK VANDERPOOL** updated the Board on the appeal hearings he recently attended in Grand Junction. He stated **Smith Energy** withdrew their appeal based upon the Assessor correcting the original assessments erroneously which included the value of casing and tubing which caused the over valuation. Comm. Chappell moved to approve the adjusted value on docket number 48560, seconded by Comm. Rule and carried. (See attached)

**ADMINISTRATOR HARRISON** informed the Board in regards to the Birding Festival. **Deb Avery** said they wanted to serve wine at the dinner that is to be held at the County Annex. She requested approval to serve wine at the Annex and a letter approving same. Comm. Rule moved to give approval to serve wine at the dinner for the Birding Festival to be held May 8-11, 2008 , seconded by Comm. Chappell and carried. (See attached)

**COMMUNITY PLANNING PROGRAM:** Comm. Rule moved to sign a letter of support to the Colorado Citizens for Culture in a collaborative effort with the City of Cortez, Towns of Dolores and Mancos and the Ute Mountain Ute Tribe in the nomination to participate in the program. Seconded by Comm. Chappell and carried. (See attached)

**MEMORANDUM OF UNDERSTANDING** between **Montezuma County and the Southwest Regional Emergency and Trauma Advisory Council (SWRETAC)** was presented for signature. The MOU is providing in-kind assistance by providing office space at the County shop. Comm. Rule moved to sign the MOU between Montezuma County and SWRETAC for office space at the County shop, seconded by Comm. Chappell and carried. (See attached)

**SCOTT BELL** met to discuss planning fees. The fees were explained and it was found there was a misunderstanding.

**RESOLUTION 5-2008: Contract 5310** between Montezuma County Senior Services and CDOT in regards to the purchase of a van. Comm. Rule moved to adopt Resolution 5-2008 authorizing an agreement with CDOT and Montezuma County Senior Services for provisions for public transportation services for the elderly and persons with disabilities, seconded by Comm. Chappell and carried. (See attached)

**MARK ROGERS** – Social Services Complaint. Failed to appear.

**LUNCH:** 12:00 noon at the Pinon Project

**ERIC FREELS (Dolores Public Lands) along with Scott Clow (Ute Mountain Ute Tribe environmental manager) and Tim Bates (Landfill)** met to update the Board on their efforts in regards to a recycling grant. Mr. Freels stated he is getting letters of support from various entities and discussed the contents of the grant as well as what the recycling program would do. Comm. Chappell moved to sign a letter of support for a recycling grant with RREOF and Montezuma County Landfill. Seconded by Comm. Rule and carried. In the event the grant is obtained, it will be reviewed on an annual basis to determine if it is having any negative impact, financial or otherwise on the landfill. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine the proposed high impact permit applications filed by **Kinder Morgan CO2 Company, L.P. Bob Clayton, agent**. The application is for drilling and operations of two CO2 wells known as GP13 and GP17. Property is owned by **Steve and Teri Chappell**. The locations are 15989 CR P and 15607 CR 17. Planning Manager Susan Carver gave an overview of the application and submitted two letters, one from Peter and Marilyn LaMorte and the other from Amber Zickefoose for the record. Agent, Bob Clayton and business manager, Jeannie Johnston discussed the project. Comm. Chappell recused himself from the proceeding from this point on. Comm. Koppenhafer opened the hearing to public comment at this time. **Kathryn Evans** asked several questions. She asked how many wells are to be drilled, talked about the noise from the application of jake brakes, dust, and traffic. She is asking Kinder Morgan to be good neighbors she also asked Kinder Morgan to become members of their water system. **Rod Evans** has concerns with his water well being protected and concerns about speed from the traffic. Hearing no further public comments Comm. Koppenhafer closed that portion of the hearing. Agent Clayton then answered the questions that were raised during the public comment portion. After hearing all the comments made and reviewing the evidence presented, Comm. Rule moved to approve the high impact permit application for Kinder Morgan CO2 in regards to GP13 and GP17 wells with mitigations concerning the contractor's use of jake brakes, work in conjunction with the sheriff's office about speeding, and work on the dust abatements. Seconded by Comm. Koppenhafer and carried. (See attached) Comm. Koppenhafer closed the hearing.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing the proposed expansion of High Impact Permit no. 439. The application is submitted by **Curtis and Lucy Cowan, L&L Storage** facility. The property is located at 27881 Hwy. 160, Cortez. Planning Manager Susan Carver gave an overview of the proposed storage expansion. **Curtis Cowan** informed the Board of the expansion. Comm. Koppenhafer opened the hearing to public comment at this time. Norma Diede spoke concerning security at the facility and stated she has no objection to the expansion. Jeanne Jameson with Mancos Valley Bank spoke concerning traffic turning on the highway and how it will effect any further expansion of MVB in the future. Hearing no further comments, Comm. Koppenhafer closed the public comment portion. After hearing all the evidence presented Comm. Chappell moved to approve the expansion of High Impact Permit Application number 439 for the expansion of a storage facility located at 27881 Hwy 160, Cortez, Co. along

with findings and permit. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**ROAD: Lloyd Everett and Rick Lard** informed the Board that there is not enough time between now and the time the irrigation water comes in to get the work completed at the Rock Creek project. They stated they found a larger pipe from Arizona that could be here in a couple of days. Mr. Ken Charles will be informed of a change in the grant payment.

**PLANNING: Planning Manager Susan Carver** presented an application for **Montezuma Water Company, Mike Bauer, agent**. The applicant is requesting a waiver to the high impact permit process. It was presented to the Board to determine and review if a high impact permit is required or if a waiver to the process will be granted. The request is for an expansion which will include relocation of the high service and backwash pump station. Mike Bauer explained the application. The property is located at 27666 Road T, Dolores and the property is currently unzoned. Comm. Rule moved that due to the information presented it appears no High Impact Permit is required for the additional new structure, however, any future changes or expansions will require a high impact permit and commercial zoning. Seconded by Comm. Chappell and carried. (See attached).

**TREASURER'S REPORT** for the months of November, 2007, December, 2007, January, 2008, February, 2008, and report from July 2, 2007 to December 31, 2007 were received. (See attached)

**DENTAL PLAN:** Comm. Rule moved to sign the dental plan between Montezuma County Health Department DBA Montezuma Smiles Makers Dental Program and Jacob Boyer, DDS, J. Ryan Mickelson, DDS and S. Jane Duncan, DDS. Seconded by Comm. Chappell and carried. (See attached)

**LETTER OF SUPPORT:** Comm. Rule moved to sign a letter of support for the Community Radio Project Inc.'s efforts at purchasing and rehabilitating the Montezuma Valley National Bank building. Seconded by Comm. Chappell and carried. (See attached)

**2008 FEE SCHEDULE** for adult and child immunizations was presented for approval. Comm. Rule moved to approve the 2008 fee schedule for adult and children's immunizations. Seconded by Comm. Chappell and carried. (See attached)

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

Agreed order to dismiss Rally in the Rockies, Inc. et al (06 CV 95) (See attached)

A letter and copy of a law suit was received from Goldman, Robbins and Nicholson, attorneys at law, regarding a law suit, case number 08CV29. The County has not been served nor has the County accepted service on 08CV29. The information will be forwarded to the insurance company to determine if they will be involved in said suit. (See attached)

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

**MEETING ADJOURNED 5:17 p.m.**

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County Clerk

3/24/08

Chairman

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 31, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 31, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, March 24, 2008 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule and carried.

**ADMINISTRATOR HARRISON** informed the Board the letter was forwarded to the insurance company concerning the alleged wrongful conduct on the part of District Attorney Jim Wilson from Pamela Mucklow. He then said the claim in regards to the Bengston lawsuit that was sent to the insurance company was verbally denied and a letter to that effect will be forthcoming.

**PAYROLL:** General fund checks in the amount of \$298,367.59, District Attorney fund check #52580 in the amount of \$25,917.35, Treasurer fund check #52579 in the amount of \$237,457.61, Road department fund checks in the amount of \$69,786.29, Treasurer fund check #21138 in the amount of \$56,342.43; and Landfill fund checks in the amount of \$16,634.62, Treasurer fund check #5614 in the amount of \$13,177.40 were approved for payment.

**FEDERAL LANDS UPDATE:** **James Dietrich** informed the Board there are 3 positions open on the **Southwest Resources Advisory Committee**. The nomination applications are due to the BLM by April 14, 2008. Mr. Dietrich said he has been in contact with **Jamie Seller Baker** and stated she would be willing to conduct a class concerning BLM Oil and Gas 101 for the public. She would also be willing to meet with the Board. The Board said to schedule a meeting with her.

**ROAD:** **Lloyd Everett** presented a 3 year lease for the **Tozer Pit** in McElmo Canyon. Comm. Chappell moved to sign the agreement between Montezuma County, Carol L Tibbits and Merle W. Tozer for a staging for crushing and storing gravel. Seconded by Comm. Rule and carried. (See attached) A call from Jimmy Porter



concerning the irrigation water around the bridge project in McElmo Canyon was discussed. Mr. Everett said they have an 8' and 5' culvert they will install on the project. The Board was informed a gate was placed on a portion of County Road 20.5 by the property owner which is blocking access to Yucca ruins owned by the National Park Service and there is also a house on the property. A letter will be written to the property owner concerning the placement of gates blocking access on county roads and federal lands.

**JAN SENNHENN** with the Extension Office met to update the Board on the Colorado State University Extension's Memorandum of Understanding (MOU). She stated the MOU was not changed from 1.75 full time employees to 2.00 full time employees since the passage of Referendum C. She presented a standard MOU for signature. Comm. Chappell moved to sign the MOU between Colorado State University and Montezuma County, seconded by Comm. Rule and carried. (See attached) She discussed a 4-H fund raising project to replace panels at the Fairgrounds and a call for bids will be advertised.

**SHERIFF GERALD WALLACE** presented the Forest Service Contract Grant for signature. Comm. Rule moved to sign the Forest Service Contract Grant between Montezuma County Sheriff's Office and The U.S. Department of Agriculture Forest Service, seconded by Comm. Chappell and carried.

**LAW ENFORCEMENT AUTHORITY:** An agreement number 2008-2 was presented. Comm. Rule moved to sign the agreement number 2008-2 of the Board of County Commissioners, acting as the ex officio governing board of the Montezuma County Law Enforcement Authority and the Montezuma County Sheriff, seconded by Comm. Chappell and carried. (See attached)

**BOARD OF EQUALIZATION ABATEMENT:** It being the time set aside an abatement hearing is held concerning a petition questioning property valuation for **Erick J. Paak** on account number R000390. Appraiser Scott Davis gave an overview of the petition. Comm. Rule moved to agree with the Assessor's recommendation concerning the valuation of property on account number R000390, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the hearing.

**ADMINISTRATOR HARRISON** discussed amending the fee schedule for the use of the Annex concerning annual fund raisers for non profit organizations. Comm. Rule moved to approve the amended fee schedule for the Senior Services effective April 1, 2008, seconded by Comm. Chappell and carried. (See attached)

Administrator Harrison presented an energy and mineral impact assistance program application for a study in regards to high use impact permit road impact fees. Comm. Rule moved to sign the grant application for commissioning a study concerning the high use impact permit road impact fees, Seconded by Comm. Chappell and carried. (See attached) A letter of certification of local approval by local boards of commissioners for nonprofit organizations was presented for signature. Comm. Rule moved to sign said letter thereby approving the **Bridge Emergency Shelter** as a program of Cortez Additions Recovery Center, seconded by Comm. Chappell and carried. (See attached)

**TONYA YATES** with the 4-H committee met to ask permission of the Board to clean and paint the indoor bleachers at the Fairgrounds and permission to place a 4 leaf clover where they can place engraved plaques to recognize consistent 4-H buyers at the Fair. The Board will look into the painting of the bleachers to see what needs to be done before committing to the club painting them as well as the placement of the clover.

**ROB PETERKA AND AMBER ZICKEFOOSE** met and discussed the cost comparison for long distance between Qwest (.04 cents a minute) and Farmers (.13 cents a minutes) and presented a long distance contract

for approval. Comm. Rule moved to sign a contract between Montezuma County and Qwest for long distance services. Seconded by Comm. Chappell and carried. (See attached)

**LUNCH: 12:00 noon**

**PLANNING: Planning Director Susan Carver** presented an application from **Bill Barrett Corporation, Don Hamilton, agent**, for review and determination of a high impact permit application to drill one exploratory natural gas well on property owned by **D & J Schafer Living Trust/ Connie Gray**. The physical address is located at 18000 Road T, Cortez, Co. 81321. Comm. Rule moved to forward the application to the Planning and Zoning Commission, seconded by Comm. Chappell and carried. (See attached).

**FINDINGS AND PERMIT:** Comm. Koppenhafer signed the findings and permit on High Impact Permit 553 (Kinder Morgan GP-13) and High Impact Permit 554, (Kinder Morgan GP-17). It was noted that Comm. Chappell recused himself from these proceedings. (See attached)

Director Carver presented an application from the **Bengston Family Trust, David and Denise Bengtson, Trustees, Scott and Sharon Wallace agents**, for review and determination of a 3 lot minor final plat for Heritage Hills Subdivision on property located at 21035 Road S., Cortez, Co. Agent Sharon Wallace was present. Comm. Chappell moved to approve the 3 lot minor subdivision (Heritage Hill Subdivision) for applicant Bengston Family Trust on property located at 21035 Road S, Cortez and to approve the findings, seconded by Comm. Rule and carried. (See attached)

**POLICY AND PROCEDURES FOR BOUNDARY ADJUSTMENTS/AGREEMENTS** was presented by Planning Director Susan Carver for review. Ernest Maness and Susan Underwood Hart were present. Director Carver will make a few changes and bring it back before the Board at a later date.

**MEMORANDUM** was presented by Director Susan Carver concerning non-compliant tracts of land. (See attached) She stated in order to proceed with enforcement of county subdivision regulations and state subdivision law she is requesting direction from the Board on how to enforce or request compliance. Once it has been determined there is a non-compliant tract of land, a letter would be sent to property owners who recently created non-compliant tracts explaining the compliance procedure and giving them 30 days to respond before further action is taken.

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

Letter from Cameron Berg, Vice President and Trust Officer, Wells Fargo, concerning The Clara Ormiston Trust. (See attached)

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

**MEETING ADJOURNED 5:25 p.m.**

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County Clerk

3/31/04

Chairman

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

**April 7, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 7, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, March 24, 2008 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule and carried.

**JAMES DIETRICH** reported on the San Juan Plan Revision. He also talked about HR 2016- The National Landscape Conservation System Act. (See attached)

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of March 31, 2008... (See attached).

**ROAD:** Letters were received from **Black Creek LLC** in reference to Road 36 off Highway 145 concerning a natural gas pipeline and a bridge over Spring Water Creek. It states the bridge is not sufficient to handle the trucks crossing the bridge. Mr. Everett will research this issue. (See attached) **Lloyd Everett** discussed problems on Road 25 in regards to the location of red road signs and green road signs. He stated the Department is working on the Landfill project and is still hauling chips. He discussed the parking and pedestrian crossing at Crow Canyon.

**LIQUOR LICENSES:** Clerk's Deputy **Tammy Neely** presented the following liquor licenses for renewal: A retail liquor license renewal for **Smitty's Liquor (Gary and Gloria Schmidlin)**. A letter from the Sheriff's Office stated there were no liquor violations on this business in doing a local records check. Comm. Rule moved to approve the renewal for a retail liquor license for Smitty's Liquors, seconded by Comm. Chappell and carried. Deputy Neely presented a renewal of a retail liquor license for **Eagle Claw Trading Post and Liquor Store (Schroeder Colorado Inc)**. A letter from the Sheriff's Office stated there were no liquor violations on this facility in doing a local records check. Comm. Rule moved to approve the renewal for Eagle Claw Trading Post and Liquor Store, seconded by Comm. Chappell and carried.

Two special events permit applications were presented. The first application is concerning **The Ute Mountain Roundup** for the sale of beer and wine at the Fairgrounds during the rodeo on June 12, 13, and 14, 2008. **Slim**

**McWilliams** represented the Ute Mountain Roundup and explained the applications. He discussed security issues during the event and the number of security personnel required during the event that will be provided by the Sheriff's Office. Comm. Rule moved to approve the application for a special events permit for a beer and wine permit for the Ute Mountain Roundup for the Fairgrounds, seconded by Comm. Chappell and carried. A second application was presented for the Ute Mountain Roundup for a special events permit for a different location (the main building) at the Fairgrounds for a dance. Comm. Rule moved to schedule a public hearing to be held concerning the application for the sale of liquor in the main building for the dance for 10:00 a.m. May 5, 2008, seconded by Comm. Chappell and carried.

**BOARD OF EQUALIZATION ABATEMENT HEARINGS:** It being the time set aside the following abatements was heard. The roll was called and the proceedings were taped for the record.

**DEREK VAN ATTA:** Appraiser Cynthia Claytor stated that property owned by **Derek Van Atta** on account numbers R005429 and R005432 were incorrectly assessed and requested an abatement of \$1,151.60 on account number R005429 and an abatement on account number R005432 in the amount of \$1,151.60. Comm. Chappell moved to agree with the Assessor's recommendation for abatement in the amount of \$1,151.60 on account number R005429 and abatement in the amount of \$1,151.60 on account number \$1,151.60, seconded by Comm. Rule and carried. (See attached)

**ROBERT AND SALLY LANDRETH:** Appraiser Cynthia Claytor presented a request for abatement on account number R12455 for Robert and Sally Landreth. Appraiser Claytor stated there is a lease agreement in place and the property should be agriculture. Comm. Rule moved to agree with the Assessor's recommendation for abatement in the amount of \$3,245.20 on account number R12455, seconded by Comm. Chappell and carried. (See attached)

**DAVID NORTHRUP:** Appraiser Cynthia Claytor presented an abatement petition concerning property classification for David Northrup, account number R003175. David Northrup was present. Appraiser Claytor said the property should be classified as residential and not vacant. This change would result in an abatement of \$2,009.00. Comm. Chappell moved to classify account number R003175 as residential and agree with the Assessor's recommendation resulting in an abatement of \$2,009.00. Seconded by Comm. Rule and carried. (See attached)

**F. JONATHAN ZUSY AND KATHLEEN MCKAIN:** Appraiser Cynthia Claytor presented an abatement petition for F. Jonathan Zusy and Kathleen McKain. Mr. Zusy was present and stated this property is subject to a third party grazing lease for the past three years and therefore should be classified as agriculture. The Assessor's office recommended denial of said petition. The Board stated they needed to see a copy of the 2007 grazing lease along with a statement from Louise Lawson stating that lot 8 is part of the grazing lease. The hearing has been continued for April 21, 2007 at 10:00 a.m. No action was taken at this time.

**LUNCH: 12:00 NOON**

**PLANNING:** Planning Director Susan Carver presented for review and determination, a waiver petition submitted by Joshua Boren. The waiver is for a storage facility on property located at 15509 Hwy 145, Dolores. Mr. Boren along with his attorney Jon Kelly spoke as to the project and Mr. Kelly stated the facility would not exceed the threshold standards and he doesn't believe a high impact permit would be needed nor would it require any zoning. The property is currently unzoned. After much discussion, Comm. Chappell moved to deny the petition waiver, seconded by Comm. Rule and carried. It was recommended for the applicant to proceed with a zoning and high impact permit application.

The 2:00 p.m. appointment with Mike Nelson and Mel Heath will be rescheduled for a later date.

**POLICY AND PROCEDURES FOR BOUNDARY ADJUSTMENTS/AGREEMENTS.** Planning Director Carver gave an overview of changes made to said agreement. She asked the Board to adopt this policy. Comm. Chappell moved to adopt the policy and procedures for boundary adjustments/agreements. Seconded by Comm. Rule and carried. (See attached)

**Planning Director Susan Carver** presented for review and determination a request for AR3-9 zoning and preliminary plan for a single lot development on property located at 20908 Road 22, Lewis and owned by **Mildred and Jerry Koskie**. Director Carver stated planning and zoning recommended zoning AR3-9 be approved. Comm. Rule moved to approve the AR 3-9 zoning and preliminary plan for a single lot development for Mildred and Jerry Koskie on property located at 20908 Road 22, Lewis. Seconded by Comm. Chappell and carried. (See attached)

A request from **Nathan and Vanessa Nicholson** to improve residential use on property located at 12360 Hwy. 491, Cortez was submitted for review and determination. The request is to move from an apartment that is currently in the commercial building and place a double wide on the property. They are improving the property by taking a residence from the business and installing a double wide. This would be an amendment to High Impact permit #25 and is a residential improvement. Comm. Chappell moved to approve the change of residential use on high impact permit #25, seconded by Comm. Rule and carried. (See attached)

Director Carver presented a request to forward an application to the Planning Commission for the purpose of reviewing amendment of a High Impact Permit Application number 516 for the expansion of the Rock races. The application was submitted by **Charles and Wanda Martin**. The property is located at 7369 Hwy 491, Cortez. Director Carver stated no complaints were received concerning prior races. Charles and Wanda Martin presented their application. Comm. Rule moved to forward the application to the Planning Commission on the application for Charles and Wanda Martin concerning rock races. Seconded by Comm. Chappell and carried. (See attached)

**APPOINTMENT:** A letter from **Laura Kennedy**, secretary – treasurer for the **Fairview Cemetery District** informing the Board of the resignation of Richard Tucker from the Fairview Cemetery District and requesting the Board appoint Raymond Patterson to replace Mr. Tucker to complete his term. Comm. Rule moved to appoint Raymond Patterson for the remainder of Mr. Tucker's term. (January, 2011) Seconded by Comm. Chappell and carried. (See attached)

**PROPOSED AMENDMENTS:** Planning Director Susan Carver presented proposed amendments to the Montezuma County Land Use Code for review.

**SCOTT DARLING** met to discuss GIS Digital drawing submittal requirements. He talked about having electronic format drawings be done at the time subdivision surveys are done. It was stated a disclaimer could be put on the submittal application. The application will be reviewed before making any decision.

**GERALD WALLACE** met to discuss the fees charged for High Impact Permit applications when they are up for review each year. The Board reviews high impact permits for certain events to see if there are any impacts the Board is not aware of. Planning Director Carver will look into the fees.

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

Letter from Federal Emergency Management Agency concerning the final flood elevation determination from Montezuma County. (See attached)

Agenda of April 16, 2008 for the Colorado Board of Health.

Letter from Dolores Public Lands Office concerning the decision notice and finding in regards to Mancos-Cortez Travel Management Plan. (See attached)

Letter from Natural Energy Resources Company in reference to SDS draft ad DEIS. (See attached)

The meeting was continued until Thursday April 10, 2008 at 10:00 a.m.

**The meeting was reconvened Thursday, April 10, 2008 10:00 A.M.**

Present were Gerald W. Koppenhafer, Chairman, Larrie D. Rule, Vice-Chairman, Steve Chappell, Commissioner of Deeds, Bob D. Slough, County Attorney, Ashton N. Harrison, Administrator, and Carol Tullis, County Clerk.

**JAMES DIETRICH** met to discuss the comment letter on United States Forest Service Draft Management Plan. The Montezuma County Board of County Commissioners strongly supports the policy of multiple use on Federal lands and supports the continuation and coexistence of multiple uses on federal lands. (See attached)

**ADMINISTRATOR HARRISON** presented a letter written to Box Bar Ranch, LLC in regards to a gate placed on Road 20.5. (See attached) He discussed an option to hire a 3rd laborer on a temporary basis at the Fairgrounds and bring LeeAnne Milligan up from a 35 hour week to a 40 hour week to see how that might work without hiring an actual supervisor. The Board agreed to try that for awhile. Administrator Harrison reminded the Board that they have not yet adopted the 1997 uniform fire code.

**LETTER** to Melodie A. Lloyd, Public Affairs Specialist for the BLM supporting the re-appointment of Gerald Koppenhafer to Group 3 of the Southwest Colorado Resource Advisory Council was presented for signature. (See attached)

The Board reviewed applications received for the road supervisor position.

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

**MEETING ADJOURNED 12:45 p.m.**

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County Clerk  
04/07/08 – 4/10/08

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 14, 2008**

STATE OF COLORADO )  
) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 14, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman

Larrie D. Rule, Vice-Chairman

Steve Chappell, Commissioner of Deeds

Bob D. Slough, County Attorney

Ashton N. Harrison, Administrator

Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, April 7, 2008 and Thursday, April 10, 2008 were read. Comm.

Chappell moved to approve the minutes as corrected, seconded by Comm. Rule and carried.

**ROAD: Lloyd Everett** stated Bill Ivy is supposed to send the Department a copy of the new forest service road plan. Mr. Everett and **Dee Graf** met to ask the Board to do a government to government exchange of a dump truck owned by the County and used at the road department to the Mancos Cemetery District. Comm. Chappell moved to donate a 1991 GMC 1 ton truck (vin number 1GDJC34J3ME535571) to the Mancos Cemetery District, seconded by Comm. Rule and carried. Administrator Harrison informed the Board of vehicles that will be going to auction. Two from the Road Department are a 1985 Intl. Truck

(vin # 1HTLKTVR8FHA17452), a 1998 Ford Pk. (vin# 2FTZX18WXWCA13986), a 1998 Che. UP from the health department (vin# 1GNNDT13W2W2223014) and a 1987 Che. Van from senior nutrition

(vin # 1GCCM15E4HB217773). (See attached). Discussed the parking area at the Racetrack. Discussed the truck route on Road P. Mr. Everett stated the department will be doing mag chloride on that road. They talked about the water flow going into the culverts on Road G. Mr. Everett said work is still being done on that area.

**JAMIE SELLAR-BAKER** presented the San Juan Public Lands Annual Report for fiscal year 2007. (See attached) She discussed mineral leasing and what may happen in the future in the oil and gas industry.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of March, 2008. (See attached) Manager Barton requested permission to pay the road department for the overtime work that's done at the Landfill. The Board stated she should work with Lloyd Everett concerning the overtime payment.

Manager Barton discussed a letter received from **J.C. Holdings of Cortez LLC (Doug**

**and Randy Carver**) concerning the lease agreement with the Carvers. (See attached) Purchase by the County for the 40 acres listed under the original lease was discussed.

**BOARD OF EQUALIZATION ABATEMENTS:** It being the time set aside the following abatement hearings was conducted. The roll was called and the proceedings were taped for the record. **JOAN E. KRAJACK: Assessor Mark Vanderpool** presented abatement petitions for Joan E. Krajack on accounts R004946 and R004964. Assessor Vanderpool stated the accounts were over-market. He recommended a corrected value of 132,320 on account number R004946 for a refund of \$1,955.44 and a corrected amount of 690,820 on account number R004964 for a refund of \$3,373.12. Comm. Rule moved to agree with the Assessor's recommendation on account numbers R004946 and R004964, seconded by Comm. Chappell and carried. (See attached)

**LYLE C. COX LIVING TRUST, BETTY COX LIVING TRUST, LYLE C. AND BETTY COX: Assessor Vanderpool** presented abatement petitions on Lyle C and Betty Cox Living Trust and Lyle C. and Betty Cox. He stated the property was over-market and recommended a corrected value of 143,850 on account number R005092, a corrected value of 242,250 for account number R005090 and a corrected value of 163,710 on account number R005091. Comm. Chappell moved to agree with the Assessor's recommendation on account number R005092 for a refund of \$2,596.45, for a refund on account number R005090 of \$1,719.55 and for a refund on account number R005091 of \$2,142.14. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearings at this time.

**MISSY MILLER** discussed the upcoming Teen Maze and invited the Board to attend and invited them to attend a lunch on alcohol awareness.

**VETERAN'S AFFAIRS:** Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for March, 2008, seconded by Comm. Rule and carried. (See attached).

**LUNCH: 12:10 P.M.**

**PLANNING: Planning Director Susan Carver** updated the Board on a storage facility being built by Joshua Boren and that Mr. Boren has submitted an application for zoning and a single lot development concerning said facility. Director Carver stated the application is scheduled to go before the Planning Commission in May 22, 2008. Joshua Boren along with his attorney Jon Kelly met to discuss how the construction is coming and that he is using specialized builders to do the work. He stated he has no intention of opening the storage units until all permits are obtained and the zoning and high impact permit process is completed. Mr. Boren said the storage units come from Denver on flat bed trucks and needs a platform poured before they can be dropped. The Board said he needs to go through the zoning and high impact process. Comm. Rule moved that Joshua Boren is constructing said new facilities on land beyond the use existing under Section 8103.1 of the code and that Joshua Boren does not have the necessary zoning, and permit or waiver or exemption required by the Montezuma County Land Use Code to legally change and expand the use of land beyond the use existing under Section 8103.1, and therefore, Joshua Boren's activities are in violation of the Montezuma County Land Use Code.. The motion was seconded by Comm. Chappell and carried. Comm. Rule made a motion to approve the filing of the complaint for injunction if said Board determines that Mr. Joshua Boren has not ceased construction of the facilities. Seconded by Comm. Chappell and carried.

**Director Carver** presented for review and determination of two after the fact exemption requests on 2 separate tracts for **Charlotte Wood**. The first tract is located at 22920 Hwy 491, Yellow Jacket and the second tract is



located at 22910 Hwy 491, Yellow Jacket. Ms. Wood and legal representative Michael Green gave an overview of the application. Ms. Wood and Mr. Green questioned the road impact fee of \$2400.00. It was suggested to do a boundary line adjustment and join the two tracts into one with one land description. No action taken.

**JIM CANDELARIA AND DEAN MATHEWS** met to discuss road concerns on Road N.8. Due to problems with the no left turns on the road and traffic concerns it was suggested to hold a public hearing concerning the no left turn. A public hearing has been scheduled for May 27, 2008 at 2:00 p.m.

**GERALD AND RITA HUDELSTON with Huddelston Surveying** met to discuss county road right of ways concerning red signed and green signed roads in regards to surveying properties of 35+ acre tracts. The County does not separate the green signed roads from the 35+ acre tracts.

**REVIEW AND DETERMINATION OF A PROPOSED GIS Digital drawing submittal policy** were presented for review. Director Carver said she has put a disclaimer on digital format drawings for the Montezuma County GIS digital land use map updates policy. Comm. Chappell moved to approve the digital format drawings for the Montezuma County GIS digital land use map updates policy. Seconded by Comm. Rule and carried. (See attached) **PROPOSED AMENDMENTS TO THE LAND USE CODE CHANGES** were presented for review.

**RESOLUTION P-24-96E (second amendment):** Planning Director Susan Carver presented an application from Ernest and Bernice Scheller on property located at 21070 Road B, Cortez and Schelli Porter on property located at 21180 Road B, Cortez, **Agent Mike Porter**. This request is for an amendment to Resolution P-24-96E to adjust the acreage to be 3.0 acres and a variance from the required 25' setback to a 6' setback for agricultural setbacks to a barn on property owned by the Scheller's and located at 21070 Road B, Cortez. Comm. Chappell moved to approve the request to amend Resolution P-24-96E to adjust the acreage to 3.0 acres and to approve a zoning request of AR3-9 and for a variance of the setbacks from 25' to 6' for a barn on property owned by Ernest and Bernice Scheller. Seconded by Comm. Rule and carried. (see attached)

**CONTRACT:** Comm. Rule moved to sign the contract between The San Juan Basin Area Agency on Aging and Montezuma County for nutrition services C-1, C-2 and Title 3B services, seconded by Comm. Chappell and carried. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted; Draft of a letter from the Planning Department in regards to property that may not be in compliance with the Montezuma County Land Use Code. (See attached) Summons 2008CV29 – (See attached)

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

**MEETING ADJOURNED 5:40 p.m.**

County Clerk Chairman 04/14/08

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 21, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 21, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, April 14, 2008 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell and carried.

**ROAD:** Discussed a letter from Michael Green concerning his objection to the inclusion of Road 29.2, from Road W north, being on the official Montezuma County road map. (See attached) Discussed the turnaround on the Gonzales property. Comm. Koppenhafer will try to contact the Gonzales about the turnaround. Administrator Harrison asked about replacing the cattle guard on Road 20.5. The cattle guard should be cleaned first to see if it should be replaced.

**LATER:** Mr. Everett updated the Board on a WesternStar truck he found for sale in Farmington, N. M. in the amount of \$48,500.00. This truck will replace the truck that went to the landfill. He asked for authorization from the Board to return a check in the amount of \$4,109.00 from Suckla Auction Services for equipment sold at their auction in exchange for a check in the amount of \$901.00 and a hydraulic snow wing post assembly. The Board gave authorization for the exchange.

**REX CORSAIR** met to discuss Road 18 and asked if the graded portion of the road is maintained. Mr. Everett stated there should be ¾" gravel put down to bring the road up to county specifications. Mr. Everett stated they can make gravel available but it would be the homeowner's responsibility to haul and spread the gravel. He said it is a designated maintained county road. They stated once the green signed portion of the road is to county specifications the county will maintain it and a turnaround will be needed. (See county road map)

**JUDY LICHLITER** met to discuss ADA compliance at the fairgrounds. She complained about the handicap parking at the 2008 Ag-Expo in particular. The Board will look into the situation for future events.

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

**BOARD OF EQUALIZATION ABATEMENTS:** It being the time set aside a Board of Equalization abatement hearing is held on the following abatement petitions. The roll was called and all proceedings were taped for the record.

**JOHN H. MILLER ESTATE:** Assessor Vanderpool gave an overview of the petition stating the legal ownership of the parcel is in dispute with the Colorado Wildlife Division and the John H. Miller Estate representatives cannot pursue the ownership issue, Assessor Vanderpool recommended the abatement be approved for account number R000174 become tax exempt. The abatement is for tax years 2006 and 2007 with refunds of \$\$1,073.32 for 2006 and \$1,951.08 for 2007. Comm. Chappell moved to approve the petition for abatement on account number R000174 and agree with the Assessor's office, seconded by Comm. Rule and carried. (See attached)

**F. JONATHAN ZUSY AND KATHLEEN MCKAIN:** This is a continuation of an abatement hearing on parcel number 565306101008 for F. Jonathan Zusy and Kathleen McKain. The Board requested a copy of the 2007 grazing lease along with a statement from Louise Lawson stating that lot 8 is part of the grazing lease be presented. Mr. Zusy called and stated he could not provide the requested items. Appraiser Claytor stated the property is not used as agricultural. Comm. Rule moved to agree with the Assessor's recommendation and deny the petition, seconded by Comm. Chappell and carried. (See attached)  
Comm. Koppenhafer closed the hearings at this time.

**CHAIRMAN SUE SCOTT with the Lodger's Tax Committee** presented applications from the Mancos and Dolores Chambers of Commerce, the Cortez Cultural Center, Mesa Verde Country and the Welcome Center. She stated the requests were as follows. Mesa Verde Country for \$40,000.00, the Mancos Chamber of Commerce for \$28,000.00, the Dolores Chamber of Commerce for \$35,000.00, the Cortez Cultural Center \$1,000.00 (new applicant), and the Cortez Chamber of Commerce for \$7,300.00 for a total of \$111,300.00 The Grant recommendations at this time were as follows: Mesa Verde Country - \$40,000.00, Cortez Cultural Center - \$1,000.00, Mancos Valley Chamber - \$28,000.00, Dolores Chamber - \$28,000.00 for a total of \$97,000.00. Comm. Rule moved to grant Mesa Verde Country \$40,000.00, Mancos Valley Chamber \$28,000.00, Dolores Chamber \$28,000.00 and Cortez Cultural Center \$1,000.00, seconded by Comm. Chappell and carried. (See attached).

Sue Scott then spoke as a lodger about how Mesa Verde Country spends the money and would like to see something attached to the grant on how Mesa Verde Country represents the county lodgers. All entities should submit an accounting of how the funds are spent to the Board at the time of the application.

**LUNCH: 12:00 noon**

**PLANNING:** A letter dated April 15, 2008 from Jon Kelly concerning the high impact permit and PUD application from Joshua Boren was presented and considered and Comm. Chappell moved to approve the stipulations numbered 1, 2 and 3 as stated. Seconded by Comm. Rule and carried. (See attached)

**Planning Director Susan Carver** presented for review and determination a request for AR 3-9 zoning and preliminary plan for a 9 lot major development for **Net Worth Partnership, (Greg, B.J., and Chris Worth partners) Maness and Associates agents**. The property is located at 25905 Road U.6, Dolores. Director Carver stated the property is currently zoned 35+. Ernie Maness gave an overview of the application. Comm. Chappell moved to approve the AR3-9 zoning request and the preliminary plan for a 9 lot major development for Net Worth Partnership, Greg Worth partner manager, on property located at 25905 Road U.6. Seconded by Comm. Rule and carried. (See attached)

Planning Director Carver presented an application for review and determination of an AR3-9 zoning and preliminary plan for a 4 lot moderate development for **Job Lopez, Maness and Associates agents**. The property is located at 19311 Road 22 #G, Lewis. The property is currently unzoned. Ernie Maness gave an overview of the application. Comm. Chappell moved to approve the AR3-9 zoning and preliminary plan for a 4 lot moderate development on 39.75 acres, more or less for Job Lopez on property located at 19311 Road 22 #G2, Lewis and to approve a variance from the 24' road surface to an 18' road surface. Seconded by Comm. Rule and carried. (See attached)

Director Carver presented a request from **Bill Barrett Corporation** asking an authorization to conduct a well frac. **Myles Coroy** field representative for Bill Barrett Corporation explained the process. The property is located in Sections 21,22,23,26,27,28,33, and 34 Township 38 N, Range 16 W. Comm. Chappell moved to give authorization to Bill Barrett Corporation to conduct a Well Frac and to notify the planning department by letter before conducting any future well fracs. Seconded by Comm. Rule and carried. (See attached)

**MEL HEATH AND MIKE NIELSON** addressed the Board to discuss the 1997 Uniform Building Code for commercial and industrial building. Mr. Heath read portions of the 1997 UBC code and discussed following up on the forms. Mr. Mike Nielson talked about concerns he has. **Administrator Harrison** informed the Board the use of the UBC inspection form was never officially adopted by the Board and he requested the use of the UBC inspection form be discontinued effective immediately. The Board agreed to discontinue its use immediately.

**PLANNING DIRECTOR CARVER** presented 4 applications from Kinder Morgan. **Bob Clayton with Kinder Morgan** discussed the applications for 4 natural gas wells on the following properties. 1. Well known as **GP14** owned by **Theron and Kathryn Story** located at 12199 Road 16, Cortez. 2. Well known as **GP15** owned by **Floyd Hutchinson Family** located at 15500 Road M, Cortez. 3. Well known as **GP16** owned by **Veda Wilson Estate, Terry Wilson** located at 15600 Road 17, Cortez. And 4. Well known as **GP18** owned by **Troy and Shorlene Oliver** located at 12958 Road 16, Cortez. Director Carver recommended the applications be forwarded to the Planning Commission. Comm. Rule moved to forward the well applications for GP14, GP15, GP16 and GP17 as described above to the Planning Commission. Seconded by Comm. Chappell and carried. (See attached)

**TREASURER'S REPORT** for the month of March, 2008 was submitted. (See attached)

**DISCUSSED** the applications for the road supervisor.

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

Letter from Trident Insurance stating no coverage currently applies in regards to the Bengston lawsuit. (See attached)

Letter of appreciation from Don and Betty Fritz in regards to the magnesium chloride treatment done on Road 42. (See attached)

Return receipt signed by G. Simmons for the Box Bar Ranch LLC. (See attached)

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

**MEETING ADJOURNED 5: 20 p.m.**

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County Clerk 04/21/08

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Chairman

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 28, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 28, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, April 21, 2008 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell and carried.

**ROY ELDER:** Met to discuss County Road 43. He requested the Board place a portion of road 43 that goes to his house on the county road map. A public hearing has been scheduled for May 12, 2008 at 11:00 a.m. Mr. Elder sent an e-mail stating he has obtained an attorney to file a lawsuit against the County. (See e-mail attached)

**ROAD: Lloyd Everett** discussed letter from Black Creek LLC in reference to Road 36. Mr. Everett talked about an estimate from Goff Engineering concerning the Spruce Water Creek Bridge on Road 36. Administrator Harrison responded stating the official County Road Map shows the green signed portion of Road 36 ends at the point which crosses Spruce Water Canyon. (See attached) The road department will place a sign concerning the weight limit at the bridge. The cattle guard on road 20.5 was discussed and will be replaced. Mr. Everett said the calls for the mag-chloride sign up will go out this week.

**BOARD OF EQUALIZATION ABATEMENTS:** It being the time set aside the following abatement hearings were heard: The roll was called and the proceedings were taped for the record.

**GRENE LLC:** Appraiser Cynthia Claytor gave an overview of the petition for Grene LLC, account numbers R015627 and R004738. She said the property is leased for cattle grazing and should be classified as agriculture. Comm. Rule moved to agree with the Assessor's office and classify the property as agricultural and for an abatement of \$4,523.57 on account number R015627 and for \$4,441.16 on account number R004738. Seconded by Comm. Chappell and carried. (See attached)

**DALLAS W. AND LEILA J. PARGA:** Assessor Mark Vanderpool gave an overview of a petition for Dallas W. and Leila J. Parga, account number R015110. Assessor Vanderpool said the subdivision has been re-plated and changed the land area. He recommended an abatement of \$4,815.28. Comm. Chappell moved to agree with the Assessor's recommendation for a refund of \$4,815.28 on account number R015110, seconded by Comm. Rule and carried. (See attached)

**RAYMOND L. KYSAR, JR.** Comm. Koppenhafer recused himself from this hearing at this time and turned the hearing over to Comm. Rule. Appraiser Cynthia Claytor presented a petition from Raymond L. Kysar, Jr. on parcel numbers 536314300011 and 536315400003 concerning the property classification. **Bob and Raymond Kysar** stated the property should be classified as agricultural and not residential and they had an agreement with Gerald Koppenhafer to use the property to bring his cattle through. Mr. Koppenhafer was called in at this time to testify and spoke as to any agreements he has with the Kysar's. He said he does not have the land leased but does bring his cattle through the property. Comm. Chappell moved to agree with the Assessor's office as to the classification of the property on parcel numbers 536314300011 (17505 Road 39) and 536315400003 (17252 Road 39) and to an adjusted assessed value of 121,090 on parcel number 536315400003, resulting in a tax adjustment of \$5,108.04, seconded by Comm. Rule and carried. Comm. Koppenhafer was recused. (See attached)

**SPECIAL EVENTS LIQUOR LICENSE:** Clerk's Deputy Tammy Neely presented an application for a special events liquor license for the **Mancos Friends of the Library**. Comm. Rule moved to approve a special events liquor license for the Mancos Friends of the Library at the Lake Mancos Ranch, seconded by Comm. Chappell and carried.

Deputy Neely presented a modification of premises for **G Whil Liquors, David Kizar owner**. Comm. Rule moved to approve the modification of premises for G. Whil Liquors, David Kizar owner, seconded by Comm. Chappell and carried

**COURT SECURITY CONTRACT: Wanda Martin and Sheriff Gerald Wallace** presented the Court Security Grant award in the amount of \$24,267.00 to hire one full time deputy sheriff to perform court security for signature. Comm. Chappell made a motion to sign the agreement between County of Montezuma and Colorado Judicial Department for court security. Seconded by Comm. Rule and carried. (See attached)

**LUNCH: 12:25 p.m.**

**PLANNING: Planning Director Susan Carver** presented the final plat for a proposed single lot development on property owned by **Mildred Koskie, Jerry Koskie, agent**. The property is located at 20908 Road 22, Lewis. Comm. Chappell moved to approve the final plat for a single lot development for Mildred Koskie on property located at 20908 Road 22, Lewis, Co. and to approve the findings. Seconded by Comm. Rule and carried. (See attached)

**PROPOSED FEE SCHEDULE:** Director Carver presented a proposed fee schedule for the Planning Department for consideration. Director Carver reviewed the schedule with the Board. Comm. Chappell moved to adopt the Montezuma County Department of Planning and Zoning application fee schedule dated April 28, 2008. Seconded by Comm. Rule and carried. (See attached)

**PROPOSED LAND USE CODE AMENDMENTS:** Director Carver discussed proposed changes the Board forwarded to the Planning Commission concerning the Land Use Code and she explained the Planning Commission's proposed changes. (See attached). The Board scheduled a public hearing to consider the amendments to the Land Use Code for July 14, 2008 at 2:00 p.m.

**SCHEDULED PUBLIC HEARINGS:** Director Carver informed the Board of the following public hearings that she has scheduled: **Bill Barrett** is scheduled for May 12, 2008 from 10:00 a.m. to 11:00 a.m. **Kinder Morgan** is scheduled for May 12, 2008 from 1:30 p.m. to 2:30 p.m. **Off Highway Vehicle Rally** is scheduled on May 19, 2008 from 10:00 a.m. to 11:00 a.m. and **Lebanon Estates** on Tuesday, May 27, 2008.

**JAMES DIETRICH:** Updated the Board on the FEMA Floodplain Insurance Regulations Map. He discussed a draft ordinance he is working on in regards to the floodplain application. He discussed a draft letter to LouAnn Jacobson concerning the access rights of property owners who have private in-holdings within the Canyon of the Ancients National Monument and a letter to LouAnn Jacobson in regards to Environmental Access for the proposal by Kinder Morgan to drill 7 wells in the Goodman Point area. Comm. Chappell moved to sign the letters addressed to LouAnn Jacobson, one referring to the access roads and the other is the environmental assessment letter in the Canyon of the Ancients National Monument, seconded by Comm. Rule and carried. (See attached)

**TED LINDTVIET** with CTSI met to discuss the County worker's compensation pool loss ratio report as of December 31, 2007. (See attached)

**ADMINISTRATOR HARRISON** presented a Quit Claim Deed concerning 2 lots owned by Montezuma County and deeding the lots to the Mancos School District. He has received a letter from the Town of Mancos stating the Town does not wish to have an easement through the lots. (See attached). Comm. Rule moved to authorize the Commissioner of Deeds to sign the Quit Claim Deed to the Mancos School District conveying lots in the D.H. Lemmon's townsite Block 3, lot 17 through 19; part of tract A south of block 3, seconded by Comm. Chappell and carried. (See Attached)

**CORRESPONDENCE:** The following correspondence was read and noted:  
Letter from U.S. Geological Survey concerning Geographic names. (See attached)  
Letter from Gary and Nancy Shaw to the County Treasurer (See attached)  
Letter of response from the County Treasurer to Gary and Nancy Shaw (See attached)  
Final Determination from the Property Tax Administrator concerning First Baptist Church (See attached)  
Letter from Trident Insurance Company stating they have determined that no coverage currently applies for the lawsuit involving Sin Vacas Properties LLC. ( See attached)

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

**MEETING ADJOURNED 5:25 p.m.**

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County Clerk 4-28-08

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Chairman



**MONTEZUMA COUNTY, COLORADO**  
**May 5, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 5, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, April 28, 2008 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule and carried.

**PAYROLL:** General fund checks in the amount of \$292,156.71, District Attorney fund check #52767 in the amount of \$23,046.14, Treasurer fund check #52768 in the amount of \$232,436.00, Road department fund checks in the amount of \$75,389.92, Treasurer fund check #21208 in the amount of \$58,410.87; and Landfill fund checks in the amount of \$14,002.63, Treasurer fund check #5623 in the amount of \$12,453.29 were approved for payment.

**JAMES DIETRICH** discussed missing data in the TDR map. He stated Jim Siscoe would be willing to rebuild the missing data for the TDR map and provide a TDR calculator for a cost of \$800.00. The Board agreed to have Mr. Siscoe help in this area. (See attached)

**ROAD: Lloyd Everett** discussed work by Kinder Morgan on Roads P and 16 and discussed the water line for that area. Mr. Everett will contact J.R. Berry concerning the proposed water lines. Bob Clayton with Kinder Morgan was contacted and he stated the traffic should diminish significantly by about June 15<sup>th</sup>. Mr. Everett stated he had a phone call from a lady complaining her irrigation water has been shut off due to a culvert being cut by the phone company. Mr. Everett said the phone company is going to repair the damage. Discussed the placement of a culvert on the road P access by Crow Canyon.

**COUNTY ADMINISTRATOR HARRISON** informed the Board he received a call from **Roy Elder** stating a fence is being erected 9' from the center of the road on the west side of a portion of Road 43, the same portion of the road which is scheduled for a public hearing on May 12, 2008

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of April 30, 2008. (See attached).

**PUBLIC HEARING:** It being the time set aside a public hearing is held concerning a special event permit for the **Ute Mountain Roundup** for a rodeo dance that will be held at the Fairgrounds. The roll was called, the public notice was read and the proceedings were taped for the record. Clerk's Deputy Judy Follman gave an overview of the permit. **Slim McWilliams** representing the Ute Mountain Roundup asked the Board to approve serving liquor and not just beer and wine and to extend the hours for serving alcohol to begin at 9 p.m. until 12:00 midnight and follow the Sheriff's Office recommended security policy by having 2 deputies on duty. Comm. Koppenhafer opened the hearing to public comments at this time. Hearing no public comments that portion of the hearing was closed. Mr. McWilliams said the alcohol servers will all be TIPS trained. After hearing all the evidence presented Comm. Rule moved to approve the special events permit at the Fairgrounds for the Ute Mountain Roundup subject to the following conditions, to extend the time to 12:00 midnight and to serve hard liquor and to have two security deputies on duty for the dance to be held on Thursday, June 13<sup>th</sup> and Friday, June 14, 2008. Seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

**LORI COOPER** with the Health Department presented the following contracts for renewal: Comm. Chappell moved to approve the contracts for (1) Public Health nursing contract. This contract is in the amount of \$55,270.00 and is for a 3 year period. (2) Traumatic brain injury contract, (3) WIC contract for a service increase of \$4,188.00, (4) The tobacco step grant for \$54,000.00 and (5) the tuberculosis contract for \$3,800.00. Seconded by Comm. Rule and carried. (See attached) She then reported on the success of the recently held Teen Maze. She said over 500 kids went to the event.

**REGION 9: Ed Morlan and Jenny Stoller** with Region 9 met to update the board on Region 9 Economic Development. County Administrator Harrison asked Mr. Morlan if this was a Region 9 public hearing or a County public hearing. Mr. Morlan said this was a Region 9 public hearing and not a Board of County Commissioners public hearing. Mr. Morlan gave an overview of the community development block grant project and presented the intergovernmental agreement, the application for community development block grant business loan funds, and the applicant statement of assurances and certifications for community development block grant business revolving loan funds for signature. Comm. Rule moved to sign the Community Development Block Grant Project Intergovernmental Agreement, the Application for Community Development Block Grant Business Loans Funds, and Applicant Statement of Assurances and Certifications for Community Development Block Grant Business Revolving Loan Funds, seconded by Comm. Chappell and carried. (See attached) Other information regarding the same application was unavailable at this time and Region 9 stated they would get the information to County Administrator Harrison.

**SOUTHWEST MEMORIAL HOSPITAL: Dan Jessup and Nelson Toebbe** gave an update on the hospital and presented the financial statements for the three months of operations ended March 31, 2008. (See attached) Mr. Toebbe explained about a critical access hospital and how it is funded. He said the rural health care clinic is going well.

**LUNCH: 12:10 p.m.**

**PUBLIC HEARING:** It being the time set aside, a public hearing is held for the purpose of reviewing and determining a high impact permit application for the proposed open-pit extraction, processing, stockpiling and

dispensing of aggregate resources for open market sales and related uses such as onsite concrete and asphalt production on 154 acres, more or less, on property owned by **McStone Aggregates, LLC, Applicants are Casey and Yvonne McClellan, Daren and Kathy Stone, and Nathan Barton, agent.** The property is located at 38751 Hwy. 160, Mancos, Co. Planning Director Susan Carver gave an overview of the application. Casey McClellan explained the application and their plans. Nathan Barton had a power point presentation to go along with Mr. McClellan's presentation. The access to the property was discussed. It was stated it did not go through the Neva property. Nathan Barton gave a power point comparison to other like operations around the area. Comm. Koppenhafer opened the hearing to public comment at this time. **Dean Wolcott** spoke as to the odor the plant might emit and does not want his cattle to smell that odor. He also spoke as to traffic. **Roger Woody** spoke about the odor and poisonous fumes that go into the atmosphere. **Bill Countess** owner of the Hogan has concerns as to property values and he stated the access to the property is dangerous. **Jimbo Buickerood** spoke about the odor requirement and concerns with carcinogens that may be emitted. He has a couple of concerns with highway safety and air quality. **Dick Perry** says he grows hay and beef and is part of the food chain and is very concerned about the air quality from the plant and how it will affect his cattle and hay. **Peter Carroll**, resource manager for Four Corners Materials spoke in favor of the plant and stated there is a need for a close aggregate source to keep costs down. He also spoke as to the dust control. **Felicity Broennan** read a letter representing several people in opposition to the gravel operations proposed. **Jesse Bopp** attorney addressed the Board on behalf of **Catherine Neva** who is an adjacent property owner. He addressed the threshold standards being exceeded. He spoke as to the hours of operation, traffic, and outdoor storage and asked for screening if the application is granted. He spoke in regards to water flow and would like to see the permits that have been granted. He talked about solid waste and would like to see proof of disposal and traffic caused by the waste disposal trucks. He discussed noise in regards to the residences, as well as dust, smoke, and fumes, moving beyond the property line. **Dick White** has concerns with the reclamation plan. **John Fleitz** talked about property values being decreased and pointed out the Noland Pit is already there and that will be an extension creating more dust. **Jim Law** spoke as to the unknown off gas being emitted and would like to see information about that and about the use of water in a restricted water use area as well as the water runoff. **Betsy Harrison** spoke at to location in regards to air moving. She asked about enforcement of permits and what the timely enforcement would be if there is a breach of the permit. **Jack Burk** discussed the application standards, the reclamation plan, and talked about the good neighbor policy. **Patricia Burk** said in the narrative that the project would ease the burden in the Dolores River Valley, and asked what does that do to our valley. **Roger Woody** said the Board used the High Impact Permit process in lieu of the zoning process. He asked the Board to look at the Land Use Code zoning and take the zoning codes into consideration. **Jesse Bopp** council for Catherine Neva asked the Board to address the applicants if there are any plans to sell at a later date. **Sylvia Fleitz** stated the pictures used from Google earth were at least 3 years old. She talked about the trucks entering and exiting and about the EPA standards and asked the permit be denied. **Tom Weaver** was asked by McStone Aggregates to speak on the availability of aggregate resources in the area. He said the Mud Creek drainage area and the Dolores River Valley were identified in a study. **John Fleitz** asked if all the gravel needs to be mined at one time. **Bill Countess** said the Noland Pit already exists and said there is possibly another pit in the works by Eldon Simmons in addition to the McStone Pit. **Dave Sipe** talked about the cumulative effect of more pits, diesel emissions, dust, and traffic and his biggest concern is public safety. Hearing no further public comments Comm. Koppenhafer closed the public comment period of the hearing. Casey McClellan began to address all the concerns voiced during the public comment period. Comm. Koppenhafer opened the hearing back up to public comment. **Betsy Harrison** has concerns with a gravel, asphalt and concrete batch plant. She asked if it was made clear to the neighbors Mr. McClellan talked to, that there is to be all three plants when they were contacted. Mr. McClellan stated it was. **Dave Sipe** asked if McStone will come back to the Board and ask permission for extended operations. Mr. McClellan said they are willing to take that chance.

The hearing was recessed at this time. The hearing was reconvened. Casey McClellan stated he feels McStone has met all the threshold standards and they will do what they stated they will do. **Jesse Bopp** spoke as to the zoning issue. Mr. McClellan responded to that issue. **Felicity Broennan** said there is confusion in looking at the application where it says the property is zoned ARES. The planning department stated the property is currently unzoned. After hearing all the evidence presented Comm. Chappell moved to approve the High Impact Permit for the gravel pit only on property owned by Casey and Yvonne McClellan and Daren and Kathy Stone known as McStone Aggregates, LLC on property located at 38751 Hwy 160, Mancos, Co. subject to mitigation with the neighbor to the east to include a buffer of maybe evergreens and Comm. Koppenhafer added all the proposed hours of operation be maintained and include dust control and everything the applicant has set forth. It was further moved to deny the asphalt plant and the concrete batch plant. Seconded by Comm. Rule and carried. (See attached).

**CORRESPONDENCE:** The following correspondence was read and noted.  
Letter from the Reclamation, Mining and Safety concerning Red Arrow Gold Corporation, Out West Mine & Mill, Permit number M-1981-184. (See attached)

The meeting was continued until Tuesday, May 6, 2008 at 12:00 with San Miguel, and Dolores Counties at the Ponderosa Restaurant in Dolores.

**Tuesday, May 06, 2008 12:00 noon at the Ponderosa Restaurant.**  
Meeting reconvened with Comm. Koppenhafer, Comm. Rule, County Administrator Harrison, and County Clerk Tullis in attendance. Others in attendance were 3 from San Miguel County and 4 from Dolores County.

A Tri County luncheon meeting is held at the Ponderosa Restaurant in Dolores, Colorado to discuss various concerns and happenings each county may have.

**MOTION TO ADJOURN** was made by Comm. Rule, seconded by Comm. Koppenhafer and carried.

**MEETING ADJOURNED 1:35 P.M.**

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County Clerk 5-5-08 and 5-6-08

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 12, 2008**

STATE OF COLORADO )  
 ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 12, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, May 5, 2008, and May 6, 2008 were read. No action taken at this time.

**ROAD: Lloyd Everett and Rick Lard** discussed the access for Crow Canyon on Road P, and discussed the placement of the porta potties, and improper sight distance for parking. Upon reviewing the placement of the access that's in the County right-of-way, the Board stated the access is not in a safe place and would put the people's safety in jeopardy, therefore, the access needs to be moved. County Administrator Harrison will contact Grant Coffey with the Crow Canyon Archeological Center concerning the culvert location and the access on the south side of the road.

It was stated the gate on Road 20.5 would be removed once the cattle guard is installed.

Talked about the turn-a-round on K.6

**WEED CONTRACT: LeeAnn Milligan and Don Morris** presented the weed contract with the Forest Service for discussion and approval. Comm. Chappell moved to allow Don Morris to sign the participating agreement between USDA Forest Service, San Juan National Forest and Montezuma County and Montezuma County shall maintain comprehensive liability insurance of not less than 2,000,000.00 per occurrence rather than 3,000,000.00, seconded by Comm. Rule and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine a proposed High Impact Permit Application filed by **Bill Barrett Corporation, Don Hamilton, agent**. The application is for drilling and operations of one natural gas well on property owned by **D & J Schafer Living Trust, Connie Gray, Trustee** and located at 18201 Road T, Arriola, Co. The roll was called and the proceedings were taped for the record. Comm. Chappell recused himself from the proceedings at this time. **Planning Director Susan Carver** gave an overview of the application. **Agent, Don Hamilton** discussed the drilling and operation for the well. Comm. Rule asked if the site of the well could be moved farther away from the residences. Mr. Hamilton stated he would have to talk to the Corporation before agreeing to move the well site. Comm. Koppenhafer opened the hearing to public comment at this time. **Najib Johnson** spoke as to health safety, hazardous materials, noise, dust issues, and to the number of violations (NOAV) Bill Barrett Corporations has in comparison to Kinder Morgan. **James Fairley** voiced concerns about safety issues with odor, flaring, location of the pit being close to his property, issues with the road, what would the zoning become, and concerns with

what chemicals would be used. Due to time constraints the hearing was continued until June 2, 2008 at 10:30 A.M. No action was taken at this time.

**LANDFILL: Landfill manager Deb Barton** updated the Board on the Landfill operations and presented the profit and loss statement for the month of April, 2008 (See attached). She asked for approval to sell excess equipment (Manlift, F-250 pickup and a Kubota loader). Comm. Rule moved to allow the Landfill to take the Manlift, the F-250 pickup and the Kubota loader to the next available auction, seconded by Comm. Chappell and carried. She presented a Geosynthetic contract for approval along with the performance bond for Lange Containment Systems, Inc. (See attached). Comm. Chappell moved to approve the contract between Montezuma County and Lange Containment Systems, Inc. Seconded by Comm. Rule and carried. (See attached) The completed contract is on file at the Landfill.

**PUBLIC HEARING:** It being the time set aside a public hearing is held regarding the status of that portion of County Road 43 crossing property owned by **Roy Elder**. The roll was called and the proceedings were taped for the record. **Bill Corwin** attorney for Roy Elder gave an overview of the hearing and questioned **Aubrey Roach** who was the county engineer for Montezuma County from 1984 to 1996 about the status of that portion of Road 43. Mr. Roach stated the road was listed as a county road to a locked gate. Mr. Elder presented a highway and transportation map of Montezuma County dated 1936, general highway maps of Montezuma County dated 1951, 1967, 1976, and an official road map of Montezuma County dated June, 1987 for the record. (See attached) Mr. Corwin called **Charlie Smith** who stated he has seen a county maintainer on that portion the road. Roy Elder gave his overview concerning that portion of the road in question. He asked the Board to put that portion of Road 43 back on the county road map as a county road. Comm. Koppenhafer opened the hearing to public comment at this time. **Dixie Robbins** spoke as to that portion of the road and that an easement was granted. **Roland Hoch** said a portion of his property joins Mr. Elder's property and gave his overview of what he understands the road to be. He stated the road should be a county road and has not been abandoned. **Deana Yeomans** spoke as to her home and the easement she received from Mrs. Robbins. She stated the road has been maintained by equipment owned by the Robbins and Yeomans family and they have never used county equipment or gravel. **Aubrey "Bud" Roach** stated that portion of the road was included on the highway user's tax list at one time. After hearing the evidence presented, Comm. Chappell moved based upon the evidence the existing portion of Road 43 is a county road through the property owned by Roy Elder to the boundary line between Roy Elder and Roland Hoch. Seconded by Comm. Rule and carried. Comm. Rule moved to continue this hearing until June 30, 2008 at 9:00 a.m. to conduct a site visit to determine the width of the road. Seconded by Comm. Chappell and carried. The hearing was continued at this time until June 30, 2008 at 9:00 a.m. at that location.

**KENT GRANT with the Colorado State Forest Service** presented the annual operating plan for review. The discussion turned as to who was authorized to call for air services. Comm. Chappell moved to approve the 2008 annual fire operating plan for Montezuma County subject to a list being attached of designated personnel who will be authorized to call in air support for fires. Seconded by Comm. Rule and carried. (See attached)

**LUNCH: 12:30 P.M.**

**PUBLIC HEARING:** It being the time set aside a public hearing is held to review and determine four high impact permit applications filed by **Kinder Morgan CO2 Company, L.P., Bob Clayton, agent**. The CO2 wells proposed are as follows: **GP 14** on property owned by **Theron and Kathryn Story** located at 12199 Road 16, **GP 15** on property owned by **Floyd Hutchinson** located at 15500 Road M, **GP 16** on property

owned by the **Estate of Veda Wilson, Terry Wilson, Trustee, and GP 18** on property owned by **Troy and Shorlene Oliver** located at 12958 Road 16. The roll was called and the proceedings were taped for the record. Comm. Chappell recused himself from that portion of the hearing concerning the GP 14 and GP 15 well applications. Planning Director Susan Carver gave an overview of the applications. **Bob Clayton and Jeannie Johnston** spoke to the operations for the projects. Comm. Koppenhafer opened the hearing to public comment at this time. **James Silba** has concerns with speeding on the roads. He would like to see the speed monitored a little bit better. **Don Howell** has concerns with the noise and discussed the speeding issue as well. He stated the speeding has slowed down some. There being no further public comments Comm. Koppenhafer closed the public comment portion. Mr. Clayton addressed the traffic and noise concerns. After hearing the evidence presented, Comm. Rule moved to approve the high impact permit application for the drilling and operation on **GP14** on property owned by Theron and Kathryn Story, seconded by Comm. Koppenhafer and carried. Comm. Rule moved to approve the high impact permit application for drilling and operation on **GP15** on property owned by Floyd Hutchinson , seconded by Comm. Koppenhafer and carried. Comm. Chappell was recused from GP 14 and GP 15 well applications. Comm. Rule moved to approve the high impact permit for drilling and operations on **GP 16** on property owned by the Estate of Veda Wilson, seconded by Comm. Chappell and carried. Comm. Rule moved to approve the high impact permit for drilling and operations on **GP 18** on property owned by Troy and Shorlene Oliver, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**PLANNING: Director Carver** gave a report on the Planning Commission Meeting of April 24, 2008. (See attached) Director Carver informed the Board of a typographical error in the legal description on planning resolution P27-87. She stated the range was typed as range 14 west and in fact should be range 15 west. Comm. Chappell moved to amend planning resolution P27-87 correcting the legal description from range 14 west to read range 15 west in book 600 page 747. Seconded by Comm. Rule and carried. (See attached) She then presented planning resolution P26-87 stating the legal description has a typographical error in the section and range. She said the section should be Section 11 and not section 2 and the range should be 15 west and not 14 west. Comm. Chappell moved to amend the legal description to read Section 11 instead of section 2 and Range 14W should be Range 15W in book 600 page 743 and 744, seconded by Comm. Rule and carried. (See attached)

**ROAD: Lloyd Everett** asked the Board for permission to take a check in the amount of \$55,000.00 to purchase a 1999 Freightliner water tank truck if upon inspection the truck meets his approval. Comm. Rule moved to allow Lloyd Everett with the County Road Department to purchase a 1999 Freightliner Water tank truck upon Mr. Everett's approval, seconded by Comm. Chappell and carried.

**RICKY LIGHTFOOT with Crow Canyon** met to discuss the pedestrian crossing to the archeological site and the placement of a culvert. An agent from Crow Canyon and the Park Service, Lloyd Everett and Rick Lard with the Road Department, and Comm. Chappell will meet at the site to discuss an acceptable solution.

**COUNTY ADMINISTRATOR HARRISON** discussed the availability of funds in the Capital Fund. He then presented the public notice and notice of public hearing and documents Region 9 failed to present last Monday. Comm. Rule moved to confirm the requirements related to the Excessive Force Policies are still in place within Montezuma County per resolution 5-92, seconded by Comm. Chappell and carried. Comm. Chappell moved to sign the Residential Anti-displacement and Relocation assistance Plan for Community Development Block Grant Business Revolving Loan Funds, seconded by Comm. Rule and carried. (See attached) Comm. Rule





At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 19, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney - ABSENT  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, May 5, 2008, and May 12, 2008 were read. No action taken at this time.

**ROAD: Eric Hogue and Matt Rathbone** met to discuss a deficiency on Road 17.6 (Wild horse Minor Subdivision) concerning drainage. They stated the road is a red signed road and the culverts are not sufficient to take care of the drainage. They would like to see the County enforce what should have been the minimum standard of an 18" culvert with the developer. A letter will be sent to the developer asking him to correct the problem and bring the culverts up to the standards. (See attached)

**Lloyd Everett** stated he and Comm. Chappell met with the people concerning Road P and said there was a partial commitment to come up with a permanent solution to the parking and pedestrian crossing before the Road Department begins to chip seal the road. Mr. Everett said the mag-chloride program is going well even though the price has increased. He discussed the progress on the graveling of roads. He was informed that Road 26.5 is becoming rough. Mr. Everett said they cleaned out the culvert on Road 27 which helped some. Discussed a problem on R Road. The Board asked about the forest service contract. Mr. Everett said he has not heard anything from the forest service.

**MEMORANDUM OF UNDERSTANDING:** Comm. Chappell moved to sign a memorandum of understanding between Montezuma County and Montezuma County 4-H/FFA stakeholders regarding the provision of storage space in the county-owned premises, seconded by Comm. Rule and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a High Impact Permit Application for off highway vehicle events submitted by **Charles and Wanda Martin**. The property is located at 7369 Hwy. 491, Cortez, Co. **Planning Director Susan Carver** gave an overview of the application. The Planning Commission requested a traffic count be done during the races. It was stated that the applicant would be responsible for the payment of the count. **Wanda Martin** explained the application and said they had no problems at prior events. She said an event would be August 2<sup>nd</sup> and 3<sup>rd</sup>. Comm. Koppenhafer opened the hearing to public comment at this time. Hearing no public comments, that portion of the hearing was closed. After hearing all the evidence presented Comm. Rule moved to approve the high impact permit for Charles and Wanda Martin on property located at 7369 Hwy 491, Cortez, Co. to hold two one day events per year for rock races and to have perpetual reviews annually, seconded by Comm. Chappell and carried. (See attached)



At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, May 27, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, May 5, 2008 and continued to May 6, 2008 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule and carried.

**MINUTES** of the regular meeting held on Monday, May 12, 2008 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell and carried.

**MINUTES** of the regular meeting held on Monday, May 19, 2008 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule and carried.

**ROAD: Lloyd Everett** stated the department has been blading roads. He said the chloride program with the oil companies is slowing down. He discussed the road department's fuel line item. **Dave Waters** met to ask the Board in regards to graveling about  $\frac{3}{4}$  of a mile on Road 15. It was stated the county would provide the gravel. It's up to the property owners to haul the gravel and construct the road to county specifications. Mr. Waters said he had a copy of the county road specifications and he will keep in contact with Mr. Everett. Comm. Rule asked about the road in the commercial industrial park. He said the road measured 24' and there was no room for shoulders once the road is paved and striped.

**LAURA LEWIS** updated the Board on the Montezuma County Economic Development Council. She discussed the by-laws, Board of Director's election, membership, and a funding plan. She talked about government, citizen, area chambers, and business involvement.

**LIQUOR LICENSES: Clerk's Deputy Judy Follman** presented liquor license renewals for **Skyline Food and Gas, Hilltop Liquors, and Echo Basin Dude Ranch**. A 3.2 beer license for Skyline Food and Gas was presented.

PAGE 2 -5/27/08

- Comm. Rule moved to approve the renewal of a 3.2 beer license for Skyline Food and Gas, seconded by Comm. Chappell and carried.
- Comm. Rule moved to approve the retail liquor license for Hilltop Liquors, seconded by Comm. Chappell and carried.
- Comm. Rule moved to approve the renewal of a resort complex liquor license for Echo Basin Dude Ranch, seconded by Comm. Chappell and carried.

**FAIRGROUND SITE VISIT:** A site visit of the Fairgrounds was conducted at this time.

**LUNCH:**

**SHERIFF WALLACE** discussed the various grant contracts the Sheriff's Office has like the DUI, gaming impacts and forest service grants and the payments to the salaried deputies to take shifts to work within the grants. He also voiced his concerns with the inability to fill positions in the jail and he would like to discuss the problems with the Board at a later date.

**PLANNING: Planning Director Susan Carver** presented findings from the planning department and complaint letters concerning a change of use in land use on property owned by Richard Swanner and located at 17355 State Hwy 145, Dolores. Attorney **Michael Green** will be representing Richard, Marie, and Ronda Swanner. Attorney Green explained the change of use and stated they are aware they need a high impact permit and commercial zoning. He said they are now in the paperwork process and no further work will be done until all the permits and applications are approved. Director Carver said there is a planning and zoning hearing tentatively scheduled for June 26, 2008 for this application. (See attached)

**Director Carver** presented planning findings for review and determination of a final request to amend lot 7 of the **Van Horn Subdivision (Thomas and Leita Hughes, owners)** which consists of 4.7 acres, more or less. The property is located at 17269 Road G, Cortez. **Tom and Leita Hughes** are requesting to amend the boundary line to include approximately 7 acres of property owned by **Chris Lee Jeter** located at 17415 Road J., Cortez. Comm. Chappell moved to approve the amended plat, lot 7 of the Van Horn Subdivision consisting of 4.7 acres more or less and to include 7 acres more or less owned by Chris Jeter and to approve the findings. Seconded by Comm. Rule and carried. (See attached)

**Director Carver** presented the following findings and permits on High Impact Permits for approval and signature.

- Findings and permit, high impact permit number 560, Charles and Wanda Martin applicants. Comm. Chappell moved to approve the findings and permit on high impact permit number 560 for Charles and Wanda Martin, seconded by Comm. Rule and carried. (See attached)
- Comm. Chappell moved to approve the findings and permit on high impact permit number 555 for McStone Aggregates, LLC for the gravel pit only and the denial of the asphalt batch plant and concrete batch plant, seconded by Comm. Rule and carried. (See attached)
- Comm. Rule moved to approve the findings and permit on high impact permits for Kinder Morgan CO2 Company, High impact permit number 556, (Theron and Kathryn Story owners)
- High impact permit number 557 (Floyd Hutchinson Family, owners)
- High impact permit number 558, (Veda Wilson Estate, Terry Lewis Wilson, owners)

PAGE 3 – 5/27/08

- High impact permit number 559 (Troy and Shorlene Oliver, owners). Seconded by Comm. Koppenhafer and carried. Comm. Chappell recused himself from the Kinder Morgan findings, and permit on high impact permit numbers 556, 557, 558, and 559.

**PROPOSED LAND USE CODE AMENDMENTS:** Planning Director Carver gave an overview of the proposed land use code amendments.

**Director** Carver informed the Board a public hearing is scheduled on the storage facility on property owned by **Joshua Boren** for June 16, 2008 at 3:00 p.m.

**Lavena E. Saunders** met to request an exemption from the subdivision process. **Ernie Maness** gave an overview of the request. The property is cut off by highway 491. She wishes to give the land to **Wayne H. Rogers**. Comm. Chappell moved to approve an exemption plat for Lavena Saunders for 16+ acres that was the result of Highway 491 splitting the property. Seconded by Comm. Rule and carried. (See attached)

**CASE NUMBER 07CV130 NOLAND, INC.** A notice of filing supplemental record was filed in District Court May 27, 2008. (See attached)

**ROAD SUPERVISOR POSITION:** After much discussion Comm. Rule moved to hire Dean Roundtree as the Road Supervisor and to move Lloyd Everett into the position of assistant Road Supervisor with a salary increase to be determined. Seconded by Comm. Chappell and carried.

**CORRESPONDENCE:** The following correspondence was read and noted.  
A letter to Ted Stearman regarding inadequate culvert size on Road 17.6. (See attached)

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

**MEETING ADJOURNED 4:35 p.m.**

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County Clerk  
Approved

May 27, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 2<sup>nd</sup>, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 2<sup>nd</sup>, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Thomasina Neely, Chief Deputy County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, May 27, 2008 were read. Comm. Rule moved to approve the minutes, seconded by Comm. Chappell and carried.

**PAYROLL:** The Following Funds were approved for payment by the Board:  
General Fund checks in the amount of \$296,161.20, Landfill Fund check #5689 in the amount of \$12,187.69, Road Fund #21284 in the amount of \$59,816.17, District Attorney's Fund #52941 in the amount of \$24,143.90, and Treasurer's Fund #52942 in the amount of \$233,751.71.

**ROAD: Lloyd Everett** and The Board discussed the CDOT proposals for the entries on Road M and Hwy 491, Road 25 and Hwy 491 and Road P and Hwy 145.

**Bill Ivy**, with the **United States Forest Service** met with the Board to discuss the Schedule A Master Agreement. The agreement was presented to the Board for approval. Ivy also requested striping the center line on the Dolores Norwood Road; He stated the fog line did not require striping. Lloyd stated it could be done sometime in September. Ivy requested to forgo the Mag-Chloride program this year and requested the County just water the road. Ivy commented on changing jurisdictions of the road. Comm. Chappell questioned what he meant by changing jurisdiction and he state that the Forest Service had control of the road presently. Comm. Rule questioned buying permits from the Forest Service to build housing. Comm. Rule also questioned the Co-op between Dolores, Montezuma Counties and Forest Service. Ivy stated as per Schedule A agreement it is only 1 year. Comm. Chappell moved to sign the Schedule A Master Agreement between the United States Forest Service and Montezuma County, seconded by Comm. Rule and carried. (See attached)  
Lloyd updated the Board on materials on hand for chip seal project.

**BRIDGE STEERING COMMITTEE: Laney Gibbes and M. B. McAfee** presented a Memorandum of Understanding between the homeless shelter and Montezuma County.

County Administrator Ashton Harrison stated that the Bridge (homeless Shelter) should not be opened during business hours. Sheriff Gerald Wallace stated that the shelter should not be locked so tight due to weather. Eric Hogue Court Administrator stated that he agreed with County Administrator Harrison. M. B. McAfee stated that the memorandum could be elaborated with policy. County Administrator Harrison suggested a 2<sup>nd</sup> draft on the memorandum. Comm. Koppenhafer stated it was not a good idea to operate during business hours of the facility.

**PUBLIC HEARING: CONTINUATION OF HIGH IMPACT PERMIT APPLICATION FILED BY BILL BARRETT CORPORATION, AGENT DON HAMILTON** drilling and operation of one natural gas well on property owned by **D & J Schafer Living Trust, Trustee Connie Gray**. The property is located at 18201 Road T, Arriola Colorado. The roll was called and proceedings were taped for the record. At time of hearing Comm. Chappell recused himself from the hearing. The Board stated certain conditions. Comm. Rule move to approve said High Impact, seconded by Comm. Koppenhafer and carried. Comm. Chappell recused himself. (See attached)

**Lunch:** 12:22

**JAMES DIETRICH:** Stoner TDR (Transfer Development Rights). Presented a map for approval. Comm. Chappell moved to sign map of TDR for Stoner Ranch, Comm. Rule seconded, motion carried.

**PLANNING:**

**MELISSA WILSON** with the County Health Dept presented to the Board with the following:

**Septic Application for Joseph and Joann Silence:** Review and determination of a request for additional dwelling to be connected to the same individual sewage disposal system, Per 3.21(c) of The Rules and Regulations Governing installation of Individual Sewage Disposal System, Resolution #86-1. This will be 2 septic tanks on 2 different structures, located on 27090 hwy 145 Dolores Colorado. It was commented that there will be TDR's required. The Board chose to table with the recommendation of Attorney Bob Slough for further investigation. County Administrator Harrison stated a flood plain letter of compliance should be required if needed. (See Attached)

**Septic Application for Don and Melissa Soden:** Review and Determination of a request for Additional Dwelling to be connected to the same individual sewage disposal system, Per 3.21(c) of The Rules and regulations Governing installation of Individual Sewage System, Resolution #86-1. This will be a replacement along with an additional sewage system located on 28380 Road M Dolores Colorado. Comm. Chappell moved to approve the additional dwelling sewage system, Comm. Rule seconded, motion carried. (See Attached)

**County Administrator Harrison** requested that the Board do away with the Flood Plain Ordinance. He stated that a Flood Plain Ordinance was useless without a Building Code.

**Planning Director** Susan Carver, stated that Sophia's Retreat needed a High Impact Permit to build a guest house on the current property. County Administrator Harrison questioned the High Impact Permit being needed.

Comm. Koppenhafer stated that this is a Commercial Building and should be zoned. Director Carver stated that construction was stopped by Sophia's Retreat.

**Vincent R. Lee, and Nancy Goodman Lee Revocable Trust, and Saxa's Little Living Trust, and Rita Jean Caffey.** Review and determination of a request for boundary line adjustment. Comm. Chappell move to approve preliminary application as documents will be presented June 16<sup>th</sup> 2008 for final decision. (See Attached)

**Fish Brothers Land & Cattle Co, Vergil and Lorraine Gray,** requested a review and determination of an AR3-9 zoning request and final plat for a single lot development on property located on Road 25 Cortez Colorado. Comm. Chappell moved to approve a final plat for Rain Acres a single lot development seconded by Comm. Rule, and carried. (See attached)

**SAM PERRY:** Of the Ancient Harvest Ranch requested a letter of support for an agricultural grant to install a 10 KW photovoltaic system on his ranch. Comm. Rule moved to approve letter of support to the USDA for a rural development grant titled (9006), seconded by Comm. Chappell and carried. (See attached)

**Planning** Director Carver, James G. Ward, RW trucking and Baker Sanitation Inc., Agent Hazen Brown Esq. met with the Board for a Review and determination of a Waiver Petition under High Impact Letter Permit No. 130 for R W Trucking, to allow the following operations under Letter Permit: Baker Sanitation District to acquire all assets of R W Trucking, including real estate located at 6567 Road 24, Cortez Colorado. It is the intent to consolidate the operations of both companies. The Board did not find it necessary for a Waiver to go through planning and zoning. Comm. Chappell moved to approve transfer of High Impact Permit #130. The Board waived specific thresholds standards regarding 6567 Road 24 Cortez CO. Property is to be zoned commercial or industrial, seconded by Comm. Rule, and carried. (See Attached)

**SENIOR TRANSPORTATION: Sue Fletcher and Mary Holliday** presented an update for a transportation grant in effect. (See attached)

**The Board** discussed options brought forth if they should pursue an appeal to the Supreme Court or settle with the McAfee-Stone Crushing Case. Comm. Chappell moved to not appeal to the Supreme Court on McAfee-Stone Crushing Case, seconded by Comm. Rule, motion carried.

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

Letter from the San Juan Land Center to the Montezuma County Board (See attached)

**Meeting Adjourned:** Comm. Chappell moved to adjourn the meeting at 5:45 P.M., seconded by Comm. Rule motion carried.

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Clerk 06/02/08

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Chairman

There was no Commissioner's meeting on June 9, 2008 due to the CCI conference.



**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 16, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 16, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, June 2, 2008 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell and carried.

**ACCOUNTS PAYABLE:** General Fund #52943-53106 in the amount of \$176,637.54, Road Fund # 21285-21356 in the amount of \$196,120.81, and Landfill # 5690-5734 in the amount of \$77,205.30 for the month of May, 2008 were approved for payment.

**TREASURER'S REPORT** for the month of May, 2008 was submitted. (See attached)

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report for the month of May, 2008 and through June 5, 2008. (See attached).

**ROAD: Marcia Boon** lodged a complaint about the road sign at the corner of Road P and Hwy 491 on the west side not being visible especially at night. Mr. Everett stated the Department could place a road sign on the west side for Road P. (See attached) **Lloyd Everett** informed the Board of the cost of a 2008 Silverado Pickup 4x4 is \$19,947.00. This pickup is for the Road Supervisor. Comm. Rule moved to purchase a 2008 Chevrolet Silverado 1500 4x4 pickup for \$19,947.00 to be paid out of the Capital Fund, seconded by Comm. Chappell and carried. (See attached). They discussed culvert problems on roads U and 21. Mr. Everett mentioned problems on Road N, and talked about road damages on Roads 24, M and other roads. He was asked about the status of the road impact fees.

**LANDFILL: Landfill Manager, Deb Barton** presented the profit and loss statement for the month of May, 2008. (See attached) Discussed the purchase of the Carver property and utility easements on the property. Manager Barton will discuss the easements and verbiage to be placed on the plat and deed with the Carver

family. Manager Barton informed the Board that Rodney Gray will no longer be doing the wood chipping and she presented a proposal from RCL Trucking for grinding wood waste. She will work with RCL concerning this project.

**LEEANN MILLIGAN** updated the Board on activities at the Fairgrounds. She stated the price of hook-ups needs to be increased. Comm. Chappell moved to do away with the bank and to raise the hook-up fee to \$20.00 per hook-up per day at the Fairgrounds, seconded by Comm. Rule and carried. (See attached) She discussed the need to replace or repair the water truck at the Fairgrounds.

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

**NANCY THOMAS** representing the Bridge Homeless Shelter presented the plat concerning the minor subdivision. Comm. Chappell moved to sign the certificate of dedication and ownership for a minor subdivision of lot 1, block 2, Montezuma County Public Facilities, P.U.D. in the SE ¼ of Section 23, T. 36N, Range 16W, N.M.P.M. City of Cortez, seconded by Comm. Rule and carried. (See attached)

**VETERAN'S AFFAIRS:** Comm. Chappell moved to approve the County Veterans Service Officer's monthly report and certification of pay for May, 2008, seconded by Comm. Rule and carried. (See attached).

**LUNCH: 12:10 p.m.**

**LORI COOPER** with the Health Department presented the following continuation contracts for signature.

- (1) Emergency preparedness and Response. Comm. Rule moved to sign the agreement with the Colorado Department of Health and the Montezuma County Health Department, contract number EPI0900046, seconded by Comm. Chappell and carried. (See attached)
- (2) Air quality control contract. Comm. Chappell moved to sign Colorado Department of Public Health and Environment and the Montezuma County Health Department, seconded by Comm. Rule and carried. (See attached)
- (3) Contract with the University of Wyoming for clinical hours for RN's to receive a BSN. Comm. Rule moved to sign the contract supporting the nursing educational program between the Montezuma County Health Department and University of Wyoming, seconded by Comm. Chappell and carried. (See attached)
- (4) Child health medical plan. Comm. Rule moved to sign the child health plan contract between the Montezuma County Health Department and the State of Colorado, seconded by Comm. Chappell and carried. (See attached)

**PLANNING: Planning Director Susan Carver** presented for review and determination of an industrial zoning request and a preliminary plat for a 4 lot general planned unit development (PUD) located at 29454 Hwy 160 for **HUM LLC**, Susan Underwood-Hart, agent. Susan Underwood-Hart and Ernie Maness gave an overview of the proposed project. Comm. Chappell moved to approve industrial zoning on property located at 29454 Hwy. 160, Susan Underwood-Hart, agent for the Fairgrounds PUD. Comm. Chappell moved to approve the preliminary plat for a 4 lot moderate planned unit development on property located at 29454 Hwy. 160, Fairgrounds PUD, Susan Underwood-Hart, agent. Seconded by Comm. Rule and carried (See attached)

**Director Carver** presented for review and determination a zoning request of AR10-34 and an after-the-fact-exemption on 10 acres more or less. A variance request to the length by width criteria as the property character

restricts amending said boundary. **Ed Merritt** personal representative for the **June Lee Merritt Estate** was present to explain the requests. Comm. Chappell moved to approve the AR10-34 zoning request and approve Planning Resolution P-03-08 after-the fact on property owned by June Lee Merritt Estate, Edward G Merritt personal representative and located at 15406 Road 20, seconded by Comm. Rule and carried. (See attached)

**FINDINGS:** Comm. Rule moved to sign the findings and permit on high impact permit number 561, Bill Barrett Corporation, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit application submitted by Joshua Boren for a storage facility located at 15511 Hwy 145, Dolores, Co. The roll was called, the public notice was read and the proceedings were recorded for the record. Planning Director Susan Carver gave an overview of the application. Applicant Joshua Boren along with his legal representative, Jon Lewis Kelly spoke as to the proposed storage facility. Comm. Koppenhafer opened the hearing to public comment at this time. **Ronda Swanner** spoke in support of said facility. **Larry Weaver** said the facility would not affect them at all. **Shon Reim** stated the facility would not bother him and is in support of it. Hearing no further public comments Comm. Koppenhafer closed the public comment period. **Steven Holt, Holt Construction** explained the buildings and construction. After hearing all the evidence presented. Comm. Chappell moved to approve the commercial zoning request and preliminary plat for a single lot development on 5 acres more or less and a high impact permit on property owned by Joshua Boren. Seconded by Comm. Rule and carried. (See attached).

**Planning Director Susan Carver** gave an overview of the Planning Commission's meeting held on May 22, 2008. (See attached)

**MONTEZUMA WATER COMPANY:** Planning Director presented findings for Montezuma Water Company on property located at 27666 Road T. This is a commercial zoning request on 12 acres more or less. Comm. Rule moved to approve the request for Montezuma Water Company for commercial zoning on property located at 27666 Road T. Seconded by Comm. Chappell and carried. (See attached)

**COUNTRY GAS:** A zoning request was received from Country Gas, Inc. **Wendell Nicholson owner, Nathan and Vanessa Nicholson, agents.** The property is currently unzoned and the request is to zone the property located at 12360 Hwy. 491 as commercial. Comm. Rule moved to approve the commercial zoning for Country Gas, Inc. owned by Wendell Nicholson and located at 12360 Hwy 491. Seconded by Comm. Chappell and carried. (See attached)

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

Letter from Ronda Lancaster, Dolores Town Administrator concerning the high impact permit for Joshua Boren. ( See attached)

Memorandum from the Department of Transportation in reference to 2035 Statewide Transportation Plan (See attached)

Invitation to a ground breaking for Colorado Housing Inc. (See attached)

Letter from the Southwest Work Force. (See attached)

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

**MEETING ADJOURNED: 4:40 p.m.**

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County Clerk 06/16/08  
**approved**

Chairman

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 23, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 16, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Thomasina Neely, Chief Deputy County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, June 16, 2008 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell and carried.

**ROAD: Galen Larsen** met with the Board to discuss Road 22 south. Lloyd Everett with the Road Dept. reported to the Board that asphalt has been received. He stated that a Road had to be built to access a building for the Cortez Fire Dept. The Following Roads were discussed: Road 20 review for repair, Road T culvert was replaced, Blade patching for Road M, Road 18 review, and the Dolores-Norwood Road.

**Administrator Ashton Harrison** discussed an appeal with the Board of Equalization concerning Raymond Kaiser. It was stated that the 30 days were passed, no appeal can be made. Ashton also discussed the Cortez Fire Protection Districts fire code.

**Bentley Colbert of Wolcott Insurance Services** met with the Board to discuss the bid opening for property and casualty liability insurance. He presented 2 bids that he received from Trident and St. Paul. Attorney Bob Slough recused himself from the discussion. Comm. Rule moved to stay with current Trident Insurance Services/Wolcott Insurance for July 1<sup>st</sup>, 2008 through July 1<sup>st</sup>, 2009, seconded by Comm. Chappell and carried. (See attached)

Sheriff's Office visit.

**Lunch: 11:00 a.m.**

**Liquor License:** Deputy Clerk Judy Follman presented the following liquor licenses for approval:

Special Event Licenses:

**Veterans of Foreign Wars Post 5231**, to be held at the Sugar Pine Ranch from August 28, 2008 to August 31, 2008. Comm. Rule to approve special events license of The Veterans of Foreign Wars at Sugar Pine Ranch, seconded by Comm. Chappell and carried.

**For Pets Sake Humane Society**, to be held at the Cliffrose on July 26, 2008 from 5:00 p.m. to 10:00 p.m. Comm. Rule moved to approve special events license for Pets Sake Humane Society at the Cliffrose, seconded by Comm. Chappell and carried.

**Lewis-Arriola Fire Protection** to be held at the Lewis-Arriola Community Center. Comm. Rule moved to hold a public hearing for the Lewis-Arriola Fire Protection District special events permit. The hearing will be set on July 21<sup>st</sup> 2008 at 1:30 p.m. in the Commissioners Room, seconded by Comm. Chappell, and carried.

License Renewals:

**Silver Mountain Grill/McPhee Launch Ramp**: liquor license renewal. Comm. Rule moved to approve the Hotel Restaurant liquor License for malt, vinous and spirituous liquor, seconded by Comm. Chappell.

**Mac's Liquors**: liquor license renewal. Comm. Rule moved to approve a retail liquor store license to sell malt, vinous and spirituous liquor seconded by Comm. Chappell and carried.

**Planning**: Planning Manager Susan Carver presented the following for approval:

**Pat and Sara Hatch**, preliminary review for Kelly Ridge Ranch Subdivision 8 Lot Major Development located on 42050 Road N.25, Mancos, CO 81328. Comm. Chappell moved to approve Lot 3 and 4, lot line adjustment for the Kelly Ridge Ranch Subdivision, seconded by Comm. Rule and carried. (See attached)

**Melissa Wilson County Sanitarian** presented a Multiple Septic Application for Barbara Jeter. Appearing as her agent was Ed Jeter. For property located on 13228 Hwy 491, Yellow Jacket, Colorado. Action was tabled pending consultation with an engineer.

**Jay Conner** with the Cortez Sanitation District for a determination and request for allowance of a bio-solids disposal site on property owned by RSL Ranch LLLP located on 29601 Road H. Comm. Chappell moved that based on the evidence presented at this time, disposal of bio-solids by discing into the soil, on property owned by RSL Ranch LLLP will not require a high impact permit as the threshold standards have not been exceeded, on the conditions that all applicable Colorado State permits and an agreement with the landowners are obtained and provided to the County, seconded by Comm. Rule and carried.

**Chuck Hess and Janice Hess** The Vistas 10 Lot Major Subdivision Adjustment to amend lots 9 and 10 located on 18510 (lot 9) and 18520 (lot 10) Road 26 Dolores Co. 81323. Comm. Chappell moved to approve preliminary review of a lot line adjustment for lot 9 and lot 10 located on 15810 and 15820 Road 26, Dolores Co. 81323, seconded by Comm. Rule and carried.

**GIS: Rob Peterka** discussed with the Board a proposed fee schedule. Comm. Rule moved to approve Montezuma County Computer Service fees and Public Hearing Recording Fees seconded by Comm. Chappell and carried. (See attached)

**Assessor Mark Vanderpool**: Submitted a grant proposal for County Assessor computer software. He requested early approval so that the grant could be expedited. Comm. Rule moved to allow Comm. Koppenhafer to sign a grant for The Energy and Mineral Impact Assistance Program Application for Montezuma County Assessor Software, seconded by Comm. Chappell, and carried.

**Correspondence:**

**Roy Elder letter to the Board (see attached)**

**Marcia Boon letter to the Board (see attached)**

**Documentation Submitted for the record:**

**Schedule of Receipts and Disbursements from May 1<sup>st</sup> 2008 to May 31<sup>st</sup>, 2008. (See attached)**

**Preliminary injunction/order (See attached)**

**Comm.; Rule moved to adjourn at 5:08 p.m.**

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County Clerk  
6-23-2008  
Approved

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Chairman

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 30, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 30, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Thomasina Neely, Chief Deputy County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, June 23, 2008 were read. Comm. Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**Road:** Road Supervisor Dean Roundtree met with the The Board to discuss the following: Wayne Hendricks of Road T.5 requested a refund for money spent on Mag-Chloride for 480 feet. Comm. Rule moved to give back money paid for Mag-Chloride for the amount of 480 ft on Road T.5, seconded by Comm. Chappell and carried.

**PAYROLL:** The following Funds were approved for payment by the Board: General Fund in the amount of \$301,285.54, Office of The District Attorney check #53109 in the amount of \$24,127.14, treasurer's fund check #53108, in the amount of \$238,098.23. Road Fund in the amount of \$76,172.26, treasurer's fund check #21358 in the amount of \$60,120.70 and Landfill Fund in the amount of \$17,297.43, and Treasurer's Fund check #5736, in the amount of \$13,423.52.

**PUBLIC HEARING:** Time being set aside the Public Hearing from May 19<sup>th</sup> 2008 concerning Road 43 a continuation was held pending the Board visiting the site. Roll was called and hearing was taped for the record. Recording was stopped as the Board visited the site. Present at the site were the following: Roy Elder 10500 Road 43, Mancos, Roland Hoch 43390 Road M, Mancos, Don Yeomans and Deana Yeomans Road 43, Mancos. Also present with The Board was Dean Roundtree, Road Supervisor, Larry Lee, Road Dept, Loretta Murphy, Senior Map Technician, and Doug Roth, GIS Specialist. Comments were heard from Roy Elder and Deana Yeomans at the site. The Board then returned to the Commissioner's hearing room and heard additional comments. Comm. Chappell moved to establish width of Road 43 from the Brophy Driveway to the end of Road 43 going north to be 22 feet based upon the measurement between two old posts and fence lines between the Brophy and Robbins property on county road 43, seconded by Comm. Rule and carried.



**Lunch: 12:05**

**Assessor Mark Vanderpool** met with the Board to discuss the contract for Colorado Customware Inc. Comm. Rule moved to approve Comm. Koppenhafer signing the contract with CCI when grant with the Dept of Local Affairs is finalized, seconded by Comm. Rule and carried. (See attached)

**LANDFILL:** Deb Barton presented 2 bids for the Landfill Maintenance Building. (See attached). Comm. Rule recused himself from the discussion and motion. Comm. Chappell moved to award the bid for the landfill maintenance building to Mr. Concrete & Construction Inc. seconded by Comm. Koppenhafer and carried.

**Administrator Ashton Harrison** presented to the Board salary increases for the Montezuma County Detention Center. Comm. Chappell moved to raise the detention center salaries by an annualized \$78,885.00, seconded by Comm. Rule and carried. (See attached)

**PLANNING:** Planning Director Susan Carver presented the following to the Board;

Applicants(s): **Paul H. Cassidy, PLC Ranch.** A request for exemption and preliminary approval, per 8103.3 of the Land Use Code, on property located at 28679 Hwy 145 Dolores, CO 81323. The Board discussed the amount of TDRs with the stipulation that one TDR be landed on the property before development. (Transfer Development Rights). Comm. Chappell moved to approve the request for exemption and preliminary approval per Land Use Code, on property located on 28679 Hwy 145, Dolores CO. 81323 owned by Paul H. Cassidy, PLC Ranch, seconded by Comm. Rule and carried.

Applicants(s): **Christine Jordan and Robert Smith.** Review and determination of a preliminary request for the amendment of Exemption No. P-39-96 boundary line adjustment for access purposes located at 17731 Road G, Cortez CO 81321. Comm. Chappell moved to approve the amendment of Resolution# P-39-96 to allow an adjustment of the common boundary line. Adjacent property is owned by Bruce Downer, Tris Downer , Andrew Fowler, Barbara Homes and Catherine Boudoin on a 42 acre tract more or less, seconded by Comm. Rule and carried. (See attached)

Applicant: **Robert Griffith, Agent Sandy Hartman.** Requested an After the Fact Exemption. Comm. Chappell moved to approve an After the Fact Exemption for a non compliant tract of land owned by Robert Griffith, Agent Sandra Hartman for a 1.26 acre tract more of less located at 11590 Hwy 491, Cortez CO. 81321, seconded by Comm. Rule and carried.(See attached)

Applicant: **Joshua Boren.** Review and Determination of Final Plat. Comm. Chappell moved to approve the Finals as June 30<sup>th</sup> 2008 High Impact Permit #562 and Final Plat for a Single Lot Development located on 15509 Hwy 145 Dolores, Co 81323, seconded by Comm. Rule and carried.(See attached)

Applicant(s): **Charles Hess and Janice Hess.** Review and Determination of a Final Plat for the amendment of The Vistas Subdivision Lot 9 and 10 amending a common lot line located at 15810 and 18520 Road 26, Dolores. Comm. Rule moved to sign The Vistas Subdivision Amended Plat of Lot 9 and 10, seconded by Comm. Chappell and carried. (See attached)

Applicant(s): **Vincent R. Lee and Nancy Goodman Lee Revocable Trust and Saxa's Little Living Trust, and Rita Jeanne Caffey.** Review and Determination of a Final Plat. Comm. Chappell moved to approve a request for boundary line adjustment thereby amending resolution #s: P-47-92 and P-22-78 on properties located at 14899 Road G and Road 14875 Road G, Cortez Co 81321, seconded by Comm. Rule, and carried.(See attached)

Applicant(s): **Carl Thompson and Pam Thompson.** Review and Determination of a Final Plat for a 4 Lot Moderate Subdivision. Comm. Rule moved to sign the Final Plat for Rough Rider Ridge a 4 Lot Moderate

Subdivision on property located at 30256 Hwy 184, Dolores Co. 81323, seconded by Comm. Chappell and carried. (See attached)

**Clinton (Cap) Allen** met with The Board to discuss a variance to clearing Road Right of Way. The Cortez Fire Protection District inspected and approved the access. Comm. Chappell moved to approve variance to ROW clearing 24ft to existing development, with a requirement to upgrade and clearing of an easement if further development occurs, seconded by Comm. Rule and carried.

**ROCKY MOUNTAIN RENDEVOUS RALLY:** Comm. Rule moved to approve The Rocky Mountain Rendezvous Rally hosted by **Norton Colorado** for the dates of July 20<sup>th</sup> through 24<sup>th</sup> 2009 to be held at the Echo Basin Dude Ranch per the District Court order which allowed a maximum capacity of 1200, seconded by Comm. Chappell, and carried. (See attached)

**CORRESPONDENCE:**

Letter from the Division of Wildlife

Letter from the United State Dept of the Interior BLM Canyon of the Ancients National Monument.

**Meeting Adjourned:** Comm. Rule moved to adjourn 4:40 p.m. seconded by Comm. Chappell and carried.

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**Clerk**

**Chairman**

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
July 7, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 7, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, June 30, 2008 were read. Comm. Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**ROAD:** County Road Supervisor **Dean Roundtree** informed the Board that he talked to SEMS Material who stated there may be a shortage of asphalt. Discussed a damaged area on Road M east of the Sale Barn. **Ted Stearman** met to discuss the culvert on Road 17.6. He stated there were no requirements concerning culvert inspections at the time the road was constructed. He said he put in a 6" culvert for any excess irrigation. Resident, **Eric Hogue** said there was flooding between his property and the neighbor's property as the culvert was not able to handle the run off. Comm. Koppenhafer told Mr. Stearman to work with the Road Supervisor to correct the culvert problem. It was agreed that one party would furnish the culverts and the other would do the installation. (see driveway permit application and registered letter receipt) **County Administrator Ashton Harrison** informed Mr. Roundtree that the Department does not maintain red signed roads but will help in the case of an emergency. Comm. Rule said he has received a complaint concerning problems with brush overgrowth on a road around road 24.4. County Administrator Harrison said he had received word from Mesa Verde National Park thanking the Board and the Road Department for the work done concerning the gate issue on Road 20.5.

**LAPLATA COUNTY COMMISSIONERS, KELLIE HOTTER AND JOELLE RIDDLE** met to request a resolution from Montezuma County in support of locating a federal district court possibly in LaPlata County and permanent placement of a federal district magistrate. (see LaPlata County Resolution 2008-15 attached) They discussed the need for a district court in the area as well as the requirements and efforts done in pursuit of obtaining such a facility. **Jodi Foran with the League of Women Voters** spoke on behalf of the League in passing a resolution to support having a federal district court located in Southwest Colorado. A resolution will be done and presented at a later date.

**STEVE KELLY** met to discuss road 21.3/P.3 in the Views Estates Subdivision. He stated the road does not meet county standards. A variance was approved March 27, 1995.(See minutes attached) The road is currently a red signed road. Mr. Kelly is asking the road department to take over maintenance of the road. The Board will do a site visit on July 21, 2008 around 9:10 a.m.

**CAROL CRIAN** who lives at 21380 Road F met to discuss old cars on a neighboring property. She is asking the Board to require a junk yard be fenced. A letter will be written to the new owner concerning a change of use of the property and the Board will also look into the problem.

**WAYNE GEISINGER** representing the **Four Corners Ag Expo** met to discuss the direction the Ag Expo is moving in. They are wishing to move the expo one week later than before having the event on March 19<sup>th</sup> through the 22<sup>nd</sup>. County Administrator Harrison brought up the issue of handicap access at the Expo and that issue should be addressed as soon as possible. Comm. Rule stated there will be a designated handicap area in the future for the main building and the rodeo area as well as fire lanes. Mr. Geisinger asked if there could be adequate equipment to take care of the grounds in case of inclement weather. The Board said there would be if the equipment was not being used. Mr. Geisinger asked if a livestock auction could be done. He was told to see if there are any State regulations that need to be met and to talk to the Suckla family with the Sale Barn. He inquired about future plans for housing a show business type office.

**JAMES DIETRICH** presented a transferable development right plat for High Camp Co. for approval. Comm. Rule moved to sign the transferable development right final plat for High Camp Co., seconded by Comm. Chappell and carried.

**LUNCH: 12:10 P.M.**

**BOARD OF EQUALIZATION:** It being the time set aside the Board of Equalization heard the following petitions for abatement. The roll was called and the proceedings were taped for the record.

**ROBIN WOODSON:** Appraiser Cynthia Claytor presented a petition from Robin Woodson, parcel number R010761, 2301 S. Broadway for tax year 2007. She stated there was a computer error resulting in an erroneous evaluation causing the need for an abatement of \$1,337.20. Comm. Rule moved to agree with the Assessor's Office on parcel number R010761, seconded by Comm. Chappell and carried. (See attached

**MICHAEL GOODMAN:** Appraiser Cynthia Claytor presented a petition from Michael Goodman, parcel number R005401, 13321 Road 38.7. Appraiser Claytor stated a cabin built in 2005 was omitted. This caused a change in classification which resulted in an abatement of \$2,080.72 for tax year 2007. Comm. Chappell moved to agree with the Assessor's recommendation on parcel number R005401, seconded by Comm. Rule and carried. (See attached)

**Comm.** Koppenhafer closed the hearings at this time.

**ASSESSOR MARK VANDERPOOL** informed the Board concerning the 2008 real property tax appeal. He stated that there were 57 appeals with 48 being adjusted, 7 being denied and on 2 of those appeals the taxpayer was satisfied.

**COUNTY ADMINISTRATOR HARRISON** presented a fee schedule for the Administration and Finance Department for approval. Comm. Rule moved to approve the fee schedule for the Administration and Finance Department effective July 7, 2008. Seconded by Comm. Chappell and carried. (See attached)

**PLANNING:** The following applications were presented;

**APPLICANT(S) RW Trucking (RW) and Baker Sanitation, Inc. (BSI).** Agent **Hazen D. Brown** presented for review and determination of a commercial zoning request on property located at 6567 Road 24, Cortez, consisting of 10 acres more or less. Comm. Chappell moved to approve the application for commercial zoning for RW Trucking on property located at 6567 Road 24, Cortez, and further described as west of Road 24 and east of Hwy 491 located in Section 9, Township 35N, Range 16 west N.M.P.M. consisting of 10 acres more or less, seconded by Comm. Rule and carried. (See attached)

**APPLICANT(S) KEVIN AND DIANE TOMAN.** An application was presented for review and determination of a variance request to the setback standards for a structure on property located at 19824 Hwy 145, Dolores, also known as tract 9 of the Stapleton Subdivision created in 1968. **Kevin Toman** discussed his application for a variance to the setback standards. Mr. Toman explained that a new septic system would be required upon building a new house as the old septic system is adequate for RV use only. Comm. Chappell moved to approve the variance request from the side setbacks to the lot lines on the side of the lots from 50' to 15' on property located at 19824 Hwy 145, Dolores also known as Tract 9 of the Stapleton Subdivision and owned by Kevin and Diane Toman. Seconded by Comm. Rule and carried. (See attached)

**MONTEZUMA COMMUNITY ECONOMIC DEVELOPMENT** Board of Directors: Comm. Rule moved to appoint Jonathan F. Callender to the Montezuma Community Economic Development Board of Directors representing Montezuma County, seconded by Comm. Chappell and carried. (See attached)

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

Letter from the Cortez Cemetery District concerning gravel for the grounds. (See attached)

Memorandum from the Division of Property Taxation concerning the 2008 notice of valuation. (See attached)

Letter from Goldman, Robbins, Nicholson, attorneys at law concerning the County's decision regarding the McStone Gravel Pit. (See attached)

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

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

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County Clerk  
July 7, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
July 14, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 14, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, July 7, 2008 were read. Comm.Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of June 30, 2008. (See attached).

**VETERAN’S AFFAIRS:** Comm. Chappell moved to sign the County Veterans Service Officer’s monthly report and certification of pay for June, 2008, seconded by Comm. Rule and carried. (See attached).

**ROAD: Road Supervisor Dean Roundtree** was informed by County Administrator Harrison that he received an e-mail from the Bureau of Reclamation asking if the County has any interest in a portion of Road 43 further described as NE1/4NE1/4 of section 15, T36N, R13W N.M.P.M. owned by James Dickey. He was informed the County did not have any interest in that described portion based on a previous decision by the Board of County Commissioners. (See attached) He discussed the oil shortage and the chip seal projects. The Department will possibly complete the chip seal project on Road G for now. County Administrator Harrison will ask for an extension to the road and bridge grant for the other projects. Discussed holes on R road around the Montezuma Valley Irrigation culvert. Supervisor Roundtree will look into the problem. They discussed problems with oil falling away on some roads and questioned what could be done to correct it. **Daisy, Chuck, and Gary Mahaffey** met to discuss problems with a portion of Road 18 with a subdivision and stated that ½ mile on that portion should already be built up and graveled and has yet to be done. It was stated there is a problem with weeds as well. The problems with a subdivision in the area will be researched to see exactly what happened.

**KELLY WILSON** talked about a fairgrounds facility attached to the stadium he saw in Helena, Mt. He thought that might work for our fairgrounds sometime in the future.

**LANDFILL: Landfill manager Deb Barton** presented the profit and loss statement for the month of June, 2008 including the quarterly summary. (See attached)

**WANDA MARTIN** with the Sheriff's Office presented an energy impact grant concerning a fence for the detention center. Comm. Chappell moved to approve the grant application for the Montezuma County Detention center fence with a cash match up to \$31,500.00 to be paid out of capital fund. Seconded by Comm. Rule and carried. (See attached) Wanda Martin then presented a security grant application funding request for court security. Comm. Rule moved to approve the security grant application funding request with no county match, seconded by Comm. Chappell and carried. (See attached)

**RESOLUTION 6-2008:** County Administrator Harrison presented resolution 6-2008 concerning the support for a federal district court in southwest Colorado. Comm. Chappell moved to sign the resolution to support a federal district court in southwest Colorado as amended. Seconded by Comm. Rule and carried. (See attached)

**LETTER** to the Honorable Barbara O'Brien (Lieutenant Governor of Colorado) was presented concerning an invitation to an Ex-Officio membership on the Colorado Commission of Indian Affairs. Comm. Rule moved to sign the letter appointing County Administrator Harrison to the Ex-Officio membership to represent Montezuma County on the Colorado Commission of Indian Affairs, seconded by Comm. Chappell and carried. (See attached)

#### **LUNCH: 12:00 NOON**

**PUBLIC HEARING:** It being the time set aside a public hearing is held regarding proposed amendments to the Montezuma County Land Use Code. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the proposed amendments to the Montezuma County Land Use Code. County Administrator Harrison spoke as to the procedure currently used and what is proposed. **Bob Riggert**, Chairman of the planning commission introduced planning commission members that were present today. Planning Chairman Riggert spoke on behalf of what the planning commission has recommended concerning the amendment to 3202.2, 3202.3, and 2204.2 (Item #1, procedure for the establishment of zoning) Comm. Koppenhafer opened the hearing to public comment concerning item number 1. The following audience members spoke on this amendment proposal: **Lorna Wilkes-Rubleman, Greg Kemp, and Patricia Lacy** (see letter submitted), **Roy Paul, C.A. Dunsworth, Jennifer Gurd, John Hernandez, Director Carver** presented a letter from **Miscelle Allison** at this time. Comm. Koppenhafer read page one and two into the record. (See attached). **Debra Hughes, Doug Bowman, and Nancy Hammack** Hearing no further comments on Item one Comm. Koppenhafer closed the comment portion on 3202.2, 3202.3 (Item #1.) Comm. Chappell moved to agree with the Planning Commission's recommendation to hold two public hearings and change the word may to will. Seconded by Comm. Rule and carried.

•Comm. Koppenhafer then moved to discuss the proposed amendment public hearing notice for high impact permit review. 2204.2 Comm. Koppenhafer opened the hearing to public comment. The following audience members spoke on this amendment proposal: **Harold Wilkey, Roy Paul, and Greg Kemp**. Hearing no further public comments Comm. Koppenhafer closed that portion of the hearing and called for a motion. Comm.

Chappell moved to agree with the Planning Commission's recommendation to change the word may to will in 2204.2, seconded by Comm. Rule and carried.

• It was asked by the audience if the Board could move to item number 6 Conditional Use. The Board agreed and began discussion on Conditional use 3303.4 (A-80), 3304.4 (AGZ), 3305.4 (AR35+), 3306.4 (A/R10-34), and 3313.4 (UNZ). Comm. Koppenhafer read the amendment into the record. Planning Commission Chairman Bob Riggert highlighted the proposed changes to the amendment. Comm. Koppenhafer called for public comment on this item. The following audience members spoke on this amendment proposal. **Chuck McAfee** read a letter into the record from Goldman, Robbins, and Nicholson, P.C. signed by Jeffery P. Robbins (See attached), **Jerry Giacomo, Jim Schwartz, Kevin Cook, Meg Heath, Diane Law, Kerry O'Brien, Charles Cole, Roger Woody, Marcus Seabert, Nancy Hammack, Susan Thomas, Dexter Gill, Joyce Humiston, Bill Teetsil, Mary O'Brien, Lynn Robertson, Rich Lee, Jack Schuenemeyer, Betsy Harrison, Pat Kantor, Chris Wolf, Roger Woody, Mike Matheson** with Sky Ute Land and Gravel, **Kevin Cook, Greg Kemp, C.A. Dunsworth, Nathan Barton, Chuck McAfee, Patricia Burk, Charles Cole, Roy Paul, Rich Lee, Bob Riggert**, Chairman of the planning commission, and **Nancy Hammack, Jerry Giacomo**, Director Carver read a written comment into the record from **Patricia Lacy**. (See attached). An e-mail letter from **Sue Scott** was submitted for the record. (See attached) Hearing no further public comment Comm. Koppenhafer closed the public comment portion on this item. Comm. Chappell, Comm. Rule and Comm. Koppenhafer made closing comments at this time. Comm. Koppenhafer allowed comments from **M.B. McAfee and John Hernandez** at this time. Comm. Koppenhafer asked for any other comments, hearing no further comments the hearing moved on. After hearing all the comments made and after much discussion Comm. Chappell moved to approve 3305.04, conditional use special use permit with the following conditions; number 10 would read temporary mobile asphalt plants to date certain, (#11) temporary concrete batch plants to date certain. To send numbers 13 and 14 (public or private landfills, and waste disposal sites) back to planning – P & Z for further discussion on limits to what we can use and delete conference center on number 16 (retreat/guest ranch/conference center). Also stated that if you look just above that it applies to page 20 of your Montezuma County Land Use Code 3303.4 (A-80), page 21, 3304.4 (AGZ), page 22, 3305.4 (A/R 35+), page 22, 3306.4 (A/R 10-34) and on page 25, 3313.4 (UNZ). Comm. Chappell also mentioned in the motion, "the rest, I think, was well planned". He thanked the planning and Zoning Commission, and he thinks this will clean up a problem that's been with the County Land Use Code for a while. The motion was seconded by Comm. Rule. Comm. Koppenhafer asked for any further discussion. Comm. Koppenhafer called for a vote, asking for all those in favor, Comm. Chappell, Comm. Rule and Comm. Koppenhafer all voted aye. Motion carried.

•The hearing moved to other items to the proposed amendments item #6 concerning language in 3303.1(C); 3304.1(C); and 3305.1 (B). It was recommended to delete language as currently written and add amended language to charts due to previous motion in land use code. Asked for public comments, hearing no public comments, that portion was closed. Comm. Rule moved to delete what is in the code currently on 3303.1(C); 3304.1(C), and 3305.1(B) and to amend as presented, 3303.1(C); allow for special uses as defined in 3303.4; add 3304.1(C); allow for special uses as defined in 3304.4; add 3305.1(B); allow for special uses as defined in 3305.4 and revise 3306.1; this zone allows for agricultural use while protecting surrounding areas from higher impact through the use of the Threshold Standards. This zone also allows for special uses as defined in 3306.4, seconded by Comm. Chappell and carried.

•Summary Chart of zoning choices – preference zones. It was recommended to delete preference zones. Comm. Koppenhafer opened the hearing to public comment. Hearing no public comment that portion was closed. Comm. Chappell moved to delete words preference zones from the summary chart of zoning choices, seconded by Comm. Rule and carried.



•AR3-9 conditional uses. It was recommended to remove high impact permits from the conditional use row. Comm. Koppenhafer opened the hearing to public comments, hearing no public comments that portion was closed. Comm. Rule moved to agree with the alternative recommendation by the planning commission and remove high impact permit from the conditional uses for AR3-9, seconded by Comm. Chappell and carried.

•Summary chart of zoning choices conditional uses under AR10-34,AR35+, AGZ, A80+ and UNZ. It was recommended to delete high impact permit. Comm. Koppenhafer opened the hearing to public comment. Hearing no public comment that portion was closed. Comm. Chappell moved to agree with the alternative recommendation by the planning commission and delete high impact permit but to amend the proposed language for ROWS to state; Special use permit with a valid high impact permit. And revise conditional uses ROW for UNZ; Conditional uses; uses with a valid high impact permit in accordance with Chapter 2.

•3313.4 UNZ Conditional Uses: Conditional Uses: N/A. It was recommended to replace N/A with Conditional Uses: Comm. Koppenhafer opened the hearing to public comment. Hearing no public comment that portion was closed.

• **Item number 2-Payment in lieu thereof Dolores School District:** 5105.4(B) (3): dedication of sites and land areas of payments in lieu thereof for schools. **Ian Barrowclough** with RPI gave an overview of this amendment for Dolores School District RE-4. Comm. Koppenhafer opened the hearing to public comment: Greg Kemp spoke on this amendment. Hearing no further public comments that portion was closed. Comm. Rule moved to agree with the recommendation with proposed language within the land use code to read, The Montezuma County Board of Commissioners hereby finds that the Dolores RE-4 School District School Land Dedication/Fee Resolution dated February 28, 2008, attached hereto and made a part hereof as an addendum to this code, is an appropriate method to satisfy the “reasonably necessary” requirements of C.R.S. 30-28-133(4) (a), seconded by Comm. Chappell and carried. (See addendums attached)

• ITEM 3; the proposed amendment: Change the word building to structure throughout the code. It was the recommendation of the planning commission to leave the word building throughout the code. Comm. Koppenhafer opened the hearing to public comment Greg **Kemp and Dennis Atwater** spoke to this amendment proposal. Hearing no further public comments that portion of the hearing was closed. Comm. Rule moved to agree with the alternative recommendation by the planning commission and leave the word building throughout the code, seconded by Comm. Chappell and carried.

•3106.4(B) Proposed to remove the word attached from one guest or caretaker unit: attached. The planning commission recommended the word attached be removed. Comm. Koppenhafer opened the hearing to public comment at this time. Hearing no public comments that portion was closed. Comm. Chappell moved to agree with the alternative recommendation by the planning commission on 3106.4(B) to remove the word attached and to read one guest or caretaker unit. Seconded by Comm. Rule and carried.

•7103(l) and 7104(D); requirements in this chapter 8. It was stated there is a typo error. It should read requirements in this chapter 7. The planning commission recommended correcting the typo to read chapter 7. Comm. Koppenhafer opened the hearing to public comments at this time. Hearing no public comments, that portion of the hearing was closed. Comm. Chappell moved to agree with the alternative recommendation by the planning commission and correct the typo in 7103(l) and 7104(D) to read requirements in this chapter 7, seconded by Comm. Rule and carried.

•5103.5(A) and 5105.3(A). Code currently reads county road rights-of-way and the planning commission recommended 5103.5(A) and 5105.3(A) to read Green signed county roads rights-of-way. Comm. Koppenhafer opened the hearing to public comments. Hearing no public comments that portion was closed. Comm. Rule moved to agree with the alternative recommendation by the planning commission on the wording being changed to read green signed county roads rights-of-way on 5103.5(A) and 5105.3(A). Seconded by Comm. Chappell and carried.

•Sanitation Item #4. 5103.1 (F) General Design Guidelines: Add language for covenant requirements. The Planning Commission proposed to add after the percolation tests “or soils analysis, as determined by a Colorado Registered Professional Engineer. Comm. Koppenhafer opened the hearing to public comments at this time. **Greg Kemp** spoke at this time. Hearing no further public comments that portion was closed. Comm. Chappell moved to agree with the alternative recommendation by the planning commission to read after percolation tests “or soils analysis, as determined by a Colorado Registered Professional Engineer”. Seconded by Comm. Rule and carried.

•5105.3(F) Development criteria. Sanitary sewage disposal – change wording in item #2 and delete #4. It was the alternative recommendation by the planning commission it was referred to the C.R.S statute 25-10-101 and Montezuma County resolutions 86-1 and 4-97 as amended. Comm. Koppenhafer opened the hearing to public comments at this time. Hearing no public comments, that portion of the hearing was closed. Comm. Rule moved to agree with the alternative recommendation by the planning commission on 5105.3(F) Development Criteria, Sanitary Sewage Disposal to refer to 25-10-101 C.R.S., et. Seq., and Montezuma County resolution numbers 86-1 and 4-97 as amended, seconded by Comm. Chappell and carried.

•5402.3(E) Development Plan, Sewage and Waste Management. Covenant requirement for new development. Comm. Koppenhafer opened the hearing to public comments at this time. Hearing no public comments, that portion was closed. Comm. Chappell moved to agree with the alternative recommendation by the planning commission but to remove the (three (3) acre minimum and correct the typo from resolution 86-11 to resolution 86-1 under (d), seconded by Comm. Rule and carried.

•5105.2(A) Avoidance and mitigation of hazardous conditions. Director Carver referred to **Bob Riggert** and **James Dietrich** to explain this amendment. James Dietrich explained the Colorado State University Fact Sheet No. 6.302, “Creating Wildfire Defensible Zones”. Comm. Koppenhafer took public comments at this time. **Steve Kelly** and **Greg Kemp** spoke. Hearing no further public comments, that portion was close. Comm. Chappell moved to agree with the alternative recommendation by the planning committee to remove by the Colorado State Forest Service, and add in the Colorado State University Fact Sheet No. 6.302, “Creating Wildfire Defensible Zones.” Seconded by Comm. Rule and carried.

•5402.3(J) Development Plan. Wildfire mitigation plan. Comm. Koppenhafer opened the hearing to public comments at this time. Hearing no public comments, that portion was close. Chappell moved to agree with the alternative recommendation by planning commission and to add wording under item J (plan requires certification that the recommendations have been completed prior to final plat.). seconded by Comm. Rule and carried.

•5404.3(W) Required accompanying data. Comm. Koppenhafer opened the hearing for public comments at this time. Hearing no public comments, that portion was closed. Comm. Chappell moved to agree with the alternative recommendation by the planning commission as stated in W, seconded by Comm. Rule and carried.

•5103.1 (G) General Design Guidelines – Covenant Requirements: Comm. Koppenhafer opened the hearing to public comments at this time. Hearing no public comments, that portion was closed. Comm. Rule moved to approve this fuel mitigation item number 5, general design guidelines 5103.1(G) as to the recommendation by the planning commission and also include the addendum number 4, the Colorado State University Fact Sheet, seconded by Comm. Chappell and carried. (see attached)

•Item 5; Health, Safety and Welfare. Comm. Koppenhafer opened the hearing to public comments at this time. Hearing no public comments, that portion was closed. Comm. Chappell moved to take the alternative recommendation of the planning Commission on number 13 for sanitary sewer disposal and number 16 fire and wildfire protection, seconded by Comm. Rule and carried.

Comm. Koppenhafer continued this hearing until July 21, 2008 at 3:30 p.m.

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

Letter from Jim Riffe concerning County Road 22 (See attached)

Letter from the Office of the Attorney General, State of Colorado concerning the inventory of areas designated pursuant to C.R.S. 30-15-302 (See attached)

Letter of resignation from Kent Lindsay resigning from the Emergency Planning Meetings. (See attached)

Meeting recessed at 9:15 p.m.

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County Clerk      July 14, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
July 21, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 21, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, July 14, 2008 were read. Comm.Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**ROAD: Road Supervisor Dean Roundtree** discussed the Bill Barrett permit in regards to the road and bridge standards on road 18. He asked the Board how strict they want to be with the road and bridge standards on these roads. They said to follow the standards as closely as possible. They talked about resolving the location of the turnaround on Road K.6. **Jim Riffey** met to discuss the condition of Road 22. The Board will look into the condition and get back to Mr. Riffey.  
The Board took this time to inspect Road 21.3.

**ACCOUNTS PAYABLE:** General Fund #53110-53300 in the amount of \$411,141.49, Road Fund #21359-21432 in the amount of \$217,277.05, and Landfill #5739-5783 in the amount of \$419,052.32 for the month of June, 2008 were approved for payment.

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

**LUNCH: 12:00 Noon**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the consideration of a special event permit to serve alcohol for **Lewis Arriola Fire Protection Fire District** located at 21176 Road S, Cortez. The special event is scheduled for August 1<sup>st</sup> and 2<sup>nd</sup>, 2008. This event is for the State Firemen's convention. The roll was called, the public notice was read and the proceedings were taped for the record. **Clerk's Deputy Tammy Neely** gave an overview of the permit. Comm. Koppenhafer opened the hearing to public comment at this time. **Angela Randall** spoke on behalf of the Lewis Arriola Fire Protection District. Hearing no further public comment, Comm. Koppenhafer closed this portion of the hearing. After hearing all the comments made and evidence presented, Comm. Rule moved to approve the special event permit for Lewis Arriola Fire Protection District to be

held at the Lewis Arriola Community Center on August 1<sup>st</sup> and 2<sup>nd</sup>, 2008 from 12:00 noon to 2:00 a.m. each day. Seconded by Comm. Chappell and carried. Comm. Koppenhafer closed the hearing at this time.

**PLANNING: Planning Director Susan Carver** presented the following items;

**Applicant- Bill Barrett Corporation, Myles Corey, agent.** A high impact permit application was presented for review and determination of a request to conduct a 3D geophysical seismic survey project known as the Koskie 3D and for the Koskie Micro-seismic project. The testing location is situated within the vicinity of county roads CC, Z, X, 22, 23, and 25. Director Carver stated that no Threshold standards will be exceeded. **Mike Fitzmaurice geophysical operations manager and Mike Waugh project manager** with Bill Barrett Corporation explained the project. Comm. Chappell moved to forward the high impact permit application for Bill Barrett Corporation, Miles Corey, agent, to the Planning Commission on the request to conduct a 3D geophysical seismic survey project known as the Koskie 3D and for the Koskie Micro-seismic project. Seconded by Comm. Rule and carried. (See attached)

**James Dietrich** gave a floodplain update to the Board. A public hearing concerning the floodplain resolution has been set for September 22, 2008 at 2:00 p.m.

**Applicant – Robert Griffith, Sandy Hartman, agent.** A high impact permit application was presented for review and determination for an auto mechanic shop located at 11590 Hwy 491. Sanitarian Melissa Wilson discussed needed septic requirements. She stated the current system needs to be repaired and it needs to be an engineered design. Comm. Chappell moved to approve a multiple hook-up to one septic system for two homes and a shop with the system being an engineered system. The property is located at 11590 Hwy 491. Seconded by Comm. Rule and carried. (See attached) **Comm. Rule** moved to forward the application for a high impact permit for a mechanic shop for Robert Griffith to the Planning Commission, seconded by Comm. Chappell and carried. (See attached)

**Reviewed** the requirements for exemption plats. It was decided to have the Board sign the resolution and plat and to have them recorded.

**CONTINUATION OF PUBLIC HEARING** regarding the proposed amendments to the Montezuma County Land Use Code is held at this time. Comm. Koppenhafer opened the hearing for consideration of Resolution 7-2008. Planning Director Carver gave an overview of the changes. Comm. Rule moved to approve Resolution 7-2008 amending the Montezuma County Land Use Code, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

**RESOLUTION 8-2008** Comm. Rule moved to approve Resolution 8-2008 approving the early voting beginning on August 1, 2008 for the Statewide Primary Election of 2008. Seconded by Comm. Chappell and carried. (See attached)

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

Letter from Jim Skvorc the concerning Commissioner's meeting of Monday, July 14, 2008. (See attached)

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

**MEETING ADJOURNED 4:13 P.M.**

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County Clerk July 21, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
July 28, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 28, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, July 14, 2008 were read. Comm.Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**07 CV 38 and 08 CV 29:** Comm. Rule moved to allow Attorney Slough to sign the Settlement Agreements on 07 CV 38 and 08 CV 29, seconded by Comm. Chappell and carried. (See attached)

**SENATOR WAYNE ALLARD: James Dietrich** informed the Board that a meeting with Senator Allard has tentatively been scheduled for August 15, 2008 at 9:00 a.m. He discussed a recent meeting he attended concerning oil and gas.

**ROAD: Road Supervisor Dean Roundtree** stated the Department is on track for chip seal. He talked about Road 18 and T where Bill Barrett Corporation is working. An upgrade to the Komatsu excavator was discussed. Supervisor Roundtree was asked to look into the placement of a guardrail around the Mancos Cemetery. He said there is a problem on Road 34 with a collapsed culvert.

**REGION 9: Ed Morlan and Cassie Paquin** with Region 9 met to update the Board on the Montezuma County revolving fund. Cassie Paquin discussed a project request for Fox Saddle Shop. She is asking for Montezuma County to pledge CDs in the amount of \$25,000.00 for this project. County Treasurer Sherry Dyess was present. (See attached) After some discussion, Ed Morlan withdrew the request for the project. No action was taken.

**MARIANNE MATE** met to update the Board on the McPhee Breakwater Project. She discussed the estimated budget for the project and diagrams. County Administrator Harrison stated he would like to keep Marianne Mate on as a consultant for the project. Comm. Rule moved to sign an agreement between Montezuma County and Marianne Mate for professional services on the McPhee Breakwater Project beginning July 21, 2008 for a total of \$5,000.00. Seconded by Comm. Chappell and carried. (See attached)

**BOARD OF EQUALIZATION:** It being the time set aside a Board of Equalization hearing is held concerning an appeal from **Questar** on the actual values assigned to the property on account numbers P100001, P100082-P100087, P100089-P100090, P100092, P100094-P100100, P1000225, P100226, P100330-P100332. The roll was called and the proceedings were taped for the record. Assessor Vanderpool gave an overview of the appeal and Jerry Wisdom with Visual Lease Services was on conference call. Assessor Vanderpool stated there is no agent representing Questar present. Jerry Wisdom discussed the property being appealed. Comm. Rule moved to agree with the Assessor's recommendation on Questar, account numbers P100001, P100082-P100087, P100089-P100090, P100092, P100094-P100100, P1000225, P100226, P100330-P100332. Seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**COUNTY ADMINISTRATOR HARRISON** discussed the energy impact grant in regards to the road impact fee study.

**LUNCH: 12:00 Noon**

**CONTRACT AMENDMENT #2:** Comm. Rule moved to sign the contract amendment #2 between Montezuma County and DOLA for the extension to the grant deadline on Goodman Point EIAF #5825. Seconded by Comm. Chappell and carried. (See attached)

**2007 AUDIT:** A request for a 30 day extension of time to file the audit was presented. (See attached)

**PLANNING: Planning Director Susan Carver** presented the following:

**Applicant Norm Birtcher for Western Excelsior Corporation** for review and determination of a request to operate an air curtain incinerator on the property located at 901 Grand Ave., Mancos, CO. Norm Birtcher gave the Board an overview of the request. Comm. Chappell moved to approve the operation of an air curtain incinerator for Western Excelsior as long as the operation meets all state standards since no threshold standards are being exceeded, no high impact permit is required. Seconded by Comm. Rule and carried. (See attached)

**Applicant Don Bain.** An application is presented for review and determination of AR10-34 zoning request and preliminary plan for a 2 lot moderate development on property located at 16485 Road Z, Yellow Jacket, CO. consisting of 40 acres more or less. Applicant Don Bain gave an overview of his request. Comm. Rule moved to approve the preliminary plat and the AR10-34 zoning for a 2 lot moderate development on property located at 16485 Road Z, Yellow Jacket, CO., owned by Don Bain, seconded by Comm. Chappell and carried. (See attached)

**REPORT TO COMMISSIONERS:** Planning Director Carver gave an overview of the Planning Commission Meeting held on July 24, 2008. She presented a letter from Planning Commission Chairman Bob Riggert discussing his ruling regarding the Swanner four lot moderate subdivision. Also presented a letter dated July 3, 2008 from Hatter and Green. (See attached)

**APPLICATION FEE SCHEDULE:** Director Carver presented a amended application fee schedule. Comm. Rule moved to approve the Montezuma County Department of Planning and Zoning application fee schedule dated July 28, 2008, seconded by Comm. Chappell and carried. (See attached)

**CITY OF CORTEZ** representatives **Jay Harrington, Orly Lucero, and A. Chris Burkett** met to discuss the City of Cortez's hydroelectric power generation unit grant application. Mr. Harrington asked the Board for a letter of support for this energy impact assistance grant. Comm. Chappell moved to sign a letter of support for the energy impact assistance grant in regards to a hydroelectric power generation unit. Seconded by Comm. Rule and carried. (See attached)

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

Letter from the State of Colorado Department DOLA division of emergency management concerning the disaster mitigation, flood mitigation assistance, repetitive flood claims, and hazard mitigation grant programs (See attached)

Letter from Washington County Commissioner, Dennis E. Everhart concerning the Washington County Justice Center. (See attached)

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

**MEETING ADJOURNED 4:10 p.m.**

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County Clerk July 28, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 4, 2008**



STATE OF COLORADO )  
 ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 4, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, July 28, 2008 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell and carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of July 31, 2008. (See attached).

**ROAD: Road Supervisor Dean Roundtree** reported the oil company cancelled the oil shipment for this week but stated the company would deliver on the 11<sup>th</sup> of August. Discussed the culvert on a portion of Road 34 and he said it requires major repairs. Discussed efforts to contact landowners concerning the turnaround on Road K.6. Supervisor Roundtree said the department filled a hole on a portion of Road R and he said more work is needed.

**SHERIFF GERALD WALLACE AND CITY OF CORTEZ POLICE CHIEF ROY LANE** met to request money from the E-911 fund for the replacement of equipment in the dispatch center. Comm. Chappell moved to approve a request to upgrade the equipment for the dispatch center in the amount of \$20,971.00 to be paid from the E-911 fund, seconded by Comm. Rule and carried. (See attached)

**BOARD OF EQUALIZATION:** It being the time set aside a Board of Equalization hearing is held concerning an appeal from **K.E. Andrews & Co., representing Unit Petroleum Co. and Rim Operating Co.** concerning an appeal with the values on various accounts. The roll was called and the proceedings were taped for the record. Assessor Mark Vanderpool gave an overview of the appeal from Unit Petroleum concerning the 2008 assessment on their personal property on account numbers P010406, P010407, P010408, P100038, P100039, P100040, P100041, P100042, P100043, P100044, P100228, and P1000229. Assessor Vanderpool then gave an overview of an appeal from Rim Operating Co. concerning the 2008 assessment on their personal property on account numbers P010399, P010400, P010401, P010410, P010410, P010528, P010529, P100045, P100046, P100047, P100048, P100049, P100051, P100064, P100065, P100066, P100068, P100070, P100071, P100072, and P100073. **Jerry Wisdom with Visual Lease Services and Ben Thompson with K.E. Andrews & Co.**

was on a conference call. Ben Thompson discussed the **Rim Operating & Co.** appeal at this time. After much discussion and hearing all the evidence presented Comm. Rule moved to agree with the Assessor's Office recommendation concerning the 2008 personal property valuation on account numbers P010399, P010400, P010401, P010410, P010410, P010528, P010529, P100045, P100046, P100047, P100048, P100049, P100051, P100064, P100065, P100066, P100068, P100070, P100071, P100072, and P100073. Seconded by Comm. Chappell and carried.

**Unit Petroleum:** Jerry Wisdom with Visual Lease Services gave an overview of the appeal concerning the 2008 personal property values for Unit Petroleum. After much discussion and hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's Office 2008 personal property valuation on account numbers P010406, P010407, P010408, P100038, P100039, P100040, P100041, P100042, P100043, P100044, P100228, and P1000229. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**COLORADO HOUSING AND FINANCE AUTHORITY** representatives **Scott Aher, Jaime Gomez, and Terri Wheeler** talked about a new resource to Montezuma County in regards to private activity bonds. Mr Aher informed the Board of how the State agency CHFA functions and what private activity bonds are and various options the County has concerning the usage of the bonds.

**LUNCH: 12:15 p.m.**

**2007 AUDIT: Chris Majors** with Majors and Haley presented the 2007 audit.

See attached approval from the Office of the State Auditor for a 30 day extension request of the time to file the audit. Comm. Rule moved to accept the 2007 audit prepared by Majors and Haley, seconded by Comm. Chappell and carried.

**PLANNING:** Margaret Clauson with the Planning Office presented the following planning applications;

**APPLICANT:** An application for final review and determination was presented for **Christine Jordan and Robert Smith** requesting an amendment of exemption to resolution **P-39-96** asking to allow for a boundary line adjustment for access purposes on a track of land consisting of 14.75 acres more or less. The property is located at 17731 Road G. Comm. Chappell moved to sign resolution P-39-96 after-the-fact, seconded by Comm. Rule and carried.

**APPLICANT:** A variance form regarding the setback standards for a structure on property located at 19824 Hwy. 145 also known as tract 9 of the Stapleton Subdivision for **Kevin and Diane Toman** was presented. Comm. Rule moved to approve the variance to the setback standards to 15' on property located at 19824 Hw. 145 also known at tract 9 of the Stapleton Subdivision, seconded by Comm. Chappell and carried.

**APPLICANT: JAMES DIETRICH** presented a Transferable Development Right plat for review and determination on property located in the Dolores River Valley for **Richet Enterprises, Inc.** Comm. Chappell moved to accept the TDR plat in the Dolores River Valley for Richet Enterprises, Inc., seconded by Comm. Rule and carried.

**AGREEMENT:** An agreement between J C holdings of Cortez, LLC concerning the equal split of all costs associated with the purchase of land owned by J C Holdings of Cortez LLC, signed by Douglas A. Carver (SE4SE4 of S11 T35N R16W) Comm. Rule moved to sign the agreement between Montezuma County and J.C. Holdings L.L.C. Seconded by Comm. Chappell and carried. (See attached)

**RURAL LAW ENFORCEMENT GRANT: Wanda Martin** presented a 2008 Rural Law Enforcement Grant Application for K-9 kennels and radar units in the amount of \$7,500.00 with no county match. Comm. Chappell moved to sign the 2008 rural law enforcement grant application for K-9 kennels and radar units,

seconded by Comm. Rule and carried. (See attached) Sheriff Wallace discussed the Model Traffic Code of 2003.

**HEALTH DEPARTMENT SANITARIAN Melissa Wilson** presented an application for review and determination of an engineer's designs on a previous request for an additional dwelling to be on a 5 acre parcel more or less for **Barbara Jeter**. Mrs. Jeter has one engineered septic system and is requesting an additional separate system on a 5 acre parcel. Comm. Rule moved to approve an additional septic system on 5 acres for Barbara Jeter, seconded by Comm. Chappell and carried. (See attached)

**James Dietrich** informed the Board that on August 15, 2008 from 9:00 a.m. to 11:00 a.m. an aide from Senator Allard's Office will be here to meet with the Board.

**LODGER'S TAX BOARD:** Comm. Rule moved to give the Cortez Welcome Center \$700.00 at the request of the Lodger's Tax Board. Seconded by Comm. Chappell and carried.

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

A request for implementation concerning a 4 day work week from Wanda Graves, Kathy Glazner and Amy Branson. (See attached)

Letter from Attorney Michael Green asking for the consideration of a hearing regarding the Swanner's application. (See attached)

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

**MEETING ADJOURNED 4:10 p.m.**

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County Clerk August 4, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 11, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 11, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, August 4, 2008 were read. Comm. Rule moved to approve the minutes as amended, seconded by Comm. Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** discussed options available to fix the culvert on a portion of Road 34 and approximate costs involved. Supervisor Roundtree will get more information on material and costs on the project. He said the Department is chip sealing today. He informed the Board that the price of hot mix has increased from \$75.00 a ton to \$125.00 a ton. **Charles and Daisy Mahaffey** met to discuss problems on Road 18 concerning a subdivision. Planning Director Susan Carver gave information on that road concerning work done by Eagles Nest Partnership. (See attached) The County will continue to monitor this situation. Supervisor Roundtree asked for approval to sign a letter to hire consultants to expand the work area on the Tozer Pit in the amount of \$5,000.00. He said this is to expand the work area and not the boundaries. Comm. Rule moved to allow Supervisor Roundtree to sign a letter of agreement with consultants with Southwest Land Services, Inc. for the expansion of the work area at the Tozer Pit in the amount of \$5,000.00. Seconded by Comm. Chappell and carried. (See attached)

**LORI COOPER** with the Health Department presented the following contracts for signature.

- A contract to change the Contractor's legal name and address for the children's services contract routing number 09-00610 to change the agency name from Montezuma County Health Department to Montezuma County Nursing Services. Comm. Rule moved to sign amendment number 1 to change the contractor's name from Montezuma County Health Department to Montezuma County Nursing Services. Seconded by Comm. Chappell and carried. (See attached)
- Director Cooper presented the WIC contract, routing number 09-00569 for signature. Comm. Chappell moved to sign the WIC contract routing number 09-00569, seconded by Comm. Rule and carried. (See attached)

She discussed **SB-08-194** Colorado Public Health Reauthorization Act and the various changes in the act.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of July, 2008. (See attached). She presented monitoring results at the landfill. A request to dispose/sell equipment was presented for two 1972 633C caterpillar scrapers and a 1997 Jeep Cherokee. (See attached) No decisions were made at this time.

**LIQUOR LICENSE: Clerk's Deputy Tammy Neely** presented a renewal for a retail liquor store for **Dawson Lake Store, Robin Woodson, owner**. Comm. Rule moved to approve the renewal of a retail liquor store license for Dawson Lake Store, seconded by Comm. Chappell and carried.

**SOUTHWEST MEMORIAL HOSPITAL: Dan Jessup and Nelson Toebee** presented and discussed the financial statements for the three months ending on June 30, 2008. (See attached) Mr. Toebee talked about the reimbursement rate in regards to the rural health clinic and stated a large check will be received in the fall that will help with any short falls in revenue. He also discussed reimbursement rate adjustments with Medicare. He said they have met all the requirements for this program and are awaiting a final inspection sometime in the future.

**LUNCH: 12:08 P.M.**

**ORDER #0-02-08:** Comm. Chappell moved to approve order number 0-02-08 to transfer from jail sales tax revenue to the General Fund in the amount of \$327,356.00 for jail operations, seconded by Comm. Rule and carried. (See attached).

**DURANGO PONY CLUB: Beth Carter** with the Durango Pony Club that's associated with the Rocky Mountain Region Pony club met to request a reduced cost or donation for the use of the Fairgrounds for a Durango Pony Club clinic. She said they hope to have participants from the Southwest region which includes clubs from New Mexico and surrounding areas. The subject of insurance was discussed and Mrs. Carter will double check to see what the Club's insurance covers. Mrs. Carter will work with LeeAnn Milligan with the Fairgrounds to work out the details. No action was taken at this time.

County Administrator Harrison asked the Board about making the temporary director position of the Fairgrounds to a permanent position and to hire another laborer for the Fairgrounds. Comm. Chappell moved to make LeeAnn Milligan director of the Fairgrounds on a permanent basis and to hire another full time laborer at the Fairgrounds. Seconded by Comm. Rule and carried.

**PLANNING: Planning Director Susan Carver** presented the following planning items:

- APPLICANT: Sophia Retreat and Conference Center, Inc., Ruth Gould, applicant,** is requesting to amend the common lot line for the DLC 3 –lot minor subdivision by combining lots A & B as outlined in 8104.2 of the land use code, and requested zoning of AR10-34. The property is located at 19581 Road 31, Dolores. Director Carver gave an overview of the request. The covenants and notification of area landowners was discussed. Comm. Rule moved to forward the High Impact Permit Application and Special Use Permit Application to the Planning Commission, seconded by Comm. Chappell and carried.
- BILL BARRETT CORPORATION:** Director Carver talked about scheduling a public hearing for The Bill Barrett Corporation to conduct a 3D geophysical seismic survey project known as the Koskie 3D and for the Koskie Micro-seismic project. The location for testing is situated north of Hwy 184 and east of Hwy. 491. A time for a public hearing is set for September 15, 2008 at 2:00 p.m.

- APPLICANT; DON BAIN.** Director Carver stated the information concerning this application is not complete and she will bring it forth at a later date.
- APPLICANT: Levena Saunders.** Director Carver presented an exemption plat resulting from Hwy 491 splitting property located at 22195 Road P., Cortez. Comm. Rule moved to approve planning resolution **P-04-08** where the property is bisected by Hwy 491. Seconded by Comm. Chappell and carried. (See attached)
- Director Carver presented a letter from attorney **Michael Green** requesting a hearing before the Board of County Commissioners in regards to the **Swanner's subdivision application**. (See attached) A date for a public hearing has been set for September 8, 2008 at 3:00 p.m.
- Director Carver presented a complaint she received in regards to an alleged auto salvage yard on property located at 27645 Road H. A letter will be sent to the owner of record. **L. D. Gleeson** addressed the Board stating that Tim Tuthill purchased the property from him and has not completed paying him for the property and he said there is currently another tenant on the property. He indicated a Sheriff's sale will be held to put the property back into Mr. Gleeson's name. He will inform planning once the Sheriff's sale is done. (See attached)
- Director Carver presented a letter of complaint concerning an outside pole lighting that is being installed on Gary and Susie Caughey's property located at 11420 Road 22 for the purpose of lighting a corral. A letter will be sent to Gary and Marna Sue Caughey concerning the complaint alleging that the outside pole lighting violates the threshold standards for all developments.
- Director Carver informed the Board that the Planning Office will be closed September 2<sup>nd</sup> through September 5<sup>th</sup>, 2008 to update information to the zoning and other data bases. She said the dates will be published in the newspapers.
- APPLICANT: New Hope Christian Ministries, Inc., Jonathan Bland, agent.** Director Carver presented for review and determination of a high impact permit application for an expansion of a church facility on property located at 11088 Hwy. 491, Cortez. They are requesting to expand the building by an addition to be used as a fellowship hall and also requesting proper zoning. Comm. Rule moved to forward the high impact permit application for the New Hope Christian Ministries to the Planning Commission. Seconded by Comm. Chappell and carried. (See attached)

**MUCKLOW V WILSON:** The Board was informed of the receipt of a letter from Locke Lord Bissell and Liddell acknowledging personal injury liability coverage for this claim. (2007 CV 283), along with the complaint 2007 CV 283 and letter from James Wilson, District Attorney concerning a complaint filed by Ms. Mucklow v Wilson and Adams. (See attached)

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

A letter from CDOT concerning a traffic and safety seminar. (See attached)

A letter from the Colorado Board of Health agenda. (See attached)

Letter from the Natural Energy Resources Co. concerning Colorado's escalating water crises and overlooked water and energy solutions. (See attached)

Memorandum from Property Tax Administrator concerning the 2008 final county notice of valuation for state assessed properties. (See attached)

Letter from Dolores Public Lands Office concerning NEPA. (See attached)

Letter from the U.S. Department of Interior (BLM) concerning the preparation of an environmental analysis of livestock grazing and other related activities in Cross Canyon. (See attached)

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

**MEETING ADJOURNED 4:45 p.m.**

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County Clerk 08/11/08

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Chairman

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 15, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Friday August 15, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman - ABSENT  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney - ABSENT  
Ashton N. Harrison, County Administrator -ABSENT  
Carol Tullis County Clerk

**Andy Merritt and Ann McCoy Harold**, aides representing Senator Wayne Allard’s office met with the Board and various entities to discuss oil and gas production on federal lands. Representatives from Kinder Morgan, Questar, Bill Barrett Corp, Bayless, and BLM offices were present and given an opportunity to voice their concerns. Lou Ann Jacobson with the BLM gave an overview on the cultural resources in the Canyon of the Ancients. Agents with Kinder Morgan, Bill Barrett Corp., and Questar talked about their efforts to work with the BLM as well as their attempts in maintaining the cultural resources. Jamie Sellar Baker with BLM spoke as to landowner’s property rights and participation concerning this type of development. Agent with Bill Barrett Corp. spoke as to hydrocarbon exploration in this area. He said there is a large resource here. The length of time and efforts involved with these projects was discussed. They talked about private property owner’s rights concerning archeological discoveries. Andy Merritt thanked everyone for coming and for their comments and stated they will be following up with the people.

**1:00 p.m.** The Board met with aides from Senator Salazar’s Office.

**Grant Leslie, Ann Brown, and Lisa Schwantes**, representing Senator John Salazar’s office met with the Board and discussed Agricultural economy, oil and gas production. Comm. Koppenhafer questioned the Canyon of the Ancients. The Board talked about drilling for resources on private land. Comm. Chappell questioned the conservation reserve program. The program was funded and that acreage remained approximately the same. Sheriff Gerald Wallace questioned the Burn Jag Funding concerning Law Enforcement. Comm. Chappell questioned highway improvements and highway safety. The intersection discussed was at Road M and highway 491, also questioned was Highway 160. Comm. Koppenhafer reiterated the previous discussion on the Canyon of the Ancients. He stated that grazing permits were cut down. Grant stated that there needs to be reform as the



Forest Service and BLM are having problems with grazing. Comm. Koppenhafer stating that the Canyon of Ancient is trying access to private in holdings.

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

**MEETING ADJOURNED**

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County Clerk    08/15/08

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Chairman

ONLINE COPY

August 18, 2008

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 18, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Thomasina Neely, Chief Deputy

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, August 11, 2008 and a special meeting Friday August 15<sup>th</sup>, 2008 was read. Comm. Rule moved to approve the minutes as amended, seconded by Comm. Chappell and carried.

**ROAD: Road: Supervisor Dean Roundtree** reported that the chip seal project was completed on McElmo Road. Also discussed was the following:

Discussed requesting a bid from Triad on a culvert installation.

Discussed Road 28 water road bore. Supervisor Roundtree stated the County specifically requested that the bore is not to be installed diagonally and the water meter could not be located on the side of the road.

Road G is being cleaned up.

The pit sight at Hovenweep Road is in the process of being cleaned up.

It was reported that Roads V, W, 26, and 22 reported to be in bad shape.

The Dolores-Norwood Road was discussed.

Road 18 will be added to a regular maintenance schedule.

Road T was discussed, Comm. Koppenhafer stated that a part of Road T should have mag-chloride applied for dust, and handicap parking at the Fairgrounds was discussed.

**Planning Director Susan Carver** reviewed existing policy regarding Subdivision exemptions. Subdivision exemptions will require zoning.

**Cortez Cemetery District: June Head and Becky O’Camb** met with the Board to discuss cost over-run on a phase one project at the Cortez Cemetery. She requested a loan of \$30,000.00 to complete the project. Comm. Koppenhafer suggested that the Cortez Cemetery District seek a lending institution and that the County would use a CD for collateral from the Revolving Loan Fund if necessary. No action was taken.

**BETTY SOUTH** met with the Board to discuss property on parcels located on 30110 Road V, Dolores and on 29400 Hwy 160 Cortez. She requested agricultural status. (This is not a Board of Equalization Hearing.) **Assessor Mark Vanderpool** was present, and stated that the land did not show agricultural activity. An aerial photo was shown by Assessor Vanderpool to prove that property could not accommodate agricultural purposes. The Rocky Top Tracts were subdivided in 2003. Assessor Vanderpool stated that no appeal was filed for the year of 2008. Betty South stated that she was not informed that she would need to file an appeal. Assessor Vanderpool stated that an appeal was filed for the year of 2007. Land parcels must have Agricultural use for at least 2 years. Betty stated that the land would not accommodate more than 7 cows. Comm. Chappell asked if she understood the abatement process, she stated not very well. No action was taken at this time. Assessor Vanderpool suggested that he and Betty meet in Assessor's office for further discussion.

**Administrator Ashton Harrison** discussed with the Board Road 21.3, The Views Subdivision. Comm. Rule moved not to accept Road 21.3 as a county owned or maintained road, seconded by Comm. Chappell, and carried. Ashton also discussed the Montezuma County Historical Society letter. It was stated they will not serve as The County Historical Designation Committee. (See attached correspondence)

**SLIM MCWILLIAMS WITH THE UTE MOUNTAIN ROUNDUP:** Reported to the Board on the Ute Mountain Roundup Rodeo. The attendance for the Rodeo was 3500. Some changes to the arena facilities were requested. Slim stated that the Ute Mountain Roundup Board will get plans together. Comm. Rule stated it was hard to find where to buy a ticket from the parking lot. Comm. Chappell noticed the handicap ramps were difficult to access because of the gravel. Slim requested that the Board approve the Ute Mountain Roundup Rodeo for 3 more years for specific dates of the year. A statement requesting such dates will be required.

**Lunch: 12:00 noon**

Comm. Chappell moved to approve County Veterans Service Officers Monthly Report and Certification of pay for the month of July, 2008, seconded by Comm. Rule, and carried.

**PLANNING: Planning Manager Susan Carver** presented to the Board the following:

**Applicant:** Sophia Retreat & Conference Center, Inc. owners of property located at 19581 Road 31, Dolores Colorado also known as Lots A & B of DLC 3-Lot Minor Subdivision. Sophia Retreat & Conference Center would like to join Lot A consisting of 4.52 acres more or less and Lot AB, consisting of 29 acres more or less. Changing the subdivision from a 3-Lot Minor to a 2-Lot Minor development. Comm. Chappell moved to approve joining Lot A and Lot B creating proposed property be zoned AR-34-Agricultural Residential 10-34 acres, per Land Use Code, seconded by Comm. Rule, and carried. (See attached)

**Schedule** of a public hearing to review and determine a High Impact Permit submitted by Robert Griffith agent Sandy Hartman for the existing use of a Auto Body Shop and Welding Shop on property located at 11590 Hwy 491 Cortez Colorado. A Public Hearing is set for September 29<sup>th</sup>, 2008.

**Reviewed** CDOT Access Permit for storage units and 4 home sites, requested by Michael Williamson. The property is currently unzoned on a tract of land located at 37411 Hwy 160 Mancos, Colorado. A letter will be sent to applicant for further discussion of application (See attached)

**Applicant:** Don Bain, review and determination of a Final Plat for a 2-Lot Minor Development on 40 acres, on property located at 16485 Road Z, Yellow Jacket Colorado. Comm. Rule moved to approve Bain 2 Lot Minor Development on 40 acres with Findings, Comm. Chappell seconded, and carried.

**Applicant:** Karl & Ann Brim, Agent Paul Gagne, review and determination of a request to amend common lot line between tract 1 & tract 2 of the May Canyon 4-Lot Moderate Development, property located at 30705 Road V.6 Dolores Co. Comm. Chappell moved to approve The Amended Plat of Tracts 1 & 2, May Canyon Tracts, seconded by Comm. Rule and carried.

**Applicant:** Thomas J. Weaver, review and determination of an application request to amend Resolution P-59-92, on a tract of land consisting of 2.5 acres located at 8950 Road 41, Mancos Colorado. Comm. Chappell moved to grant preliminary approval on an application to amend Resolution # P-59-92 and forward application to the Planning Commission, seconded by Comm. Rule, and carried.

**Submitted for the Record:** Joint Motion to Dismiss and Adopt Settlement Agreements. (See attached)

**CORRESPONDENCE:**

Colorado Dept of Local Affairs/Search & Rescue Fund (See attached)

Montezuma County Historical Society (See attached)

Dept Of The Army/Wildcat Ranch Habitat Enhancement, Dolores River (See attached)

**MOTION TO ADJOURN:** Comm. Rule moved to adjourn the meeting seconded by Comm. Chappell and carried.

**MEETING ADJOURNED:** 4:15 P.M.

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Clerk

Chairman

08/18/2008

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 25, 2008 at the courthouse in Cortez, Colorado, there were present:

- Gerald W. Koppenhafer, Chairman - ABSENT
- Larrie D. Rule, Vice-Chairman
- Steve Chappell, Commissioner of Deeds
- Bob D. Slough, County Attorney
- Ashton N. Harrison, County Administrator
- Carol Tullis, County Clerk

**MEETING** was called to order by **Vice-Chairman Rule** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, August 18, 2008 were read. Comm. Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**ROAD: Road Supervisor Dean Roundtree** reported that the Department is working on the dirt roads in anticipation of the bean harvest traffic. He was asked about who is responsible for the maintenance of the fences on the county roads. Supervisor Roundtree said it was the responsibility of the landowner unless the county has to move the fences then the county will do the work. He stated the patch work done on Roads S and 20 is holding up well but there is work needed on spots west of that intersection. County Administrator Harrison talked about a request from the Sheriff's Office for gravel for a parking lot. It was stated the City of Cortez does not allow graveled lots and will have to look into obtaining a variance. The handicap parking at the Fairgrounds was discussed along with other maintenance needs. Supervisor Roundtree discussed culvert failures on various county roads and the work needed to correct these problems. Discussed the work done on Road G. Talked about updating the road and bridge specifications. It was stated that subdivision roads need to be an engineered road. Discussed the procedure concerning driveway permits. Eric Hogue talked about the road work in his subdivision not being done. Supervisor Roundtree will contact the contractor to see when the work will be completed. Discussed another subdivision across from the trap club. Supervisor Roundtree said the road itself is only half done.

**CARVER LAND PURCHASE: Misty Smith** with Montezuma Dolores Title Company explained the purchase transaction and fees required. Comm. Chappell moved to sign the statement of settlement for purchase of land located at 25617 Road G, Cortez from J.C. Holding Co., a Colorado General Partnership. Seconded by Comm. Rule and carried. (See attached) Doug Carver was present.

- Comm. Chappell moved to approve the purchase of property further described as SE/4SE/4 of Section 11, Township 35N, Range 16W N.M.P.M. in the amount of \$200,000.00 plus half of the closing costs and a signed warranty deed from the owner is required. Seconded by Comm. Rule and carried. (See attached)

**RESOLUTION 10-2008:** Consideration of an assignment of tax exempt allocation to Colorado Housing and Finance Authority was presented. Comm. Chappell moved to adopt Resolution 10-2008 and assignment of

allocation of \$1,077,078.00 of Montezuma County's 2008 allocation to the Colorado Housing and Finance Authority, seconded by Comm. Rule and carried. (See attached)

**RESOLUTION 9-2008** opposing proposed severance tax initiative #113 was presented. Comm. Chappell moved to adopt Resolution 9-2008 opposing proposed severance tax initiative #113, seconded by Comm. Rule and carried. (See attached)

**WANDA MARTIN** with the Sheriff's Office presented a 2009 LEAF grant application. Comm. Chappell moved to approve the Colorado Department of Transportation application for 2009 LEAF grant application, seconded by Comm. Rule and carried. (See attached)

•Comm. Chappell moved to sign the equitable sharing agreement and certification for the Montezuma County Sheriff's Office, seconded by Comm. Rule and carried. (See attached)

**LUNCH: 12:00 noon**

**LEEANN MILLIGAN** met to discuss conducting auctions at the Fairgrounds. Director Milligan stated she received a call from a gentleman with a land company wanting to hold a land auction at the Fairgrounds. She will work on a fee schedule for auctions and return at a later date.

**PLANNING: Planning Director Carver** presented the following applications to the Board.

**CLINTON AND KIM ALLEN:** A preliminary plat for a proposed 2 lot moderate development on 15.7 acres, more or less. The property is located at 14757 Road 26, Dolores, Co. Comm. Chappell moved to approve a preliminary plat for a 2 lot moderate development for Clinton and Kim Allen on property located at 14747 Road 26, Dolores, Co. Seconded by Comm. Rule and carried. (See attached)

**VERN INCE:** This application will be presented at a later date.

**BLACKMER ENTERPRISES, LLC. Casey A. Blackmer, Lori Blackmer, agent.** A final plat for a 4 lot moderate cluster incentive planned unit development consisting of 80 acres more or less was presented. The property is located at 25470 Road 18, Pleasant View, Co. Comm. Chappell moved to approve the final plat for a 4 lot moderate cluster incentive planned unit development for Blackmer Enterprises LLC, located at 25470 Road 18, Pleasant View, Co. along with the findings. Seconded by Comm. Rule and carried. (See attached)

**LETTER OF COMPLAINT:** Director Carver reviewed a letter of complaint she received regarding concerns with lighting of a corral and the pole height for the lights on property located at 11420 Road 22, Cortez, Co. (Susie Caughey) She presented her response letter to the complainants stating she met with Susie Caughey and Ms. Caughey submitted photos regarding the lighting and pole height. It appears that the threshold standards are met and no permit is required by the property owner(s) at this time. (see attached)

**MEDICINE HORSE CENTER Executive Director Lynne Howarth and Center Treasurer Betsey Krill** met to discuss whether a high impact permit is required for the installation of a covered riding arena building on property owned by Margaret Johnson Gaddis and located at 40700 Road J, Mancos, Co. It was stated no threshold standards would be exceeded. It was recommended they apply for a high impact permit. (see attached)

**HEALTH DEPARTMENT DIRECTOR LORI COOPER** presented a contract amendment #3 to perform functions of a single entry point agency. Comm. Chappell moved to sign the contract amendment number 3 between the State of Colorado and Montezuma County UHA contract routing number 3009-9132. Seconded by Comm. Rule and carried. (See attached)



At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 8, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, August 25, 2008 were read. Comm. Rule moved to approve the minutes as amended, seconded by Comm. Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** informed the Board about a box culvert for Road G and he stated if the Department cannot use the culvert the distributor may take it back. It was decided to wait to hear from the distributor to see if they may have a use for it. Discussed a problem with an irrigation ditch causing some road damage, Supervisor Roundtree has discussed the problem with Jim Siscoe with Montezuma Valley Irrigation. It was stated nothing could be done until the irrigation water is shut off. Supervisor Roundtree said a water tank needs to be replaced on a truck and was discussing applying for a grant because it could be around \$130,000.00 to replace it. Talked about Road L becoming rough. They discussed the handicap parking lot at the Fairgrounds.

•**Chicken Creek Ski Association: James Mahlberg** informed the Board about the Chicken Creek Ski Association. The ski area is located off Road 41. He said the ski area is funded by donations. He said they work with the Forest Service as well. He discussed access to the area concerning going through private property. The property owner is requesting the Forest Service open a gate for his logging operation. Mr. Mahlberg discussed road grading of the Millwood Road and Road 41. He is asking the Board if they would be willing to grade the road and new parking lot if the property is opened by the Forest Service for about  $\frac{3}{4}$  mile. It was stated the County bladed the road up to the Forest Service boundary last year. The Board will discuss the situation with the Road Department.

•**Empire Electric: Nathan Barton** introduced audience members. He gave a briefing and discussed Empire Electric Association's possible plans concerning facility relocation and changing the access of Road 24 in regards to their request to CDOT. CDOT does not see how relocating the Road 24 access in this proposal can benefit the safety and traffic circulation of the transportation system and therefore are not willing to consider breaking the access control line for this proposal. (See e-mail correspondence with Mr. Barton.). Property owner Glenn Wells spoke about concerns with his access to the Highway. Shawn Wells spoke as to road safety. Danny Wilkin discussed lack of notification to adjoining landowners. It was mentioned that there is a procedure set forth under the Land Use Code and that procedure should be followed. Empire Electric will apply for a zoning application first. (See attached)

**SENIOR CENTER: Sue Fletcher and Mary Holaday** with the Senior Center met to update the Board on the Annex activities. They asked for direction concerning the use of the annex for non-profits as well as a time frame for use and fees. Mrs. Fletcher will come back with an updated contract and fee schedule for non-profits.



**CORTEZ CULTURAL CENTER representative Frank Lister** met with a request to serve beer and wine at the County Annex for a special event for The Southwest Traders Rendezvous and rug auction scheduled for September 26-28, 2008. Comm. Rule moved to allow the use of the Annex for a special event to be held for the Southwest Traders Rendezvous and rug auction scheduled on September 26th through the 28th and to serve beer and wine on Saturday pending approval of a special events permit from the City of Cortez. Seconded by Comm. Chappell and carried. Insurance coverage will be required.

**INTERGOVERNMENTAL AGREEMENT:** County Administrator Harrison presented for discussion a draft of an intergovernmental agreement with the county, municipalities, and towns concerning roads. City of Cortez manager, Jay Harrington was present.

**LUNCH: 12:00 NOON**

**SHERIFF WALLACE and Viki Worcester** informed the Board that there was an MRSA (Methicillin-resistant staphylococcus aureus) outbreak in the jail. Mrs. Worcester stated there is 3 confirmed cases and that the entire jail has been cleaned with bleach. (See attached)

• Sheriff Wallace discussed a concert scheduled for September 24<sup>th</sup> within Mancos town limits and possible implications especially with parking the concert may have on the County. Sheriff Wallace will discuss various concerns with the Town manager.

**PLANNING: Planning Director Susan Carver** presented the following applications.

**KINDER MORGAN APPLICANT:** An application was presented for review and determination of a request to amend High Impact Permit No. 559, a change of well site location. Bob Clayton and Jeannie Johnston with Kinder Morgan gave an overview of the application. The change will be substituting the County's approved GP-18 for GP-19. Mr. Clayton stated they have contacted the adjacent land owners to see if they had any objections to the site change. He stated there were no objections made. (See attached) Comm. Chappell recused himself from these proceedings as he is an adjacent land owner. Comm. Rule moved to amend the high impact permit number 559 to move the well site from the Oliver property to the Black property. Seconded by Comm. Koppenhafer and carried. (See attached)

• **James Dietrich** presented 2 TDR plats in the Dolores River Valley. (1) Mountain Investments and Co. for 12.5 TDRs on property located in Sections 33 & 34, Township 38N Range 14W. N.M.P.M. (2) Steven William Schwartz for 4 TDRs on property located in SE/4 of section 21 and SW/4 of section 22, Township 39N, Range 11 W., N.M.P.M. Comm. Chappell moved to approve the plat for 12.5 TDRs for Mountain Investments and Co. and 4 TDRs for Steven William Schwartz, seconded by Comm. Rule and carried.

• Mr. Dietrich presented letters for signature. A letter to Steven K. Beverlin, Manager of the Dolores Public Lands Office in reference to the Brumley Forest Health Project. Comm. Chappell moved to sign the letter to Steven Beverlin, seconded by Comm. Rule and carried. (See attached)

A thank you letter to Senator Allard thanking him for his continued support of oil and gas exploration and production on public lands in Colorado, and in particular on lands under lease within the Canyon of the Ancients National Monument. Comm. Rule moved to sign the letter, seconded by Comm. Chappell and carried (See attached)

• **EVERETT RANCHES: Larry Everett** of Everett Ranches met to discuss an exemption on a tract of land located at 12736 Road 40, Mancos, Co. Comm. Chappell moved to approve the request for an exemption for Everett Ranches on a tract of land consisting of a 9 acre parcel on the west side of Road 40, seconded by Comm. Rule and carried.

•Director Carver discussed an e-mail from Toussaint Black Creek (formerly known as Black Creek L.L.C) concerning their high impact permit number 459 in regards to the re-location of a previously permitted compressor. Director Carver will communicate with the representatives of Toussaint Black Creek.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining zoning and/or use of existing Lot 4 of the Swanner 4 lot moderate subdivision and/or review and determine a commercial zoning request. The roll was called, the public notice was read and the proceedings were taped for the record. **Applicants are Richard and Marie Swanner, Ronda Swanner, agent and Legal Counsel Mike Green** were present. The property is located at 27999 Hwy 184, (S17, T37N, R15W N.M.P.M.) Planning Director Susan Carver gave an overview of the application. Attorney Mike Green gave a brief history of the property and spoke as to the application. Director Carver presented a letter from Montezuma County Planning Commission Chairman Robert P. Riggert. (exhibit A attached) The covenants were discussed and Attorney Green wants to know what zones are allowed in an A/RES zone. In the Land Use Code A/RES on existing subdivisions refers to covenants as per the recorded plat. The Board said they will entertain comments concerning the covenants and existing subdivisions in regards to the Land Use Code and as to whether this lot can be considered as commercial. Comm. Koppenhafer opened the hearing to public comment at this time. Audience participants who spoke are as follows; **Charles Cole** spoke as to the existence of tract 4 and its use. He said that lot 4 is currently being taxed as agricultural. **Jerry Giacomo** submitted photos of the public notice sign. He stated the public notice requirements were not properly met. **Greg Kemp** spoke as to inconsistency as to the use of the land. Fairness issues concerning use of properties throughout the County. Property values was another issue he brought up. Mr. Kemp provided a copy of the application he referred to. (See exhibit C attached) **Rich Lee** presented a letter received from Amerigas (See exhibit D attached) **Jay Robertson** discussed traffic and presented photos. (See exhibit E attached) **Lynn Robertson** presented photos into the record. (exhibit F attached) **Jacqueline Billings** spoke as to quality of life and the covenants. She read a letter of protest. (attached within the record) Real-estate agent **Kathy Curry** has concerns with the decision for her clients. **Marcus Seaford** spoke as to property use and how the property is taxed. **Rich Lee** asked the Chairman to ask Mr. Swanner how the property will be taxed in 2008. He spoke as to the original complaint. **Charles Cole** talked about the assessor's taxing designation and property rights. **Marie Swanner** read a letter asking to have their property zoned residential/ commercial. She addressed the sign locations and the usage of the property over the years. A lady spoke as to the traffic. **Jennifer Gurd** talked about the beauty of the area. **C.A. Dunsworth** spoke as to the traffic and the dangerous intersection. **Patricia Lacey** read a letter objecting to the zoning request. (exhibit G attached) **Alfred Hughes** spoke as to personal property rights and responsibility. **Jerry Giacomo** wanted to follow up on the covenants, a construction business, and not paying property taxes as a commercial parcel, CDOT access for lot 4, compliance with the public notice, and the tank being on the property. **Rich Lee** presented photos.(Exhibit H) Comm. Koppenhafer closed the public comment period at this time. Some discussion was concerning the placing of the public hearing signs and the industrial use issue that was raised, and the enforcement of the covenants. When Mr. Swanner was asked if the property assessment has been changed to that he replied not at this time. It was stated the covenants would not be violated by the Board. After hearing all the evidence presented and comments made, Comm. Rule moved to have the applicant apply for the proper zoning change and go through the high impact permit process, seconded by Comm. Chappell and carried. Comm. Koppenhafer closed the public hearing at this time.

**CORRESPONDENCE:** The following correspondence was read and noted;  
Colorado Board of Health agenda (See attached)  
Letter from Wells Fargo concerning the Clara Ormiston account. (See attached)  
Letter from Colorado State Extension update July/August 2008 (See attached)

Letter from State of Colorado to Jack Smith re compliance advisory for solid waste disposal (See attached)  
Letter from State of Co. to Tom Yennerell, Mancos Town Administrator re; Closed Mancos landfill inspection (See attached)  
Annual Report Wells Fargo Advantage Funds (See attached)  
Notice of Forfeiture Montezuma Water Co., (see attached)  
Final Determination Church of Jesus Christ of the LDS (See attached)  
Received executed Assignment of Allocation from Colorado Housing Finance Authority. (See attached)

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

**MEETING ADJOURNED 5:55 p.m.**

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County Clerk    Sept. 8, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 15, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 15, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, September 8, 2008 were read. Comm. Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of August, 2008. (See attached).

**VETERAN'S AFFAIRS:** Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for August, 2008, seconded by Comm. Rule and carried. (See attached).

**ROAD: Cortez City Manager Jay Harrington** informed the Board of the City of Cortez' wishes to purchase NEV (Neighbor Electric Vehicles) for their vehicle fleet. He wanted to check to see if the County would consider lowering the speed limit from 40 miles an hour to 30 miles an hour on a portion of Road L. The request will be researched before any decision will be made. **Road Supervisor Dean Roundtree** stated the distributor will take the box culvert at Road G back. Comm. Chappell moved to return the culvert to the seller, Skyline Steel, seconded by Comm. Rule and carried. Supervisor Roundtree said the Department is doing some blade work on the roads. Discussed plowing roads for school bus routes also discussed was the progress on the turnaround on Road K.6, it was stated it has been difficult contacting the parties involved.

**MARIE MESSNER** will meet at a later date concerning an easement issue.

**PLANNING: Margaret Clauson with the Planning Department** presented the Kinder Morgan findings and high impact permit #559 for signature concerning changing the well site for GP-18 to GP-19 which was previously approved. (See minutes dated Sept. 8, 2008.)

**WANDA MARTIN** with the Sheriff's Office presented the Justice Assistance Grant for signature. Comm. Rule moved to sign the Colorado Division of Criminal Justice assistance grant number 27-DJ-06-55-1, seconded by Comm. Chappell and carried. (See attached- complete grant on file at the Sheriff's Office ) Signed the updated certifications grant. (See attached)

**COUNTY ADMINISTRATOR Ashton Harrison** presented the high impact permit fee study grant for signature. Comm. Rule moved to sign contract number F09S6232 for the grant contract energy and mineral impact assistance program for a fee study for high impact permits, seconded by Comm. Chappell and carried. (See attached)

**MEMORANDUM OF UNDERSTANDING BRIDGE EMERGENCY SHELTER/CORTEZ ADDICTION RECOVERY SERVICES;** An MOU between Montezuma County and the Bridge Emergency Shelter/Cortez

Addiction Recovery Services was presented for review. **Cortez City Manager Jay Harrington and Nancy Thomas** representing the Board of Directors for the Bridge Emergency Shelter met to discuss the proposed MOU. Comm. Chappell moved to sign the Memorandum of Understanding between Montezuma County and the Bridge Emergency Shelter/Cortez Addiction Recovery Services, known as "The Bridge" regarding the use of the space in county-owned premises for a term to June 30, 2009. Seconded by Comm. Rule and carried. (See attached)

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted at this time. Present were Dennis Story and Lori Higgins.

**ORDER:** Comm. Rule moved to approve order number 3-2008 to transfer from the Road and Bridge Fund to the General Fund 2008 ½ salary and fringe benefits for GIS specialist \$30,634.00. Seconded by Comm. Chappell and carried. (See attached)

**BOARD OF EQUALIZATION:** It being the time set aside an abatement is held on a petition received from William B. Nickolisen on parcel number R000291. The roll was called and the proceedings were taped for the record. **Appraiser Cynthia Claytor** informed the Board that a computer error dropped the land code and the value was inflated, creating a tax refund of \$1,360.40. Comm. Rule moved to agree with the Assessor's Office on parcel number R000291, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**LUNCH: 12:05**

**LANDFILL/FAIRGROUNDS:** The Board conducted a site visit at the Landfill and the Fairgrounds at this time.

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

Letter from U.S. Department of the Interior BLM signed by LouAnn Jacobson. (See attached)

Copy of a letter from Jeanette Stefanik concerning applying to the County Fair Board. (See attached)

Letter from Linda Workman expressing interest in becoming a board member of the 4-H Fair Board. (See attached)

**MEETING ADJOURNED** at the conclusion of the site visits.

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County Clerk 9/15/08

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 22, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 22, 2008 at the courthouse in Cortez, Colorado, there were present:

- Gerald W. Koppenhafer, Chairman
- Larrie D. Rule, Vice-Chairman
- Steve Chappell, Commissioner of Deeds
- Bob D. Slough, County Attorney
- Ashton N. Harrison, County Administrator - ABSENT

Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, September 15, 2008 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell and carried.

**ACCOUNTS PAYABLE:** General Fund #53535-53770 in the amount of 437,515.47, Road Fund # 21505-21587 in the amount of \$293,250.91, and Landfill # 5826-5855 in the amount of \$18,990.18 for the month of August, 2008 was approved for payment.

**JAMES DIETRICH** informed the Board about information he received from the BLM in regards to split estates and the section 106 review project. He discussed the contents of a letter he received from Questar in regards to the meeting that was held with Senator Alllard's office and asking for a response.

**ROAD: Road Supervisor Dean Roundtree** stated he has received several inquiries concerning the Road 34 culvert installation. He said the stripping truck is ready to go and the Department is finishing the grant work on Road G then that road will be ready to stripe. Supervisor Roundtree discussed the truck route in regards to the Bill Barrett Corp. trucks running on Roads 23, 21 and X. **Bill Ivy and Bryon Long** met to discuss the status of road S.2 which is currently listed as a red signed road on the county map. They stated that a portion of S.2 is shown on the map as a public road and they wish to have about .5 of the road removed from the map as a public road. They also stated that the residents in that area all have private easements. Mr. Long said a sign could be posted stating that beyond this point is a private drive. Mr. Ivy stated he has no objection to .3 of a mile on Road S.2 being listed as a red signed road. The Board recommended the first .3 of a mile of S.2 being a red signed road and beyond that it will be considered as a private driveway. It was stated that even though it is removed from the county map, that will not automatically removed it from all other maps.

**DOLORES COMMUNITY CENTER: Shawna Valdez and Marianne Mate** with the Dolores Community Center Board of Directors met to update the Board on the renovation project for the Dolores Community Center. They said they are hoping to break ground in the middle to late October. They asked if the Board would be willing to donate gravel and landfill fees to the project. They were told to check with Deb Barton at the landfill concerning any landfill fees and they will let the Board know more about the specifics of their requests as in terms of the type and amount of gravel needed and approximately the amount of landfill debris.

**STEPHANIE CORONEL** with the Colorado Prevention Center met to discuss the Colorado Heart Healthy Solutions Program. She said this program is funded by the State and they are working to reduce cardio vascular disease and their efforts to work in the communities to increase awareness and ways to work with area agencies to promote these programs.

**HEALTH DEPARTMENT DIRECTOR LORI COOPER** informed the Board there is a second dentist wishing to work in the dental program. Comm. Chappell moved to sign the dentist agreement with Charles W. Belting, DDS, seconded by Comm. Rule and carried. (See attached)

**RESOLUTION 11-2008:** Health Director presented a resolution to establish and maintain the Montezuma County Public Health Agency as stated by S.B 08-194. Comm. Rule moved to adopt Resolution 11-2008 establishing and maintaining the Montezuma County Public Health Agency. (See attached)

- Comm. Chappell moved to appoint Lori Cooper as the public health director under the Montezuma Health Agency which is to be located at 106 W.North St., seconded by Comm. Rule and carried;
- Comm. Rule moved to appoint Dr. Gerald Griebel as the medical officer to the Montezuma County Agency, seconded by Comm. Chappell and carried.
- Director Cooper presented a contract for the environment immunization program county nursing immunization core services contract (amendment 35) for signature. Comm. Rule moved to sign the Colorado Department of Public Health and Environment Immunization Program County Nursing Immunization Core Services Contract (Amendment 35), seconded by Comm. Chappell and carried. (See attached)

**TREASURER'S REPORT:** The semi annual report dated July 1, 2007 thru December 31, 2007 and a schedule of receipts and disbursements dated January 1, 2008 through June 30, 2008 were presented (See attached)

**LUNCH: 12:10 p.m.**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of amending the Montezuma County Flood Plain Ordinance. The public notice was read, the roll was called and the proceedings were taped for the record. James Dietrich with the Federal Lands Program gave an overview of the proposed amendments to the ordinance number 1-91. There was no audience in attendance for comments. Comm. Rule moved to adopt **Resolution 12-08** to be used when applying for flood insurance and to adopt **Resolution 13-08** flood damage prevention, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

•A letter address to LouAnn Jacobson with the Canyon of the Ancients National Monument was presented. Comm. Chappell moved to sign a letter to LouAnn Jacobson expressing interest in establishing a Memorandum of Understanding, seconded by Comm. Rule and carried. (See attached)

•A letter to Senator Allard was presented. Comm. Rule moved to sign a letter to Senator Allard concerning the administration of oil and gas leases on split estates. Seconded by Comm. Chappell and carried. (See attached)

**PLANNING: Planning Director Susan Carver** presented for review and determination a request to amend a common lot line on tracts of land within the Blackmer 3 Lot Minor Subdivision owned by Katherine M. and Kalen H. Elliott. The property is located at 5200 and 5230 Road 21, Cortez. Comm. Chappell moved to approve a common lot line adjustment of tracts of land within the Blackmer Minor Subdivision and located at 5200 and 5230 Road 21, owned by Katherine and Kalen Elliott. Seconded by Comm. Rule and carried (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR 10-34 zoning request on 30 acres, more or less, on properties known as Lot A and Lot B of the DLC 3 lot minor subdivision owned by **Sophia Retreat and Conference Center, Inc.** The property is located at 19581 Road 31, Dolores, Co. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the proposal. **Rev. Ruth Gould** representing Sophia Retreat and Conference Center, Inc. informed the Board of the proposal and their wishes to amend the current high impact permit number 415 and to obtain a special use permit as provided for in 3306.4 Conditional Uses of the Land Use Code. There was no audience in attendance for comments so that portion of the hearing was closed. After hearing all the evidence presented, Comm. Chappell moved to approve the AR 10-34 zoning request on 30 acres more or less combining lot A & B of the DLC 3 lot minor subdivision



owned by Sophia Retreat and Conference Center, Inc and to amend High Impact Permit number 415 to obtain a special use permit as provided for in 3306.4 Conditional Uses of the Land Use Code and to delete uses as stated on attached amendment to high impact permit number 415, seconded by Comm. Rule and carried. Comm. Koppenhafer closed the public hearing.

**PLANNING: Planning Director Susan Carver** informed the Board about two high impact permit applications (13H-21-38-16 and 15H21-38-16) received from Bill Barrett Corp to drill exploratory wells on property owned by Troy and Shorlene Oliver. Comm. Rule moved to forward two high impact permit applications and special use applications for Bill Barrett Corp. to the Planning and Zoning Commission. Seconded by Comm. Chappell and carried.

•Director Carver presented the final plat and findings for **HUM, LLC, Susan Underwood-Hart, agent**. The property is located at 29454(G), Cortez, Co. Comm. Chappell moved to accept the final plat and findings of a 4 lot general planned unit development known as the Fairgrounds, seconded by Comm. Rule and carried. (See attached)

**FAIR BOARD DIRECTORS:** Comm. Rule moved to appoint Rodney Cox to a 4 year term expiring in 2012, Jeanette Stefanik to a 4 year term expiring in 2012, and Linda Workman to a 1 year term expiring in 2009 to serve on the Montezuma County Fair Board. Seconded by Comm. Chappell and carried.

**ZONING:** Comm. Chappell moved to zone existing compliant tracts, land consisting of 9 acres or less and whose owners placed their land in the AR 3-9 LIZ zoning shall be zoned AR 3-9. Seconded by Comm. Rule and carried.

**EASEMENT:** Comm. Chappell moved to grant an easement to Atmos Energy (grantee) on property described as the southeast corner of Lot 16 in lot 37, town of Cortez, Chamberlains Addition to the town of Cortez from County of Montezuma, State of Colorado as grantor. Seconded by Comm. Rule and carried. (See attached)

**LETTER OF SUPPORT:** Comm. Rule moved to sign a letter in support of the Cortez Cultural Center's request for grant funds, seconded by Comm. Chappell and carried. (See attached)

**WORKFORCE BOARD:** Comm. Rule moved to sign a letter designating Ronnie Zaday of Archuleta County to the Board of Local Elected Officials for the Colorado Rural Workforce Consortium, seconded by Comm. Chappell and carried. (See attached)

**STATEMENT OF SUPPORT:** Comm. Chappell moved to sign a statement of support for the Guard and Reserve, seconded by Comm. Rule and carried. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted. Letter from the Governor's energy office. (See attached)

Letter from Colorado Department of Public Health and Environment concerning the Montezuma County Landfill inspection. (See attached)

Letter of resignation from Deb Avery resigning from the Fair Board. (See attached)

Final Determination concerning New Hope Christian Ministries. (See attached)

Letter from Jerry Giacomo concerning Swanner subdivision. (See attached)

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

**MEETING ADJOURNED 5:25 p.m.**

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County Clerk 9/22/08

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 29, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 29, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, September 22, 2008 were read. Comm. Rule moved to approve the minutes as amended, seconded by Comm. Chappell and carried.

**LANDFILL: Landfill Manager Debby Barton** presented an amendment to the contract with Mr. Concrete which would amend the amount of the contract to modify the recycling lean to and add a concrete slab. Comm. Chappell moved to approve the expenditure of \$58,000.00 to the contract with Mr. Concrete and Construction Inc, for modifications to the lean to at the Montezuma County Landfill, seconded by Comm. Koppenhafer and carried. Comm. Rule recused himself from the proceedings. (See estimate attached) Manager Barton mentioned the software program for the Landfill us being updated.

**ROAD: Road Supervisor Dean Roundtree** stated he has received only one bid for the culvert on Road 34. He presented the lone bid from Triad Western Constructors, Inc. The bid was in the amount \$253,540.00 for 140 feet of 84" diameter casing culvert and \$5,999.00 for F&I ditch mastic interior coating. The bid was reviewed and referred to the Road Department to check to see if it meets the specifications. No further action was taken at this time.

The handicapped and vendor parking at the Fairgrounds was discussed. Supervisor Roundtree will look at the situation and return with possible solutions.

Supervisor Roundtree and Planning Director Carver discussed the job description for an employee to conduct road counts and addressing in the county. They stated the employee's duties would be shared between the planning department and the road department. It was decided to fill said position.

**RED FLAG FIRE DAYS: Don Eberle and George Deavers representing the Montezuma County Fire Chiefs' Association** presented for consideration a Red Flag Day Warning Program. This program would require notification to Montezuma County Communications before initiating a ditch, field, or agricultural burn; and establishing penalties for initiating said burns on red flag days. The fine structure and notification aspects of the proposed ordinance was discussed. A public hearing will be set. Comm. Chappell moved to set a public hearing on ordinance number 1-96 to consider amending the ordinance to address red flag days and fireworks. The hearing will be set approximately 60 days from now. The motion was seconded by Comm. Rule and carried. (See attached)

**MARK MACHALE, Superintendent of Schools for Dolores School District RE-4A** gave a power point presentation concerning the mill levy override the District is asking for. He explained why the override is necessary and what the additional funds would be used for and that the override would sunset in 8 years.

**COLORADO DEPARTMENT OF TRANSPORTATION REGION 5 (CDOT)** presented the annual report to Montezuma County. Richard Reynolds, Kerrie Neet and Steve Parker and others met to review the annual CDOT report. The report included information about finances, planning, maintenance, engineering, traffic and safety.

**LUNCH: 12:40 P.M.**

**LIQUOR LICENSE: Clerk's Deputy Tammy Neely** presented a retail liquor store renewal for **Log Cabin Liquors (Ted R. Lawrence, owner)**. Comm. Rule moved to approve the retail liquor license malt, vinous and spirituous for Ted Lawrence, Log Cabin Liquors seconded by Comm. Chappell and carried.

•Deputy Neely presented a beer and wine renewal for **Kelly Place, Inc.** Comm. Rule moved to approve the beer and wine renewal for Kelly Place, Inc., seconded by Comm. Chappell and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit submitted by **Robert Griffith, Sandy Hartman, agent.** The hearing is for the existing uses(s) of (1) auto body shop; (1) welding shop and (1) auto mechanic's shop. The property is located at 11590 Hwy. 491, Cortez, Co. Planning Director Susan Carver gave an overview of the application. Robert Griffith discussed his application. Mr. Griffith is also asking for commercial zoning for the existing businesses because the property is currently unzoned with business use. Comm. Koppenhafer called for public comments at this time. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Comm. Chappell moved to approve the resolution P-5-08, after the fact exemption, commercial zoning and high impact permit number 566 for Robert Griffith on property located at 11590 Hwy. 491 for the existing uses of 1 auto body shop, 1 welding shop, and 1 auto mechanic's shop and to approve the findings, seconded by Comm. Rule and carried. Comm. Koppenhafer closed the hearing at this time. (See attached)

**PLANNING:** Director Carver presented for review and determination an application from **Bryan Shanks, Dia Couttouw, agent** for an AR10-34 zoning request and preliminary plan for a proposed 3 lot minor development on property located at 18220 Road 26, Dolores, Co. Director Carver gave an overview of the application while Bryan Shanks, Dia Couttouw, Lisa Henry, and Tim Smith discussed their plans for the development. Comm. Chappell moved to approve the preliminary plan and the AR10-34 zoning for a proposed 3 lot minor development on property located at 18220 Road 26, Dolores, owned by Bryan Shanks, seconded by Comm. Rule and carried. (See attached)

**APPLICANT MICHAEL WILLIAMSON:** Director Carver presented for review and determination an after-the-fact exemption for **Michael Williamson, Maness and Associates, agent.** The tract of land is located at 37385 Hwy. 160, Mancos, Co. Director Carver gave an overview of the exemption and Susan Underwood Hart with Maness and Associates further discussed the exemption. Comm. Rule moved to approve an after-the-fact exemption for a tract of land located at 37385 Hwy. 160, owned by Michael Williamson, seconded by Comm. Chappell and carried. (See attached)

**APPLICANT RICHARD VUKELICH:** Director Carver presented for review a high impact permit application and a zoning application for Richard Vukelich. The high impact permit application is for an existing towing business located at 21454 Road F, Cortez, Co. Comm. Rule moved to forward the high impact permit application for Richard Vukelich to the Planning and Zoning Commission. Seconded by Comm. Chappell and carried. (See attached)

•Director Carver reported on the Planning Commission Meeting held on August 28, 2008. (See attached)

**HIGH IMPACT PERMIT number 415:** Comm. Rule moved to approve the findings and permit to amend high impact permit number 415 for Sophia Retreat, seconded by Comm. Chappell and carried. (See attached)

**JAMES DIETRICH** gave a power point presentation concerning the Montezuma County TDR (Transferable Development Right) program in the Dolores River Valley Plan.

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

Letter from Goldman, Robbins, and Nicholson requesting information concerning Road 26. The firm is representing Robert and Dianne Weitzenkamp in connection with the Montezuma Water Co. (See attached)



**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, September 29, 2008 were read. Comm. Rule moved to approve the minutes as amended, seconded by Comm. Chappell and carried.

**PAYROLL:** General fund checks in the amount of \$325,940.53, District Attorney fund check #53773 in the amount of \$31,845.12, Treasurer fund check #53772 in the amount of \$260,300.38, Road department fund checks in the amount of \$78,382.86, Treasurer fund check #21589 in the amount of \$62,231.55; and Landfill fund checks in the amount of \$16,434.39, Treasurer fund check #5857 in the amount of \$13,490.68 were approved for payment.

**ROAD: Road Supervisor Dean Roundtree** presented the bid from Triad Western Constructors for the culvert on Road 34. This was the only bid received for this project. Comm. Rule moved to award the bid to Triad Western Constructors Inc. in the amount of \$253,540.00 for the replacement of the culvert on Road 34 and not to use the protective coating and to have all necessary bonds in place. Seconded by Comm. Chappell and carried. (See attached)

- Discussed a problem with the placement of a propane tank on Road G and the need for increased warning devices and the possibility of putting up a barrier. Talked about the parking at the Fairgrounds. Supervisor Roundtree stated the Department has completed all the striping for this year. Discussed trees on road 26 and L and talked about working on Road 12 also talked about problems with tall weeds along county roads.

- **RESOLUTION 14-2008:** Comm. Rule moved to approve Resolution 14-2008 authorizing and regulating the operation of neighborhood electric vehicles on County Road 26 from the Cortez City limits to County Road L and then west on County Road L to the intersection with County Road 25, seconded by Comm. Chappell and carried. (See attached)

- Comm. Rule moved to change the speed limit from 40 to 30 miles per hour between County Roads 25 and 26 on County Road L. Seconded by Comm. Chappell and carried.

**SAM PERRY owner of Ancient Harvest Ranch** reported on the progress with the USDA rural development grant he applied for. He stated he was successful in obtaining the grant for solar panels that is being used in his ranching operations and he said work is progressing.

**VISUAL LEASE SERVICES:** Comm. Chappell moved to renew the contract between Visual Lease Services and Montezuma County for 2009. Seconded by Comm. Rule and carried. (See attached)

**ORDER #0-04-08:** Comm. Chappell moved to transfer from the retirement fund to the General fund \$27,776.73 dated Oct. 6, 2008, seconded by Comm. Rule and carried. (See attached)

**ORDER #0-05-08:** Comm. Chappell moved to transfer from the Road impact Fee Fund to the Road and Bridge Fund \$145,392.48, seconded by Comm. Rule and carried. (See attached)

**LEEANN MILLIGAN** met to update the Board concerning traffic control at the Fairgrounds. She discussed the placement of gates and fencing certain areas to help with traffic control during various events like the Ag-Expo. They also discussed the handicap parking. The Board went to the Fairgrounds at this time to inspect and evaluate the situation.

**LUNCH: 12:00 Noon**

**PLANNING: Planning Director Susan Carver** presented the following applications.

**APPLICANTS Eldon A., Linda, and Andrew K. Simmons.** An application was presented for review and determination of a High Impact Permit/Special Use Permit Application submitted by Four Corners Materials, Peter Kearn, agent. The application is for the purpose of a proposed aggregate mining and processing operation on property located at 39238 Hwy. 160, Mancos, Co. Director Carver stated that no zoning of the property would be required for the special use permit (current zoning is AR10-34). Peter Kearn spoke as to the application.

•An application for Four Corners Materials, Peter Kearn, agent was submitted on property owned by Eldon A., Linda, and Andrew K. Simmons, for review of a High Impact Permit/Special Use Permit for the purpose of a proposed asphalt batch plant, to be operated in conjunction with a proposed aggregate mining and processing operation. The property is located at 39238 Hwy. 160, Mancos.

Comm. Chappell moved to forward both applications to the Planning Commission for further study, seconded by Comm. Rule and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 zoning request for a proposed single lot minor development on 3 acres, more or less on property owned by **Joseph and Terrill Schmitt, Cory Schmitt, agent.** The property is located at 23475 Road U, Dolores, Co. The roll was called, the public notice was read, and the hearing was recorded for the record. Director Carver gave an overview of the proposal. Cory Schmitt spoke as to the proposed development. Comm. Koppenhafer opened the hearing to public comments. Hearing no comments, that portion was closed. After hearing all the evidence presented, Comm. Rule moved to approve the request for AR3-9 zoning on a single lot development for Joseph and Terrill Schmitt and to approve a variance to the length to width criteria, he further moved to approve the findings and the final plat for the Schmitt single lot development, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

**JAMES DIETRICH** presented a letter to Joe Mahaffey, President of Dolores Water Conservancy District requesting assistance from its General Manager, Mike Preston. Comm. Chappell moved to sign the letter requesting assistance from the General Manager, Mike Preston in facilitation of a public oil and gas informational workshop. Seconded by Comm. Rule and carried. (See attached)

**APPLICANTS JERRY AND CINDY JACKSON:** Director Carver presented an application from Jerry and Cindy Jackson for an after-the-fact exemption for a tract of land located at 16105 Road 18, Cortez. Comm. Chappell mentioned he owns property around this property however he feels he has no obligation or interest in the exemption and did not recuse himself.

• Comm. Rule moved to place parcels that are 3 acres or less be zoned as ARES with an exemption as long as they existed before July, 1998. Seconded by Comm. Chappell and carried.

•Comm. Chappell moved to approve an after-the-fact exemption for a 1 acre tract of land located at 16105 Road 18, owned by Jerry and Cindy Jackson and for a variance from the 50' setback to approximately 25', for a garage, seconded by Comm. Rule and carried. (See attached)

**APPLICANT GLEN HUMISTON, THOMAS HOVER, JR., AGENT:** Director Carver presented an application for review and determination of a high impact permit and special use permit for a proposed motorcycle rally known as the Sugar Pine Rally. The property is located at 40334 Hwy. 184, Mancos. Agent Hover gave an overview of the application. He discussed the recent rally and informed the Board of a few changes they would like to see for next years rally. Comm. Rule moved to forward the application for a high

impact permit/special use permit for a motorcycle rally located at 40334 Hwy 184, Mancos, Co. to the Planning Commission, seconded by Comm. Chappell and carried. (See attached)

**APPLICANT BILL BARRETT CORPORATION:** An application requesting to amend High Impact Permit No. 520 to add a temporary compressor to an existing natural gas well located at 24451 Road X, Lewis, Co. was presented for review and determination. **Don Hamilton and Monty Shed** representing Bill Barrett Corporation discussed the amendment to the high impact permit number 520. The request is to the Koskie #1. They are looking for an immediate outlet for the gas by the installation of a small temporary gas processing facility on the existing well site. Comm. Chappell moved to amend high impact permit number 520 to clarify the inclusion of a temporary compressor to the natural gas well until December 1, 2010. Seconded by Comm. Rule and carried. (See attached)

**DIRECTOR CARVER** presented an amended fee schedule for the Planning Department for review. She is requesting to separate the special use permit from the high impact permit fees. A second change is for professional review fees. Comm. Rule moved to approve an amendment to the Planning Department's fee schedule concerning a special use permit fee of \$500.00 and administrative adjustments of \$30.00 and amend the professional review fee, seconded by Comm. Chappell and carried. (See attached)

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

Letter to Josh Mack with Goldman, Robbins, and Nicholson concerning his request for information for County Road 26. (See attached)

Letter to Sally Wisely, State BLM Director in reference to Canyon of the Ancients National Monument current management and concerns over possible disregard of Montezuma County's input. (See attached)

Letter from Southern Ute Indian Tribe regarding an MOU between the Tribe and State of Colorado concerning Wildlife management and enforcement. (See attached)

Letter from State of Colorado Department of Public Health to Ron and Ginger Leonard, Comments to response (see attached)

Agenda for October 15, 2008 Colorado Board of Health. (See attached)

**MEETING RECESSED** until 6:00 p.m. to attend a weed board meeting.  
Meeting was reconvened at 6:00 p.m.

**MEETING ADJOURNED** at the conclusion of the weed board meeting.

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County Clerk    October 6, 2008

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Chairman



**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 13, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 13, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, October 6, 2008 were read. Comm. Rule moved to approve the minutes as amended, seconded by Comm. Chappell and carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of September, 2008. (See attached).

**ROAD:** There was no report.

**RETIREMENT PLAN:** Comm. Chappell moved to allow county employees to become fully vested in the county retirement program upon participation in the plan, seconded by Comm. Rule and carried.

**2009 BUDGET:** County Administrator Harrison presented and reviewed the proposed 2009 budget.

**PLANNING:** Planning Director Susan Carver presented a handout of the day to day business operations for the Planning Department. She is requesting an additional employee in the planning department. (See attached)

**LANDFILL:** Landfill manager Debby Barton presented the profit and loss statement for the month of September, 2008. (See attached). Manager Barton discussed the landfill budget.

**SHERIFF'S OFFICE:** Sheriff Gerald Wallace, Undersheriff Dave Hart and Viki Worcester met to discuss the 2009 budget for the Sheriff's Office and the detention center.

**LUNCH: 12: 20 p.m.**

**DISTRICT ATTORNEY:** James Wilson and Kimberly Eavenson with the District Attorney's Office met to discuss and review their 2009 budget requests.

**HEALTH DEPARTMENT:** Director Lori Cooper met to discuss the 2009 budget requests for the Health Department.

**VETERAN'S AFFAIRS:** Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for September, 2008, seconded by Comm. Rule and carried. (See attached).

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

Letter from Montezuma County Historical Society requesting funds for 2009. (See attached)

Letter from Housing Solutions for the Southwest funding request for 2009. (See attached)

Letter from Colorado Housing Inc request for funds for 2009. (See attached)

Letter from Southwest Community Leadership Collaborative funding request. (See attached)

Letter from Cortez Public Library concerning donation. (See attached)

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

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

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County Clerk Oct. 13, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 20, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 20, 2008 at the courthouse in Cortez, Colorado, there were present:

- Gerald W. Koppenhafer, Chairman
- Larrie D. Rule, Vice-Chairman - ABSENT
- Steve Chappell, Commissioner of Deeds
- Bob D. Slough, County Attorney
- Ashton N. Harrison, County Administrator
- Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, October 13, 2008 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** discussed a failing culvert on Road P and informed the Board that Montezuma Valley Irrigation Company will do the work and the County will furnish the pipe and gravel. He updated the Board on the Fairgrounds work being done. Audience members **Ida Mott and Diane Velasquez** presented a petition along with a couple of letters concerning safety issues on Roads M, 33, and 34 that connect to Highways 160 and 184. Ms. Velasquez said the roads are dangerous and there are no guard rails on portions

of road 33. She asked if there is anything that can be done. They were informed the roads are on the list for mag chloride and other improvements. (See attached)

**IT SPECIALIST ROB PETERKA** updated the Board on the **Tyler Technologies, Inc.** Software Contract. He said the Assessor's Office intends to split off and the support agreement Amendment 1 for the Clerk's Office and Amendment 2 for the Treasurer's Office will be separated to the software support and maintenance agreement. (See attached) Comm. Chappell moved to approve Amendment 1 and Amendment 2 concerning the support and maintenance agreement between the Montezuma County Clerk's Office and Treasurer's Office and Tyler Technologies, Inc – Eagle Division, seconded by Comm. Koppenhafer and carried. (See attached)

**SPECIAL EVENTS LIQUOR LICENSE: Clerk's Deputy Tammy Neely** presented a special events liquor license application for **United Way of Southwest Colorado** to be held at the Four Season's Greenhouse and Nursery on December 4<sup>th</sup>, 2008 from 5:00 p.m. to 9:00 p.m. Comm. Chappell moved to approve the Special Events Liquor License for United Way of Southwest Colorado to be held at the Four Season's Greenhouse and Nursery on December 4, 2008, seconded by Comm. Koppenhafer and carried.

**MAVERICK COUNTRY STORE INC.** Deputy Neely presented a 3.2 beer license renewal for Maverick Inc. (Maverick Country Store). Comm. Chappell moved to approve the renewal of a 3.2 beer only liquor license for Maverick Country Store Inc. Seconded by Comm. Koppenhafer and carried.

**AG EXPO: Wayne Geisinger** representing the Ag-Expo discussed the installation of permanent fencing and parking at the County Fairgrounds. Fairground's Manager LeeAnn Milligan was present. Mr. Geisinger stated the Expo would like to conduct a Bull sale as well. It was stated that they might look at working with the Sale Barn and the possibility of using the Sale Barn's license. Mr. Geisinger asked if the Board would be interested into looking at a dust suppressant for the arenas. He will get more information and bring it back to the Board. Mr. Bill Mealing with the San Juan Technology College and the Ag Expo, informed the Board that there is heavy equipment classes being conducted at the Technology College and mentioned they are looking for projects and would be interested in helping at the Fairgrounds.

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

**FIRE BAN ORDINANCE:** Comm. Chappell introduced a proposed amendment to ordinance 1-96 amending the fire ban ordinance. Attorney Slough read the proposed amendment out loud. Comm. Chappell moved to set a hearing date on the proposed ordinance to amend the existing ordinance 1-96 for November 24, 2008 at 10:00 a.m. in the Commissioner's Hearing Room. Seconded by Comm. Koppenhafer and carried.

**ORDER TO DISMISS: County Administrator Harrison** informed the Board of an order of dismissal in the matter of Roland Hoch and Roy Elder v Board of County Commissioners of Montezuma County. (07CV65). (See attached)

**SENIOR CENTER: Sue Fletcher and Mary Holaday** discussed contracts and proposed fees that 501C3's and the public sign for the use of the County Annex. Comm. Chappell moved to approve the contracts for the use of the County Annex for public use and 501C3s. Seconded by Comm. Koppenhafer and carried. (See attached)

**LUNCH: 12:00 noon**

**MCPHEE BREAKWATER: Marianne Mate and Penny Wu** updated the Board on the McPhee Breakwater Project. They informed the Commissioners that they have received grant approval from the Colorado Division of Wildlife's Motorboat Colorado in the amount of \$100,000.00 for 2008 with a 25% match. An additional grant of \$100,000.00 will be applied for in 2009 with a 25% match. A request was made for the Commissioners to approve the allocation of funds from the Conservation Trust Fund in the amount of \$25,000.00 for 2008 and for Conservation Trust Fund dollars for 2009. Comm. Chappell moved to commit \$25,000.00 from the Conservation Trust Fund as the County match for the McPhee Breakwater Project, seconded by Comm. Koppenhafer and carried.

Ms. Mate presented an in-kind donation request for 299 cubic yards of structural fill material and ten 40 yard dumpster drops at the Montezuma County Landfill concerning the Dolores Community Center renovation and expansion project. The landfill drops will be discussed with Landfill Manager Debby Barton before making any decision on that portion of the request. The Board stated they will donate 299 cubic yards of gravel to the Dolores Community Center renovation and expansion project.

**PLANNING: Planning Director Susan Carver** presented the final plat and findings for an amendment of lot 4 of the Old Minors Home Subdivision, owned by Vern Ince. Comm. Chappell moved to approve the amendment of lot 4 to the Old Minors Home Subdivision on 39.93 acres, more or less, owned by Vern Ince and located at 19101 Road 22, Lewis, Co. and to approve the findings. Seconded by Comm. Koppenhafer and carried. (See attached)

Director Carver reviewed the road and bridge standard specifications.

Director Carver presented the findings and permit for high impact permit no 520 amended concerning Bill Barrett Corporation for signature.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit application to conduct a 3D geophysical seismic survey project known as the Koskie 3D project. The roll was called, the public notice was read and the proceedings were recorded for the record. Planning Director Susan Carver gave an overview of the project. **Myles Corey (KBM Consulting, Inc) and Mike FitzMaurice** spoke on behalf of Bill Barrett Corporation. They explained how the geophysical seismic project will work. Comm. Koppenhafer opened the hearing to public comment. **Larry Hollstein** stated he owns surface rights and he does not want anyone on his property. **Barbara Lowe** asked as to how the map relates to the project. She asked about testing and drilling. Ms. Lowe had concerns with a gas odor emitted at one point that was quickly taken care of. **Jerry Koskie** spoke about the seismic testing that were conducted and the impacts this type of testing creates. **Jim Fisher** asked about the legal ramification of split estates. Hearing no further public comment, Comm. Koppenhafer closed that portion of the hearing. **Myles Corey**, field representative for Bill Barrett responded to the concerns raised during the public comment portion. He explained that mineral rights take precedence over surface rights but said they work with the surface owners as well. **Jim Felton** spoke about the split estates issue and the surface use agreements. He responded to the statement about the odors and said he would like to follow up on that incident. After hearing all the evidence presented Comm. Chappell moved to approve the High Impact Permit application and special use permit for Bill Barrett Corporation to conduct a 3D geophysical seismic survey project known as the Koskie 3D project. Seconded by Comm. Koppenhafer and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

**PLANNING DIRECTOR CARVER** presented an application for review and determination of a final plat for exemption from the subdivision rules and regulations on a tract for **PLC Ranch LLC, owned by Paul Cassidy,**

**Patrick Kelly Agent.** The property is located at 28679 Hwy 145, Dolores, Co. Comm. Chappell moved to approve the final plat for exemption tract for PLC Ranch LLC, Paul Cassidy owner, Patrick Kelly, agent, on 16.48 acres bisected by Hwy 145, located at 28679 Hwy. 145, Dolores, Co. and to approve Planning Resolution P-08-08. Seconded by Comm. Koppenhafer and carried. (See attached)

**Applicants Steven and Deborah Anderson.** Director Carver presented for review and determination of a preliminary plat for a 3 lot moderate development known as **Heaven Sent**, on 17 acres more or less for Steven and Deborah Anderson. The property is located at 15450 Road Y, Yellow Jacket, Co. Comm. Chappell moved to approve the preliminary plat for a 3 lot moderate development on 17 acres more or less located at 15450 Road Y for Heaven Sent owned by Steven and Deborah Anderson and to approve the AR3-9 zoning. Seconded by Comm. Koppenhafer and carried.

**CORRESPONDENCE:** The following Correspondence was read and noted:

Letter from Colorado Historical Society concerning nomination of Puzzle House Archaeological District. (See attached)

Final Determination concerning the Archaeological Conservancy (See attached)

Final Determination concerning First Baptist Church. (See attached)

Letter from San Juan Basin Farm Bureau thanking the Board for their position on the Energy Policy of Montezuma County. (See attached)

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

**Meeting Adjourned: 4:50 p.m.**

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County Clerk    Oct. 20, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 27, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 27, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, October 20, 2008 were read. Comm. Rule moved to approve the minutes as amended, seconded by Comm. Chappell and carried.

**ROAD:** Road Supervisor Dean Roundtree informed the Board that no company will pick up the reclamation bond for McStone at the Haycamp gravel pit. He said the County received a bill for half of the bond in the amount of \$84,703.50. This situation will be further researched. Supervisor Roundtree discussed the Road and Bridge Standards. **LATER:** Supervisor Roundtree discussed the County obtaining its own permit for the Haycamp Gravel Pit.

**JAMES DIETRICH:** Discussed the road access to the Canyon of the Ancients National Monument. Brent Powell talked about concerns they have with their access. He said the road has been in existence since the 1800's and the history of the road should be looked at. The BLM is asking them to sign an access agreement

with certain fees attached. The Proclamation should be looked at and it says that the establishment of the monument is subject to valid existing rights.

**MISCHELLE ALLISON** met to discuss issues concerning the Canyon of the Ancients National Monument. She has issues with LouAnn Jacobson's (BLM) use of funding entities along with various grants she has received to fund the Canyon of the Ancients. She talked about marketing issues of Crow Canyon also. (See attached)

**BOARD OF EQUALIZATION ABATEMENTS:** It being the time set aside the following abatement hearings was conducted. The roll was called and the proceedings were taped for the record.

**QWEST CORPORATION:** Assessor Mark Vanderpool presented a petition for abatement from Qwest Corporation on parcel number U000004. He stated there was a leased operating property error for tax year 2006 per a DPT (Department of Taxation) memo. Assessor Vanderpool recommended approval of a refund of \$3,817.00 for tax year 2006 per the DPT memo. No Qwest representative was present. Comm. Chappell moved to approve the abatement for Qwest Corporation for parcel number U000004 for tax year 2006, seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed this hearing.

**GILBERT B. SCHWARTZ, TRUSTEE:** The roll was called and the proceedings were taped for the record. Assessor Vanderpool presented petitions for abatement for tax year 2007 on parcel numbers R014837, R014838, R014935, and R025078 as per a Board of Assessment Appeals order number 47287. Assessor Vanderpool gave an overview of the petitions. The Assessor's office recommended approval stating the property assessment is over-market. No representative for Gilbert B. Schwartz was present. Comm. Rule moved to approve the 2007 abatement on petitions R014837, R014838, R014935, and R025078 as recommended by the Assessor's Office. Seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed this hearing.

**SOCIAL SERVICE DIRECTOR DENNIS STORY** presented an MOA between the Colorado Department of Human Services and Montezuma County for approval. Director Story gave an overview of the MOA. Comm. Chappell moved to approve the Memorandum of Agreement between the Colorado Department of Human Services and Montezuma County, seconded by Comm. Rule and carried. (See attached)

**COUNTY ADMINISTRATOR HARRISON** discussed the purchase of four wheelers for the Weed Department. He will look into getting bids.

**ENERGY IMPACT GRANT:** Comm. Rule moved to sign the energy impact grant between the State of Colorado, Department of Local Affairs and Montezuma County for the Montezuma County Detention Center fence, seconded by Comm. Chappell and carried. (See attached)

**LUNCH:** 12:15 p.m.

**LORI JOHNSON** met to discuss the Emergency Management Committee. She presented a mission and vision statement. She also talked about the committee bylaws. She addressed the advisory committee's roll in regard to the bylaws. She discussed the disaster act and its function.

**PLANNING:** Planning Director Susan Carver presented for the annual review the special use permit for the off highway vehicle events for **Charles and Wanda Martin**. Director Carver said nothing is changing from last



year's permit and there have no complaints received. Comm. Rule moved to approve the review of the high impact permit number 560 for the events in 2009, seconded by Comm. Chappell and carried. (See attached\_)

**PUBLIC HEARING:** It being the time set aside a public hearing is held regarding two high impact permit applications for Bill Barrett Corporation for the purpose of constructing well pads, drilling 2 horizontal exploratory natural gas wells and the construction of tie in lines on property owned by **Troy and Shorlene Oliver** located at 22200 Road 23, Lewis, Co. The property consists of 120 acres, more or less, within the proposed well pads to be approximately 4 acres, more or less. Director Carver gave an overview of the applications. **Don Hamilton and Jim Felton** with Bill Barrett Corporation spoke as to the project. Comm. Koppenhafer opened the hearing to public comment at this time. **Joe Hernandez** spoke as to health issues and the flaring that's less than 1200 feet from his property and his water well. He stated there was no environmental health study done and asked for some respect for his property. He said he has no objection as long EPA and OSHA Standards are met. **Ray Weir** has concerns with the road traffic. **Rod Oliver** said the property is owned by his parents and spoke as to the flaring, noise and safety issues in regards to the Hernandez property. **Joe Hernandez** said he does have a well and not a cistern. **Jerry Koskie** spoke as to Mr Hernandez's concerns and as to the noise made by the flare and said it is short term. He stated there are a couple of bad corners on Road X and stated there might be more signage concerning the curves and the operations. **Bob Clayton**, production supervisor for Kinder Morgan, spoke to concerns about wells and drilling. He spoke as to the reliability of Bill Barrett Corporation and supports Bill Barrett Corporation. Hearing no further public comment, that portion of the hearing was closed. **Jim Felton** addressed the concerns raised. He spoke as to the oil and gas commission's concerns for public safety. He said they are required to have a safety plan filed with the county. He talked about the health issues and studies done on oil and gas drilling. He talked about the flaring and possibility of fires. He addressed truck traffic. He said Bill Barrett will be required to fix any impacts they might cause. Comm. Koppenhafer opened the hearing back up to public comment. **Joe Hernandez** spoke as to fire safety and asked for them to speak honestly. Mr. Felton said he is being honest and said he is unaware of any surface fire caused by the flare. Mr. Hernandez asked them to be a good neighbor. He wanted to know if the distance is set in stone. Mr. Felton will look into the distance and will get back to Mr. Hernandez. **Bob Clayton** spoke as to wells Kinder Morgan has drilled and to the compensation given to the land owners. **Rod Oliver** said Mr. Hernandez could benefit from the road being upgraded. **Jerry Koskie** talked about area neighbors to Mr. and Mrs. Weir and said maybe some signage about the neighborhood being a quiet neighborhood could be installed. He talked about the flare and minimal protection that could be done. **Jim Fisher** said the Oliver well is about the same distance from his property and has had no complaints with Bill Barrett. Public comment period was closed at this time. Director Carver said the area fire districts have been notified. Bill Barrett Corporation representatives were asked to work with Road Supervisor Dean Roundtree on the issue of the roads. After much discussion and hearing all the evidence presented and the comments made Comm. Chappell moved to approve high impact permits numbers 569 and 570 for two applications for Bill Barrett Corporation for the constructing of well pads, drilling 2 horizontal exploratory natural gas wells and the construction of tie in lines on property owned by Troy and Shorlene Oliver, located at 22200 Road 23, Lewis, Co., for Parcel ID number 5339-213-00-032 and to approve the special use permit. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 zoning request for a 9 acre, more or less, tract of land created by Road 40 bisecting the property. The property is owned by Everett Ranches, Inc. Larry Everett, agent. The property is located at 12736 Road 40, Mancos, Co. The roll was called, the public notice was read and the hearing was recorded for the record. Planning Director Susan Carver gave an overview of the application. **Agent, Larry Everett** spoke

as to the request. Comm. Koppenhafer opened the hearing to public comment. Hearing no comment, that portion of the hearing was closed. After hearing all the evidence presented, Comm. Chappell moved to approve the after the fact exemption and AR 3-9 zoning request for Everett Ranches on property located at 12736 Road 40, Mancos, Co. He also moved to approve the findings. Seconded by Comm. Rule and carried. (See attached). Comm. Koppenhafer closed the public hearing at this time.

**ATTORNEY JON KELLY** met to discuss the crushing permit at Yellow Jacket for Darren and Kathy Stone and Casey McClellan. He discussed the Court of Appeals decision and said the case has been appealed to the Supreme Court. He said the County has amended the Land Use Code since this decision was made which allows gravel pits in the AR35 zoning areas. Mr. Kelly asked since the zone requirements have been changed do they need to pursue anything? It was stated the high use permit and special use permit process needs to be resubmitted under the amended land use code.

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

.Findings and high impact permit, special use permit HIP # 567 Bill Barrett Corp. applicant. (See attached)  
Findings and permit Special use permit HIP # 569, Bill Barrett Corp. Applicant (Troy and Shorlene Oliver). (See attached).

Findings and permit, special use permit HIP # 570, Bill Barrett Corp. Applicant. (Troy and Shorlene Oliver) (See attached)

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

**MEETING ADJOURNED 5:10 p.m.**

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County Clerk Oct. 27, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 3, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 3, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, October 27, 2008 were read. Comm. Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**PAYROLL:** General fund checks in the amount of \$330,184.56, District Attorney fund check #53964 in the amount of \$31,845.12, Treasurer fund check #53963 in the amount of \$258,465.09, Road department fund checks in the amount of \$79,849.90, Treasurer fund check #21662 in the amount of \$62,837.36; and Landfill fund checks in the amount of \$15,674.50, Treasurer fund check #5896 in the amount of \$13,383.61 were approved for payment.

**ORDER #0-06-08:** Comm. Rule moved to approve order number 0-06-08 to transfer from the Retirement Fund to the General Fund in the amount of \$7,508.99 (forfeiture), seconded by Comm. Chappell and carried. (See attached).

**ROAD: Road Supervisor Dean Roundtree** updated the Board on the work that's been done and the work that needs to be done at the Fairgrounds. He also talked about the turnaround on Road K.6 stating no progress has been made with the family to get the situation resolved. **Doug Roth** showed a draft of the County Road map showing only the green signed roads and asked the Board if that is the map the county wants as the official

county road map and leaving the other roads off. The Board would like to see all green signed, red signed, and public roads on the map with the legend defining the roads as to the ownership and the maintenance of the road. A public notice will be published and then set for a hearing. Supervisor Roundtree talked about the road and bridge standards.

**BOARD OF EQUALIZATION:** It being the time set aside a Board of Equalization hearing is held concerning an appeal from **Sandra Lee Cavin** concerning parcel number 5337-333-01-005, Account number R000580. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor with the Assessor's Office gave an overview of the petition concerning the property classification. She stated the property is classified as residential and not agricultural. **Sandra Cavin and Mr. Dennis Salter** spoke as to the petition and is saying the property should be agricultural as she has bees and fruit trees. It was stated they intend to produce honey wine to sell. They said they will apply for a license which could take up to two years. After hearing the evidence presented, Comm. Chappell moved to classify parcel number 533-333-01-005, account number R000580 as agriculture for the year 2008, seconded by Comm. Koppenhafer and carried. The hearing was closed. (See attached)

**SHERIFF GERALD WALLACE** discussed the model traffic code and said the fine fee structure has been increased. He also said there needs to be signage installed about the code. A hearing will be scheduled and held before the fine structure is adopted. Comm. Rule moved to set a public hearing to consider amending the fine structure in the model traffic code for December 15, 2008 at 1:30 p.m., seconded by Comm. Chappell and carried.

Discussed the purchase of 4 vehicles (Dodge Durango) for the Sheriff's Office in the amount of \$28,390.00 per vehicle. Comm. Chappell moved to purchase 4 vehicles for the Sheriff's Office in the amount of \$28,390.00 each to be paid out of the 2008 capital fund. Seconded by Comm. Rule and carried.

**SOUTHWEST CENTER FOR INDEPENDENCE** representatives **Maxine Carton and Ian Engles** met to discuss help for individuals with disabilities and to better support the disabled community. They asked for permission to conduct non-profit fund raisers at the County Annex for the disabled community. They will need to work with the Annex personnel to schedule the events.

**Carol Rising and Leslie Taylor** advocacies for the Colorado Cross-Disability Coalition stated they work in conjunction with the Southwest Center for Independence (SWCI). Ms. Taylor reported complaints with the lift at the County Courthouse being out of compliance. She asked the Board to look into these concerns and remedy the situation. They said there are ADA compliant funds available and Mr. Engles said they would be happy to look into applying for some funding. They will work with County Administrator Harrison on the compliance needs, transition plan, and funding. Ms. Taylor discussed the changes in the use of service animals. She said they would like to do a service animal training for this area. She would like to arrange for use of the public transportation to the training facility and would like to use the Fairgrounds for the training. They will discuss the use of the facility with the Fairgrounds Director.

**COMMUNITY CONNECTIONS: Trish Peters and Mary Ekstrom** representing Community Connections requested the use of the County Annex for a non-profit event. They asked for the use of the Annex for a fundraiser on December 5th, and 6th in conjunction with the First Friday and the Parade of Lights. They were informed the Annex is already booked for the 6th so they will talk to the annex personnel to work out the details for the use of the Annex on the 5th. Mary Holaday informed them of the \$350.00 deposit and the insurance requirement was discussed.

A tour of the Pine Street House was scheduled for November 17, 2008 at 11:30 p.m.

**LUNCH: 12:05 p.m.**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a commercial zoning request on 5 acres, more or less, on property owned by **New Hope Christian Ministries Inc. (DBA Victory World Outreach) Jonathan Bland, agent.** The property is located at 11088 Hwy 491, Cortez, Co. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the high impact permit (#567) and commercial zoning request. **Jonathan Bland** told the Board about the application and plans to construct a fellowship hall. Comm. Koppenhafer opened the hearing to public comment. **Betsey Moise** questioned what the high impact permit is doing. Hearing no further public comment Comm. Koppenhafer closed that portion of the hearing. After hearing all the evidence presented, Comm. moved to approve the commercial zoning, the high impact permit number 567 and the after-the-fact exemption (P-06-08) along with the findings on 5 acres, more or less for New Hope Christian Ministries Inc., DBA Victory World Outreach, Jonathan Bland agent. The property is located at 11088 Hwy 491, Cortez, Co. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**PLANNING:** Planning Director Susan Carver presented a letter she sent to Scott Tipton and Dean Mathews informing them that the zoning application for a proposed 792 lot major development is incomplete. (See attached)

**AGREEMENT:** Comm. Rule moved to approve signing the agreement between Montezuma County and the Department of Agriculture, Animal and Plant Health Inspection Service, # 0973080310-RA, seconded by Comm. Chappell and carried. (See attached)

**THE FOLLOWING APPLICATIONS WERE PRESENTED:**

**BRYAN SHANKS, DIA COUTTOUW AGENT.** Director Carver presented for review and determination of a final plat for a 3 lot minor development on property located at 18220 Road 26, Dolores, Co., consisting of 35 acres, more or less. Comm. Chappell moved to approve the final plat for a 3 lot minor development known as **Celestial Grazing Subdivision**, located at 18220 Road 26 consisting of 35 acres more or less owned by Bryan Shanks, Dia Coutouw agent and to approve the findings. Seconded by Comm. Rule and carried. (See attached)

**JEFFERY AND SHANNON WELLS, LEON AND SARALYNN RISENHOVER:** Director Carver presented an application for review and determination of an AR3-9 zoning (lots 1 and 2) and AR10-34 zoning (lot 3), and preliminary plan for a proposed 3 lot minor development located at 14586 Road 26, Dolores, Co. Leon Risenhoover spoke concerning the application. Comm. Rule moved to approve the preliminary plat for the Apple Acres 3 lot minor subdivision and for AR3-9 zoning on lots 1 and 2 and AR10-34 zoning on lot 3 located at 14586 Road 26, Dolores, Co. Seconded by Comm. Chappell and carried. (See attached)

**THOMAS AND GLENNA HARRIS, TONY HERRMANN AGENT:** Director Carver presented for review and determination of a preliminary request for an exemption for a tract of land consisting of 3 acres more or less separated from the remaining acreage consisting of 285 acres, more or less, created by Road 15.5 bisecting the property. The property is located at 23820 Road 15.5, Lewis, Co. She stated they will be requesting AR 3-9 zoning if the exemption is approved. Tony Herrmann was present. Comm. Chappell moved to approve the

preliminary plat for an exemption for a tract of land consisting of 3 acres more or less created by Road 15.5 bisecting the property. Seconded by Comm. Rule and carried. (See attached)

**DOC D. AND MICHELLE B. CHARBONNEAU:** Director Carver presented for review and determination of a final plat for a proposed 2 lot minor development on 40 acres more or less. The property is located at 33884 Road M., Mancos, Co. Michelle Charbonneau spoke as to the application. Comm. Rule moved to approve the final plat for Charbonneau 2 lot minor development on 40 acres more or less on property located at 33884 Road M, Mancos, Co., and to approve the findings. Seconded by Comm. Chappell and carried. (See attached)

**DARREN NOYES AND EILEEN EIMAN:** Director Carver presented an application for review and determination of an AR3-9 zoning request and preliminary plan for the amendment of the **Howe and Noyes** tracts, a 2 lot minor development. The proposal is to amend tract 1, consisting of 19 acres more or less; thereby, creating a 4 lot moderate development on 50 acres, more or less. Darren Noyes informed the Board of the intent of the application. Comm. Chappell moved to approve the AR 3-9 zoning request and to approve the preliminary plan for the amendment of the Howe and Noyes tracts, a 2 lot minor development amending tract 1, consisting of 19 acres more or less thereby creating a 4 lot moderate development, seconded by Comm. Rule and carried. (See attached)

**FAIRGROUNDS PUD:** Director Carver reviewed a proposed use for lot 2 of the Fairgrounds PUD. **Susan Underwood-Hart and Brad Townsend** was present. Susan Underwood Hart informed the Board of the intent to move the Amerigas Propane tank to lot 2 in the PUD. She questioned the decision of the need for a high impact permit. She asked for a waiver petition from the high impact permit process since the unit is in a commercial industrial park. Mr. Townsend stated they are in compliance with the State regulations. They will bring in all completed inspections for review. The high impact application will proceed to the Planning Commission.

**WANDA MARTIN** with the Sheriff's Office presented the agreement for the court security funding and she needed signatures. Comm. Rule moved to sign the Court Security grant amending the amount to \$89,778.00, seconded by Comm. Chappell and carried. She presented a statement that the Sheriff's Office is an equal opportunity employer for signature. (see attached)

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

Letter from City of Cortez concerning the annexation of property owned by Don C. Flaugh at 1505 Rolling Road into the City limits. (See attached)

Letter from Hatter and Green requesting a public hearing for Richard Swanner concerning zoning of lot 4  
Letter to Debby Barton, Landfill Manager concerning approval of the cell 2B certification. (See attached)

Letter from US Department of the Interior BLM concerning Canyon of the Ancients National Monument. (See attached)

Flyer from the San Juan Resource Conservation and Development Council's 2008 annual meeting (See attached).

Letter from San Juan Public Lands Center (See attached)

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

**MEETING ADJOURNED: 5:10 p.m.**

County Clerk November 3, 2008

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 10, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 10, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, November 3, 2008 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule and carried.

**VETERAN'S AFFAIRS:** Comm. Rule moved to sign the County Veterans Service Officer's monthly report and certification of pay for October 2008, seconded by Comm. Koppenhafer and carried. (See attached).

**ROAD: Road Supervisor Dean Roundtree** informed the Board that the Department has about \$16,000.00 in time and materials into the Fairgrounds work. He discussed the handicap and vendor parking at the Fairgrounds. Talked about needed repair on Road W. Supervisor Roundtree stated he has not heard anything from the pipeline concerning Road K.6. Talked about a fence and the easement on Road 15. He said the department could not find a problem on S.6 except a small problem with a shoulder breaking away where vehicles are cutting the corner. Kay Anderson voiced concerns with Road 21 and the school buses inability to travel the road where the road is not maintained. The Board said to tell the bus garage that the County will plow Road 21 to Road AA.

**Landfill Manager, Deb Barton** presented an application for an air pollution permit for the Landfill. Comm. Rule moved to sign the application between Montezuma County and the Colorado Department of Health and Environment Air Pollution Control Division, seconded by Comm. Chappell and carried. (See complete application on file at the Landfill)

**COUNTY ADMINISTRATOR HARRISON** informed the Board that Wolcott Insurance could not obtain any insurance for the bond for McStone at the Haycamp Gravel Pit. The County is looking into obtaining its own permit. Supervisor Roundtree will talk to Cathy Stone about the bond.

**SHERIFF'S OFFICE: Sheriff Wallace, Undersheriff Hart, Viki Worcester, and Sgt. Talley** met to discuss the Sheriff's Office budget. Sheriff Wallace began by discussing the jail budget and the need for more personnel along with other budget needs.

**HEALTH DEPARTMENT DIRECTOR LORI COOPER** met to discuss the Health Department's budget issues. She presented a revenue report through October and a list of programs the Health Department administers. She informed the Board of budget amendments to this point and she talked about a nurse shortage. She requested an increase in salary for her staff equal to one new employee's salary. (See attached)

**SOUTHWEST MEMORIAL HOSPITAL representatives Dan Jessup and CEO Trudy Chittick** presented the financial statements for the quarter and year to date operations ended September 30, 2008. (See attached) They said they can see the financial impact from Medicare in the rural health care program and said that the critical care package is coming. They informed the Board of new doctors coming to the area.

**LUNCH: 12:05 P.M.**

**LYNN DYER AND SHIRLEY POWELL** representing the Preserve America community asked to use Montezuma County as a pass through agent for a preserve America grant. They explained what Preserve America involves. Comm. Rule moved to become the pass through agency for a Preserve America grant application and to allow County Administrator Harrison to sign the application upon approval of Preserve America's budget being presented and to have Mesa Verde Country and Crow Canyon as being responsible for the matching funds required. Seconded by Comm. Chappell and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a commercial zoning request and a request for a high impact permit for an auto truck repair and towing shop on 3 acres, more or less, on property known as lot 2 of the **Herrington 2-lot minor development** owned by **Richard Vukelich**. The property is located at 21555 Road F, Cortez, Co. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the application and gave a brief history of the property. Richard Vukelich informed the Board of his intent for the property. Comm. Koppenhafer opened the hearing up to public comment. **Betty Morris** spoke saying she believes this is spot zoning and objects to the property being zoned commercial. She said neighboring properties are currently zoned either agriculture or residential. **Carol Crain** wanted to know what the scope of the business is. She wanted clarification as to how long the business has been in operation. She wanted to know exactly what is going to be towed and repaired and how long the junked vehicles are going to be stored. She asked when the property would be fenced. She would like to see the situation corrected. She asked if number 15, 25, and 32 on the threshold standard sheet are going to be enforced. She stated the dust is bad, and what will the traffic become. **Leslie Morris** stated she doesn't think there should be spot zoning. She said the area is a residential area. She would like to see a fence installed. **Buck Morris** he would like to see Mr. Vukelich conduct business as is and not zone the property as commercial. He would like to see Mr. Vukelich be able to do business as he is now. Hearing no further public comment, Comm. Koppenhafer closed that portion. Director Carver stated if there is a change of use in the future, there would have to be a change of use permit issued and would require County approval. After much discussion and hearing all the evidence presented Comm. Chappell moved to determine the business that was grandfathered in is a towing and truck repair business and to correct the parcel number to the 3 acres. Seconded by Comm. Rule and carried. Comm. Chappell moved to deny the commercial zoning and the high impact permit application, seconded by Comm. Rule and carried. (See attached)

**Comm. Koppenhafer** excused himself at this time and turned the meeting over to Vice Chairman Rule.



**PLANNING ITEMS PRESENTED ARE AS FOLLOWS:**

Planning Director Carver presented applications for review of a recommendation to forward a high impact permit and special use permit application to the Planning and Zoning Commission. The applications are for the purpose of construction and operation of a dew point control facility, compression, dehydration and associated gas processing as submitted by **Williams Field Services Company, LLC. (Andrea Walton, Dave and Brenda Diss agents.)** The property is located at 18340 Road BB, Pleasant View, Co. Andrea Walton and Jeff Baumer with Williams informed the Board of their intent for the facilities. Comm. Chappell moved to forward the high impact and special use permit applications to Planning and Zoning Commission for further review. Seconded by Comm. Rule and carried. (See attached)

•Applications for a high impact and special use permit were presented for review of a recommendation to forward the applications to the Planning and Zoning Commission. The applications are for the purpose of construction of a pipeline gathering system as submitted by **Williams Field Services Company, LLC. Andrea Walton, Dave and Brenda Diss agents)** The property is owned by Williams and located at 18340 Road BB, Pleasant View, Co. Comm. Chappell moved to forward the high impact and special use permit applications for the construction of a pipeline on to the Planning and Zoning Commission, seconded by Comm. Rule and carried. (See attached)

**Bill Barrett Corporation:** Applications for review was presented for recommendations to forward a high impact permit and special use permit application to the Planning and Zoning Commission. The applications are for construction of one new 4 acre well pad; horizontal drilling of a natural gas well; and 12” steel tie-in gas line as submitted by Bill Barrett Corporation, Agent Dave Diss. The property is owned by **Roscoe Rose** and located at 22866 Road X, Lewis, Co., A second application for **Jerroll and Marianne Koskie** located at 24028 Road X, Lewis, Co. and a 3<sup>rd</sup> application on property owned by Jerroll and Marianne Koskie and known at **Koskie BD#1**. This application is for the expansion of an existing well pad.

• Comm. Chappell moved to forward the applications for a high impact and special use permit application to the Planning and Zoning Commission for the construction of a new 4 acre well pad; horizontal drilling of a natural gas well; and 12” steel tie-in gas line as submitted by Bill Barrett Corp on property owned by Roscoe Rose located at 22866 Road X bisecting Road 23, seconded by Comm. Rule and carried.

•Comm. Chappell moved to forward a high impact and special use permit to the Planning and Zoning Commission for review of the construction of a new 4 acre well pad; horizontal drilling of a natural gas well, and 12: steel tie-in gas line as submitted by Bill Barrett Corporation on property owned by Jerroll and Marianne Koskie located at 24028 Road X, bisecting Road 23, seconded by Comm. Rule and carried.

•Comm. Chappell moved to forward to the Planning and Zoning Commission for review of a high impact and special use permit for the expansion of an existing well pad known as the Koskie BD#1; horizontal drilling of a natural gas well; and 12” or less steel tie-in gas line as submitted by Bill Barrett Corp., property owned by Jerroll and Marianne Koskie located at 24028 Road X and 23, seconded by Comm. Rule and carried.

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

Letter from Colorado Lottery. (See attached)

A thank you letter from San Juan Resource Conservation and Development Council, Inc. (See attached)

Agenda from the Colorado Board of Health. (See attached)

Colorado State University Extension update letter. (See attached)

Office of the State Court Administrator award letter. (See attached)

E-mail from Miscelle Allison concerning research material and books she referred to in the meeting of October 27, 2008. (See attached)

Letter from Carrie Peterson concerning speed on Roads P and 29 in Simon Draw. (See attached)

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

**MEETING ADJOURNED: 4:12 p.m.**

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County Clerk November 10, 2008

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 17, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 17, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, November 10, 2008 were read. Comm. Rule moved to approve the minutes as amended, seconded by Comm. Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** said the Department is furnishing pipe for Montezuma Valley Irrigation for 3 culverts. He asked how much more gravel needs to be put at the Fairgrounds. He was told to finish the graveling and any other work needed. County Administrator Harrison discussed the bids received for the purchase of a 4 wheeler for the Weed Department. It was decided to accept the lowest bid and purchase a 2008 Honda from Mesa Verde Motorsports at a cost of \$7,563.50 (See attached). Talked about Road W (east) needing attention.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of October, 2008. (See attached) Manager Barton informed the Board of signs and gates at the Landfill that had been damaged by gunfire causing about \$2,000.00 in damage. She said the electronic waste event had a good response. A request to dispose/sell excess equipment was made. She requested approval for a rate increase effective January 1, 2009. She talked about the electronic recycling company. Manager Barton said the company the Landfill uses has a plant in Hong Kong and is registered with the US EPA. (See attached) Comm. Chappell moved to approve the sale of the scraper (1972 Cat. 633C serial #66M760) and a 1997 Jeep Cherokee (1J4FJ28S4v1533736) using the proper advertising techniques, seconded by Comm. Rule and carried. (See attached). Comm. Rule moved to approve the rate increases for 2009 at the Montezuma County Landfill, seconded by Comm. Chappell and carried. (See attached). County Administrator Harrison informed the Board that they could not help the Dolores Community Center with the Landfill fees.

**MARY BRUNER AND JANET SHRINER with the Mesa Verde Valley Garden Club** requested the use of the Montezuma County parking lot for a plant sale scheduled for May 16, 2009. Comm. Rule moved to allow Mesa Verde Valley Garden Club the use of the County parking lot for Saturday, May 16, 2009, seconded by Comm. Chappell and carried.

**BIRDING FESTIVAL:** Comm. Chappell moved to allow the Cultural Center the use of the County Annex for the Birding Festival on May 15<sup>th</sup> and 16<sup>th</sup>, 2009 at no cost because of their non-profit status. Seconded by Comm. Rule and carried. (See attached)

**ORDER NUMBER 0-07-08.** Comm. Rule moved to approve order number 0-07-08 to transfer from the Emergency Telephone Assistant Fund to the Road and Bridge fund 2008 (3months) for ½ salary and fringe benefits for the addressing position in the amount of \$4,279.00, seconded by Comm. Chappell and carried. (See attached) .

**ROBERT TORRES** said he is an ombudsman and met on behalf of his neighbors living on Juniper Place and informed the Board of poor workmanship and other problems on homes built on Juniper Place. Since the area is in the Cortez city limits he should be talking to them. Mr. Torres also offered his services to the County concerning asphalt plants in the area. He also discussed educational failures with the school district.

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

**LYNN GARDNER** met is discuss the permits issued by the Road department to the utility companies and said the county only has the prescriptive use easements. He said a utility company has used part of his field without his permission and has taken part of his property where he wanted to construct a fence. The 60' easement issue will be researched.

**A TOUR** of the Pine Street House with Community Corrections was conducted at this time.

**LUNCH:**

**SHERIFF GERALD WALLACE** and Undersheriff **Dave Hart** met to discuss the 2009 budget. Sheriff Wallace asked if they could use the excess monies left in the payroll to be used to help fund the hiring of additional employees for the detention center for 2009. The request will be reviewed.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact and special use permit application request for a proposed gravel mining and crushing operation on property located at 39238 US Hwy. 160, Mancos Co. The application is submitted by **Eldon A., Linda L., and Andrew K. Simmons. Agent is Peter Kearl with Four Corners Materials.** The roll was called, the public notice was read and the hearing was taped for the record. Margaret Clauson with the Planning Department gave an overview of the applications. Peter Kearl, Nathan Barton, and Pete Siegmund with Four Corners Materials explained the application and gave a power point presentation. Comm. Koppenhafer opened the hearing to public comment. **Missy Miller** spoke about concerns with traffic, dust in the air, noise and light pollution. **Sylvia Fleitz** read a letter from **Patricia Burk.** She wrote as to quality of life. **Tom Vaughn** said there could be 3 aggregate sources operating simultaneously if this pit is approved. He has concerns with light pollution and the toxic asphalt plant pollution. He suggested that your approval of each and every pit carries

the responsibility to ensure that the standards are safe and are met. **John Fleitz** spoke as to the noise and hours of operation being limited and the depletion of assets, and asked the Board to look at this as an overall plan. **Peggy Cloy** she said it looks like planning and zoning has no teeth. She wonders why an asphalt plant is being considered. The water and air quality is of concern to her. She says the noise, air, and light pollution would affect her business. **Betsy Harrison** said the purpose of the land use code is to protect the agricultural nature of the area. She showed a map showing the locations of the current pits and the proposed pit in relation to each other. She says it looks like they are creating an industrial zone. **Dick Perry** spoke about air quality. He said the Board's decision will be making a long term decision. He requested the hours of operation be very specific and in writing. Attorney **Jeff Robbins** discussed legal points with zoning and he said this operation does not conform to the zoning code. He also made reference to dust, noise, air and light pollution and excess traffic. He talked about the detrimental impacts to property values. **Jim Law** has concerns with the amount of truck traffic and the pollution this traffic would cause. **Julie Boyer** said they are already dealing with the noise and traffic caused by the existing pits and would hate to see more of that in the area. **Greg Cator** said he has observed the Noland pit operations and watched the production increase and would like to know what his subdivision would receive from this operation. He asked how many gravel pits and asphalt plants can be justified. **Lee Cloy** asked why the area is being depleted. He said he can hear the noise from the current pits that is over two miles away. **Deb Campbell** spoke as to the traffic on Hwy 160 and the various uses of this Highway. She also talked about safety. **Sylvia Fleitz** talked about the operations of Four Corners Materials. She said she does not see any huge benefit to the local citizens. **Cathy Curry** with Caldwell Bankers said it's difficult to sell real estate due to all the truck traffic. **Debbie Cross** said she lives in the middle of these pits. **Felicity Broennan** said they are watching an agricultural area becoming more industrial. Hearing no further public comment, Comm. Koppenhafer closed the public comment portion. Mr. Kearl spoke in response to some of the concerns raised where he explained their position as to the water quality and truck traffic. Nathan Barton discussed peaks in truck traffic. Mr. Kearl talked about their position on the dust issues and he said they do all they can to mitigate those issues. Mr. Barton talked about the impact to property values and air quality as far as the particulates in the air. It was noted there is a specific time set in the application for hours of operation being from 7:00 a. m. to 7:00 p.m. six days a week. It was stated the life of this operation is about 10 years. It was stated it would take about two to three months of crushing to have enough gravel for a year. The APEN air permit is for a 5 year period and requires renewal at the end of the 5 years. The State mining permit is good for the life of the pit. They stated they have a good neighbor policy and will try to mitigate any complaints in a timely manner. They also said they intend to run only one crusher at a time. Comm. Koppenhafer re-opened the hearing to public comment. **Betsy Harrison** asked about the 10 year time frame and asked if the time might take longer. She asked why they don't buy from Noland's pit. **Deb Campbell** requested the decision be tabled and the application be reviewed further. **Jim Law** talked about the truck traffic calculations. **John Fleitz** asked about where the product demand is coming from and where is it going. He spoke about home values and the views. He would like to see this tabled. **Peggy Cloy** talked about the hours of operation and the noise level saying it would be a problem for her guests. **Cynthia Ruatti** talked about the air quality and said that should be the first consideration. **Julie Boyer** said this is a big decision and asked about what the people moving in might think if there are too many gravel pits in the area. **John Fleitz** asked about the number of trucks per day. This portion was closed again. **Nathan Barton** responded to the number of trucks per day. Mr. Barton said the reason they do not buy from Noland's is because Sky Ute is a competitor and will not sell to them. Mr. Kearl said a noise survey was conducted and the noise is reasonable for this type of an operation. **Peggy Cloy** said she does not see any plan for the community and asked if there is such a plan. After hearing all the comments made and the evidence presented Comm. Chappell moved to approve the high impact permit and special use permit for the gravel mining and crushing operations for Four Corners Materials on property owned by Eldon, Linda, and Andrew Simmons on property located at 39238 US Hwy. 160 with the stipulations being the hours of operation

being from 7:00 a.m. to 6:00 p.m. and no 24 hours of operation and all required State and Federal permits being obtained and a yearly review be done. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**THE PUBLIC HEARING** concerning the high impact permit and special use permit for the operation of an asphalt plant on property owned by Eldon, Linda and Andrew Simmons is rescheduled to January 12, 2009 at 2: p.m.

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

Letter from Colorado Cross-Disability Coalition, Inc. (See attached)

Letter from Colorado State University concerning the recent Engaging Colorado Publication (See attached)

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

**MEETING ADJOURNED 5:30 p.m.**

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County Clerk    November 17, 2008

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Chairman

November 24, 2008

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 24, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, November 17, 2008 were read. Comm. Chappell moved to approve the minutes as amended, seconded by Comm. Rule and carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of October 31, 2008. (See attached).

**ROAD: Road Supervisor Dean Roundtree** was informed that the City of Cortez is constructing a foot bridge at Denny Lake and they asked if the County could furnish 600 yards of ¾" gravel. More information is requested before committing to furnish said gravel. Comm. Rule moved to approve application of an energy impact grant to purchase a truck, a vacuum truck and a loader for the Road Department with a match not to exceed \$122,112.00, seconded by Comm. Chappell and carried. (see quotes attached) Supervisor Roundtree talked about the graveling at the Fairgrounds and the progress made.

**KAY GARLINGHOUSE** met to protest a sign on Road 19 stating the road is not being maintained. She said they need the road maintained in order to take care of their animals and she said at one point the County had a turnaround on it. The Department will look at the situation and get back to Ms. Garlinghouse.

**MIKE MIKKELSON** met to discuss conditions on Road 29.75. He said since a subdivision has been constructed in the area, people are using 29.75 rather than the subdivision road which creates a lot more traffic on that road. He mentioned the road is a narrow road and gets very muddy at times and some signs have been removed. He said a green sign has been installed on the road when he thought it was actually a red signed road. He inquired about placing a gate on the road where the county road ends. He was told in order to close a county road, there would have to be a public hearing and get the neighbors all in agreement. He was told to contact Wayne Combee and if he agrees to close the road, he can place a gate there and allow Mr. Combee access.

**JAMES DIETRICH** gave the Board an update on an oil and gas meeting he attended. He invited the Board to an oil and gas workshop scheduled December 3, 2008. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held regarding proposed amendments to Montezuma County Ordinance 1-96. This ordinance deals with the fire ban and how it shall apply to red flag days. The roll was called, the public notice was read, and the hearing was taped for the record. **Don Eberle**, with the fire district discussed the amendments to the ordinance and stated they are in favor of the amendments. He discussed how the ordinance would deal with the red flag days. This concerns the use of red flag days when the fire ban has been suspended. The red flag days are designated by the U.S National Weather Service and the red flag warning days are announced on TV and the radio and people who wish to burn are required to inquire about the days before burning. Comm. Koppenhafer opened the hearing to public comment. **Greg Kemp** said it is more than an educational program because it says a fine could be imposed if not adhered to. He discussed the fire ban suspension and how the public is to know if the fire ban is in effect. **Sheriff Wallace** stated the fire ban is always published and a simple phone call would inform them of any burning restrictions. Hearing no further comments, Comm. Koppenhafer closed the public comment period. Mr. Kemp would like to see proper notification concerning the announcement of the suspension and would like to see some coordination between the fire districts as to the fire danger. It was stated the resolution would be published when the ordinance is suspended and when the suspension is cancelled. Mr. Eberle said the department will communicate with one another. After hearing all the evidence presented Comm. Rule moved to approve **Ordinance 1-2008** amending Ordinance 1-96, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed this hearing at this time.

**SHERIFF WALLACE AND UNDERSHERIFF HART** discussed the Sheriff Department's budget requests. County Administrator Harrison said the final property valuations are not out yet and he will know more about the budget dollars at that time. Sheriff Wallace presented the bids on the perimeter fence for the detention center. He said there were three bids received for the trenching, one bid for the electric and two bids on the fence. Comm. Chappell moved to award **American Fence Company** to install the fence at the County Jail in the amount of \$102,750.00, to accept the bid in the amount of \$1,890.00 to **Allmon Dirtworks** for the trenching and to **Cortez Electric** in the amount of \$5,180.00 to add new power for gate controllers and communication cable to operator's room. Seconded by Comm. Rule and carried. (See attached)

**WANDA MARTIN with the Sheriff's Office** presented the Law Enforcement Agreement between the Montezuma County Sheriff's Office and the Ute Mountain Ute Tribe. Sheriff Wallace said there is a good working relationship between the two entities. Comm. Chappell moved to approve the signing of the Law Enforcement Agreement with the Ute Mountain Ute Tribe, seconded by Comm. Rule and carried. (See attached)

**COUNTY ADMINISTRATOR HARRISON** asked permission to apply for the energy efficient grant for the remodel of the County Courthouse, Social Service Annex and the Sheriff's Office. Comm. Rule moved to approve the energy and mineral impact assistance program application for the Montezuma County Energy Performance project phase 1 for the remodel of the County Courthouse and the social service annex. Seconded by Comm. Chappell and carried. (See attached)

**GLEN HUMISTON** met to voice his opposition to a pipeline installation through his property north of Mancos. He would like to see the pipeline go on public land. He would like the Board request the pipeline go through the forest. He presented correspondence from Williams Field Services he received. (See attached)

**LUNCH: 12:05 P.M.**

**JAN SENNHENN** with the Extension Department presented a Memorandum of Understanding with the 4-H/FFA clubs for renewal. The MOU is for the 4-H and FFA members for the use of an outbuilding for storage at the Fairgrounds from January 1, 2009 to December 31, 2009. Comm. Chappell moved to sign the MOU between Montezuma County and the 4-H/FFA Stakeholders for the use of the building located on the Montezuma County Fairgrounds for storage from January 1, 2009 to December 31, 2009, seconded by Comm. Rule and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit and special use permit application request for the third annual **Sugar Pine Ranch** motorcycle rally, submitted by Glen Humiston, Thomas E. Hover, Jr., agent. The property is located at 40334 Hwy 184, Mancos, Co. The roll was called, the public notice was read and the proceedings were taped for the record. **Planning Director** Susan Carver gave an overview of the applications. She stated the rally has been held for 2 years and she has not received any complaints concerning the rally. Director Carver said CDOT mentioned there should be some lighting installations done. Rally organizer **Joyce Humiston** gave her input as to the applications. She said they are in negotiations with CDOT in regards to the lighting. Ms. Humiston is asking to increase the number of attendees from 5,000 to 6,000 per day. She said the Rally wants to hire security for the beverage tent. The event will be held during the Labor Day weekend beginning on Thursday prior to the holiday weekend and ending on Labor Day. Comm. Koppenhafer opened the hearing to public comments at this time. **Melissa Wilson** with the Montezuma County Health Department voiced her opinion concerning the food and water aspect during the rally. She suggested they supply potable water to all the vendors and she recommended them to supply a refrigerated truck for the vendors to store their food products. Hearing no further public comments Comm. Koppenhafer closed the public comment period. After hearing all the evidence presented Comm. Rule moved to approve the high impact permit and special use permit for the Sugar Pine Ranch Rally on property owned by Glen Humiston, Thomas Hover, Jr., agent, located at 40334 Hwy 184, Mancos. He further moved to approve an increase in per day attendance from 5,000 per day to 6,000 per day and to allow the permit to be for the 3 year period of 2009, 2010, and 2011 subject to an annual review by the Board of County Commissioners and to approve the findings and high impact permit number 531, seconded by Comm. Chappell and carried. (See attached)

**Comm. Chappell** moved to approve the findings for the special use permit and high impact permit number 571 for the purpose of gravel mining and crushing operations for Four Corners Materials, applicant, on property owned by Eldon A., Linda L., and Andrew K. Simmons, seconded by Comm. Rule and carried. (See attached)

**CASE NO. 07 CV 130:** The Board considered answering questions from the Court concerning the court case in regards to asphalt operations at the Noland Pit. The Board answered the attached questions beginning with question number one by stating that mobile asphalt plants have to be to a date certain and in answer to question number 2 it was said that high impact permits and special use permits must be obtained by whoever the operator of the asphalt plant is as well as the landowner. (See attached).

**STONER RANCH LLC:** Planning Director Susan Carver discussed a proposed use of the Stoner Ranch Lodge as a bed and breakfast and small business retreat. **Don McLean, manager. Attorney Kelly McCabe** represented Mr. McLean. He talked about the historic use of the facility. Director Carver said the property is currently unzoned and the property is limited to the existing uses at the time the code was adopted. The historic use of the facility will be researched before moving further.



**DEAN MATHEWS** met to discuss a letter (attached) he received from the Planning Department concerning a zoning application that has been reviewed and determined to be incomplete. The zoning application is for a proposed 792 lot major development. Mr. Mathews attended along with his council, Attorney Kelly McCabe. Director Carver discussed the letter detailing the deficiencies in the zoning and submittals for the application. Attorney McCabe talked about the time line for an application. He said the requirement of submitting a site specific development plan is not required before the issue of zoning is resolved. Mr. Mathews asked to follow the process set forth in the Land Use Code. It was stated all they are asking for today is instructions on how to move forward. Mr. McCabe would like to move forward and get away from the terminology of site specific development plan. Planning and Zoning board member **Jon Callender** talked about what the Planning Commission will be asking for at a hearing for a proposal like this before making any decisions. Mr. Mathews stated that all he is asking for first is an urban influence zone before he proceeds with the project. Comm. Rule moved to forward the zoning application from Scott Tipton and Dean Mathews to the Planning and Zoning Commission, seconded by Comm. Chappell and carried.

**CORRESPONDENCE:** The following correspondence was read and noted:  
Final Revocation from the State of Colorado Division of Property Taxation concerning The Christian Revival Fellowship (See attached)

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

**MEETING ADJOURNED 5:45 p.m..**

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County Clerk November 24, 2008

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Chairman

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 8, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, November 24, 2008 were read. Comm. Chappell moved to approve the minutes of November 24, 2008 as amended, seconded by Comm. Rule and carried.

**PAYROLL:** General fund checks in the amount of \$319,123.39, District Attorney fund check #54157 in the amount of \$33,787.59, Treasurer fund check #54156 in the amount of \$251,881.69, Road department fund checks in the amount of \$78,286.74, Treasurer fund check #21727 in the amount of \$63,328.83; and Landfill fund checks in the amount of \$16,481.63, Treasurer fund check #5935 in the amount of \$13,854.10 were approved for payment.

**ROAD:** **Road Supervisor Dean Roundtree** said the department is blading roads today and they are getting ready for crushing operations in Mancos. He stated work at the Fairgrounds is complete except for the installation of a railing. Proper signage will be installed for handicap and vendor parking. The County will furnish 35 to 55 yards of gravel for the foot bridge at Denny Lake that was requested by the City of Cortez and the City will haul the gravel. County Administrator Harrison discussed the intersection on Road 23 and Hwy. 184. He said Maness and Associates has been hired to survey the intersection before going any further. The Board reviewed an intergovernmental agreement for road and street management between the City of Cortez and Montezuma County. **Cortez City Manager Jay Harrington** discussed the agreement from the City's perspective. Corrections will be made and the agreement will be brought back at a later date.

**FAIRGROUNDS MANAGER LEEANN MILLIGAN** discussed the Montezuma County Flyers airstrip at the Fairgrounds. **Don Benoit**, field safety officer with the flyers informed the Board of improvements and maintenance done to the airstrip. He said the membership is down but he says they are hoping to increase its membership with Civil Air Patrol cadets. **Treasurer Jerry McComb** said due to the lack of members the organization will only be able to do weed control and only necessary maintenance.

**AG EXPO** representative **Wayne Giesinger** updated the Board about the progress made on the fence. He said they have the pipe for the 3 rail fence and the chain link mesh is on order. He will discuss the gates with the Ute Mountain Ute Rodeo representatives. He asked about the possibility of obtaining a liquor license for the Expo. He was told they need to go through the proper application process.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of November, 2008. (See attached)

**WANDA MARTIN** with the Sheriff's Office presented the Professional Mental Health Service Agreement between Southwest Colorado Mental Health Center and Montezuma County Sheriff's Office for 2008-2009. Comm. Chappell moved to sign the agreement for professional mental health services between Southwest Colorado Mental Health Center and Montezuma County Sheriff's Office for the term of July 1, 2008 through June 30, 2009, seconded by Comm. Rule and carried. (See attached)

**CDOT CONTRACT:** Comm. Rule moved to sign the contract extension between Montezuma Senior Services and the Colorado Department of Transportation (08-HTD-00080) for an additional term of January 1, 2009 through December 31, 2009, seconded by Comm. Chappell and carried. (See attached)

**CONTRACTS:** The following contracts were presented for signature. A contract between **San Juan Area on Aging and Montezuma County** For Title 111B and D services includes transportation and all B services for the term of July 1, 2008 to June 30, 2009. Comm. Rule moved to sign the title 111B and D services, seconded by Comm. Chappell and carried. (See attached)

••A contract between San Juan Area on Aging and Montezuma County for nutrition services C1 and C2 for the term of July 1, 2008 to June 30, 2009. Comm. Rule moved to sign the C1 and C2 services, seconded by Comm. Chappell and carried. (See attached)

**STANLEY AND PATRICIA MORRIS** said he is having a dispute concerning his building in regard to a waterline and he met with the Board to request the possibility of obtaining an easement across the County parking lot for the installation of a waterline from Elm Street to his building. Since Social Services have offices there, the Board wants to discuss the proposition with Social Services before making any commitment at this time.

**COUNTY ADMINISTRATOR HARRISON** said he has received requests from a couple of county offices asking to close the county offices an 12:00 on December 24, 2008. The Board said they had no problem with the closing as long as it's published ahead of time.

#### **LUNCH 12:10 pm**

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

- A request was presented for review and determination for a boundary line adjustment on property owned by **Ann Rilling and Peter Skartvedt**. The property is located at 10755 Road 19, Cortez, consisting of 40 acres, more or less, and property owned by **David and Patricia Temple**, located at 18501 Road J, Cortez consisting of 120 acres more or less where the Temple's wish to deed to Ann Rilling and Peter Skartvedt 9 acres thereby creating a 49 acre tract overall. Comm. Chappell moved to approve the boundary line adjustment of 9 acres more or less for David and Patricia Temple to Ann Rilling and Peter Skartvedt creating a 49 acre tract and to approve AR35+ zoning on the 49 acres for Ann Rilling and Peter Skartvedt, seconded by Comm. Rule and carried. (See attached)

- A request for review and determination for a boundary line adjustment on property owned by **Harold and Linda Randolph** located at 38866 Road P, Mancos consisting of 388 acres, more or less and property owned by **Douglas and Nancy Foulke** located at 12930 Road P, Mancos, consisting of 94 acres more or less. The Randolph's wish to deed 11 acres more or less to the Foulke's creating a 105 acre tract more or less. Comm.

Rule moved to approve the boundary line adjustment on property owned by Harold and Linda Randolph located at 38866 Road P and deeding 11 acres to Douglas and Nancy Foulke, seconded by Comm. Chappell and carried. (See attached)

- Planning Director Susan Carver presented for review and determination a final plat for a 3 lot minor development for applicants **Jeffery and Shannon Wells and Leon and Saralynn Risenhoover**. The property is located at 14586 Road 26, Dolores, consisting of 35 acres, more or less. Comm. Chappell moved to approve the final plat for a 3 lot minor development known as Apple Acres Subdivision on property located at 14586 Road 26 for Jeffery and Shannon Wells, applicant and to approve the findings. Seconded by Comm. Rule and carried. (See attached)

- **The following public hearings** are scheduled on high impact and special use permit applications for the purpose of constructing a well pad, drilling a horizontal exploratory natural gas well and associated tie-in lines for the following applicants;

- **Bill Barrett Corporation**. Roscoe Rose property located at 22866 Road X, Lewis. The public hearing has been scheduled for December 29, 2008 at 2:30 pm.

- Bill Barrett Corporation applicant on property owned by **Jerroll and Marianne Koskie** located at 24028 Road X, Lewis. The hearing has been scheduled for December 29, 2008 at 3:00 pm

- Bill Barrett Corporation applicant. **Jerroll and Marianne Koskie** property located at 24028 Road X, Lewis. This hearing has been scheduled for December 29, 2008 at 3:00 pm.

- **Planning Director Carver** then scheduled the following high impact permit and special use permit applications for public hearings;

- Applicants **Williams Field Service Company, Andrea Walton, Dave Diss and Brenda Diss, agents**. This is for the purpose of a constructing a dew point control compressor facility/natural gas processing facility called the **Pinto Plant** located at 18340 Road BB. Director Carver has scheduled this hearing for January 5, 2009 at 2:30 pm.

- **An application** from Williams Field Services Co., Andrea Walton, Dave and Brenda Diss, agents. The application is for the purpose of constructing a pipeline gathering system. This public hearing has been scheduled for January 5, 2009 at 3:30 p.m.

- **Scheduling** of a public hearing for the review of a high impact permit application for the purpose of a proposed propane storage facility submitted by **Brad Townsend of Amerigas Propane, L.P.**, Maness and Associates agents. The property is known as lot 2 of the Fairgrounds Industrial Planned Unit Development located at 29454G Hwy 160, Cortez. A hearing has been scheduled for December 29, 2008 at 2:00 pm.

**JIM CANDELARIA** cancelled.

Director Carver discussed the Planning Commission director's terms. Director Carver recommended decreasing the number of directors from a 7 member 1 alternate board to a 5 member and 1 alternate board. She will wait to see if she receives any renewal letters and return with any further recommendations.

**COUNTY ADMINISTRATOR HARRISON** discussed County revenue sources in relation to the budget.

**JAMES DIETRICH** presented letters concerning the Omnibus Federal Lands Bill addressed to the following: Representative John Salazar, Congressman Mark Udall, Senator Ken Salazar, Senator Harry Reid, and State BLM Director Sally Wisely. (See attached)

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

Order concerning case number 05CV98 McAfee & Co v Board of County Commissioners. (See attached)

Letter from Marcia Boon requesting a sign on Hwy 491. (see attached)

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

**MEETING ADJOURNED 4:17 pm.**

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County Clerk    December 8, 2008

Chairman

ONLINE COPY

December 15, 2008

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA  )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 15, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, December 8, 2008 were read. Comm. Rule moved to approve the minutes of December 8, 2008 as presented, seconded by Comm. Rule and carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of November, 2008. (See attached).

**ACCOUNTS PAYABLE:** General Fund #52390-52575 in the amount of \$247,454.74, Road Fund # 21053-21135 in the amount of \$192,255.89, and Landfill # 5579-5611 in the amount of \$151,626.51 for the month of November, 2008 were approved for payment.

**ROAD: Road Supervisor Dean Roundtree** discussed changes to the road and bridge standards and will return at a later date to review said specifications. He said Bill Barrett Corp. asked about the use of Road 21 to Road AA. Supervisor Roundtree will look into the road to see if the request is feasible.

**Silvanio Garcia** met to discuss a fence bordering his property. He lives next to the County Shop in Mancos. He said he had a couple of surveys done and found the fence to be on his property but his water and sewer lines are on county property. He would like to obtain the property where his water and sewer lines are. The Board will meet Mr. Garcia at the site on Monday, December 29, 2008 at about 9:30 a.m. to look at the situation before making any decision. Supervisor Roundtree said CDOT wants to get on the agenda to discuss the bridge inspection they recently completed. The meeting will be scheduled. Supervisor Roundtree stated the gas company will meet with him concerning Road K.6.

**PUBLIC HEARING: PUBLIC HEARING:** It being the time set aside a public hearing is held to amend the 2008 budget. The roll was called, the public notice was read and the proceedings were taped for the record. County Administrator Harrison presented **Resolution 15-2008** to amend the 2008 budget. Comm. Koppenhafer opened the hearing to public comment at this time. Hearing no public comment Comm. Koppenhafer closed that portion of the hearing. After hearing all the evidence presented Comm. Rule moved to approve Resolution 15-2008 to amend the

2008 budget, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the public hearing.

**IT BEING THE TIME** set aside a public hearing is held to adopt the 2009 budget. The roll was called, the public notice was read and the proceedings were recorded for the record. Administrator Harrison gave an overview of the 2009 budget. Finance Director, Mary Ann Sanders was present. Assessor Vanderpool informed the Board of an audit being conducted on oil and gas companies. Comm. Koppenhafer opened the hearing to public comment. Hearing no public comment Comm. Koppenhafer closed that portion of the hearing. After hearing all the evidence presented Comm. Chappell moved to adopt **Resolution 16-2008** to adopt the 2009 budget as presented for the calendar year beginning on the first day of January 2009 and ending on the last day of December 2009. Seconded by Comm. Rule and carried. (See attached) Administrator Harrison presented **Resolution 17-2008** to set the mill levies. Comm. Chappell moved to adopt Resolution 17- 2008 levying general property taxes for the year 2008 to help defray the costs of government for Montezuma County for the 2009 budget (See attached). Administrator Harrison presented **Resolution 18-2008** levying general property taxes for the year 2008 to help defray the costs of the Montezuma County Law Enforcement Authority for the 2009 budget. Comm. Rule moved to adopt Resolution 18-2008 to set the mill levies for the unincorporated areas in Montezuma County for the Montezuma County Law Enforcement Authority, seconded by Comm. Chappell and carried. (See attached) Administrator Harrison presented **Resolution 19-2008** to appropriate sums of money. Comm. Rule moved to adopt Resolution 19-2008 to appropriate sums of money. Seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

**BOARD OF SOCIAL SERVICES:** It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story and LouAnn Everret.

**SOUTHWEST WORKFORCE BOARD:** Comm. Rule moved to appoint Dennis Story to the Southwest Workforce Board beginning January 1, 2009 and expiring January 1, 2010, seconded by Comm. Chappell and carried.

**RURAL LAW ENFORCEMENT GRANT:** Wanda Martin presented the rural law enforcement grant for k-9 kennels and radar units for the Montezuma County Sheriff's Office for signature. Comm. Chappell moved to approve the CFDA number 16.738 for the Sheriff's Office, seconded by Comm. Rule and carried. (See attached)

**RESOLUTION 20-2008:** A resolution to suspend the ban on open fires and the use of fireworks was presented. Comm. Rule moved to adopt resolution 20-2008 suspending the ban on open fires and the use of fireworks, seconded by Comm. Chappell and carried. (See attached)

#### **LUNCH: 12:00**

**PUBLIC HEARING:** It being the time set aside a public hearing is held regarding proposed amendments to the Montezuma County Penalty Fee Assessment, concerning fines for traffic violations. A resolution was presented amending the Montezuma County Penalty Assessment Fine Schedule to correspond as applicable to C.R.S. 42-4-1701, as amended. The roll was called, the public notice was read, and the proceedings were taped for the record. Undersheriff Dave Hart talked about the need for the resolution. Comm. Koppenhafer opened the hearing to public comment. Hearing no public comment, Comm. Koppenhafer closed that portion of the hearing. After reviewing **Resolution 21-2008**, Comm. Rule moved to approve Resolution 21-2008 amending the Montezuma County Penalty Assessment Fine Schedule to correspond as applicable to C.R.S. 42-4-1701, as amended, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the public hearing.

**VETERAN'S AFFAIRS:** Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for November, 2008, seconded by Comm. Rule and carried. (See attached).

**PLANNING: Planning Director Susan Carver** presented for review a recommendation to forward a high impact permit application and special use permit application to the Planning and Zoning Commission. The applications are for the construction of a new 4 acre well pad known as 3H-19-38-16; horizontal drilling of a natural gas well; and 12” steel tie-in gas line as submitted by Bill Barrett Corp., Don Hamilton, agent. The property is located at 21450 Road Z, Lewis, Co. and owned by Charles M. McAfee & Co., RLLP. A second application was presented for the same construction on Road Z known as 16H-12-38-17 to be forwarded as well. Comm. Rule moved to forward the high impact permit and special use permit applications (3H-19-38-16 and 16H-12-38-17) for the construction of a 4 acre well pad; horizontal drilling of a natural gas well; and 12” steel tie-in gas line as submitted by Bill Barrett Corp. Seconded by Comm. Chappell and carried. (See attached)

**JIM BURTON, Road Count and Addressing Technician**, gave a presentation in regard to the addressing project. Don Eberle with the Cortez Fire District, Nancy Falleur with SWRECAC, and Connie Johnson with the dispatch center were present. Mr. Burton stated this is a huge undertaking and may take a couple of years or more to get the project completed. This project is to provide uniform property address numbers throughout the unincorporated areas of Montezuma County to aid 911 emergency services. He discussed signage and efforts to notify property owners.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing a petition to determine zoning and/or use of existing Lot 4 of the Swanner 4 lot moderate subdivision. The property is located at 27999 Hwy. 184, Dolores, Co. Applicants are Richard and Marie Swanner, agent Danny Wilkin, and legal counsel is Mike Green. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning Director Susan Carver informed the Board of the Planning Commission’s recommendation concerning the zoning request and pre-sketch plan. The applicants requested a hearing before the Board of Commissioners. **Attorney Michael Green** spoke about the zoning request. **Richard Swanner, and agent Danny Wilkin** was present. Richard Swanner described the property. Comm. Koppenhafer opened the hearing to public comment at this time. **Rich Lee** lives directly across the street from the subdivision. He talked about the planning commission’s decision. His concern is with the intended use of the property. He said once the commercial zoning door is open, his personal property rights are at risk. Mr. Lee asked the Board to support the Planning Commission’s recommendation to deny the commercial zoning. **Jerry Giacomo** discussed the proposed use criteria. He said he wants Mr. Swanner to be able to conduct business as he is now without commercial zoning. Mr. Giacomo presented 6 pictures for the record. **Phil Kemp** submitted a letter for the record and read portions of his letter. **C. A. Dunsworth** expressed concerns with traffic safety at the stop sign. **Jay Robertson** spoke about his property taxes. He said he was told his taxes were increased because of his view and zoning may deter the view. **Greg Kemp** spoke about existing and historic use. **Sally Cole** read her letter into the record. **Patricia Lacey** spoke in objection to the zoning and submitted a letter. **Charles Cole** mentioned the covenants designated lot 4 and 5 as residential/commercial. He talked about portions of the land use code concerning the proposed use. **Lynn Robertson** submitted an e-mail from **William P. Doherty** objecting to the zoning. Mrs. Robertson submitted 3 photos, Hearing no further public comment, Comm. Koppenhafer closed the public comment portion. **Attorney Green** spoke as to the covenants and the designation in regard to the covenants. Mr. Swanner asked if the receipt of monies constituted commercial zoning. He said he has leased the property for storage from various entities. Danny Wilkin talked about spot zoning. He said the property is at an intersection to two major highways. Mr. Swanner said there is no water available and therefore is not feasible for agricultural use. It was stated that the County does not enforce covenants and does not violate the covenants but does recognize them. Took a five minute break. Hearing resumed. Comm. Koppenhafer opened the hearing up to public comment again. **Charles Cole** responded to the historic uses of Mr. Swanner’s property and asked if there is any proof of income from the use of the property. **Rich Lee** said he understands that Mr. Swanner would have to come back before the Board if threshold standards are



exceeded. **Greg Kemp** made a couple of observations that no one has spoken in favor of zoning but are in favor leaving property as is. **Jerry Giacomo** read a statement from **Jacqueline Billings** who supports the existing use but does not support commercial zoning. He said the Board would be setting precedence if they zoned the property commercial. He spoke about the CDOT access being accessed on T.5. Hearing no further public comment, that portion was closed. Danny Wilkin spoke as to the location again. Mr. Green said Mr. Swanner wishes to be zoned and Mr. Green said the Board would have more control over the property by zoning it as commercial use. The current ARES zoning recognizes the covenants. After much discussion and hearing all the comments made and the evidence presented, Comm. Rule moved to approve the determination of commercial zoning on lot 4 of the Swanner 4 lot moderate subdivision, seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

**CORRESPONDENCE:** The following correspondence was read and noted:  
Letter from the United States Department of Interior to Normand Birtcher regarding the management of Animas-LaPlata mitigation lands by the Southern Ute Indian Tribe. (See attached)

**Workshop:** The Board attended the Lower Dolores Management Plan Workgroup at the Dolores Public Lands Center beginning at 5:30 p.m.

**The meeting** scheduled for Tuesday, December 16, 2008 at 9:00 a.m. at the Montezuma County Annex has been cancelled.

**MEETING ADJOURNED after the completion of the workshop.**

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County Clerk    December 15, 2008

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Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
December 22, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 22, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Thomasina Neely, Chief Deputy County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, December 15, 2008 were read. Comm. Rule moved to approve the minutes of December 15, 2008 as corrected, seconded by Comm. Rule and carried.

**ROAD: Road Supervisor Dean Roundtree**, met with the Board to approve Road and Bridge Standard Specifications for the County Roads. Comm. Rule moved to accept Road and Bridge Standard Specifications, Comm. Chappell seconded, motion carried (See Attached). City of Cortez Inter Governmental Agreement on Roads and Street was presented. Comm. Chappell moved to approve the Inter Governmental Agreement between the City of Cortez and Montezuma County (See Attached). Mr. Roundtree recommended the Commissioners pursue legal avenues to resolve issues with County Road K.6. Administrator Ashton Harrison submitted a Memorandum of Understanding for the use of office space, Comm. Rule moved to approve A Memorandum of Understanding between Montezuma County and Southwest Regional Emergency and Trauma Council (SWRETAC) regarding the provision of office space in County owned premises, seconded by Comm. Chappell motion was carried. (See Attached). Dean questioned the use of Bill Barrett Rigs on Roads 22, and 21. Comm. Koppenhafer questioned Road 25. It was suggested that Dean talked to CDOT to recommend road usage for Bill Barrett Rigs. A request to plow Road 41 in Mancos was discussed.

**FAIRGROUNDS:** LeeAnn Milligan met with the Board to discuss the 2009 fee schedule for the Montezuma County Fairgrounds. Comm. Chappell moved to accept the Fee Schedule for The Montezuma County Fairgrounds for 2009, seconded by Comm. Rule and motion carried.

**JIM BURTON** presented a proposed Resolution for the Montezuma County Road Addressing System. Comm. Rule moved to approve Resolution # 22-2008, The Montezuma County Road Address System, seconded by Comm. Chappell and motion carried. (See Attached).

**Dave Nichols** with the **Montezuma Land Conservancy** proposed a Resolution concerning conservation easements for landowners Dan Duncan and Arthur and Esther Wilsons Land, represented by Ruth Francisco. Comm. Rule moved to approved Resolution #23-2008 recognizing the Duncan and Wilson Properties for conservation Protection and Private Property Rights, seconded by Comm. Chappell motion carried.

**Jim Dietrich** met with the Board to discuss meeting with the BLM. **State Director Sally Wisely** Comm. Koppenhafer suggested that Jim schedule such meeting.

**LUNCH: 12:10**

**SHERIFF Gerald Wallace**, met with the Board to discuss the Jail. A request for 2, in car video surveillance systems was made, as well as a system for video arraignment in the Courts. Sheriff Wallace presented A

Gaming Grant for approval. Comm. Rule moved to approve A Gaming Grant #F09GA603 with the Dept. of Local Affairs, seconded by Comm. Chappell and carried.

The Following **Orders** were approved for payment:

Comm. Rule moved to approved Order #8 Transfer from Conservation Trust Fund to Montezuma County General in the amount of \$35,115.00, seconded by Comm. Chappell motion carried.

Comm. Chappell moved to approve Order #9 Transfer from Conservation Trust Fund to Montezuma County Road Dept. in the amount of \$86,698.73, seconded by Comm. Rule, motion carried.

Comm. Rule moved to approve Order #10 Transfer from Law Enforcement Authority Fund to Montezuma County General Fund in the amount of \$187,856.00, seconded by Comm. Chappell, and carried.

The following were approved for payment:

#298 from the Capital fund to New Mexico Emergency Products A in the amount of \$9562.37

#299 from the Capital Fund to Colorado Springs Dodge in the amount of \$88,938.00.

**2009 CERTIFICATE OF LEVIES AND REVENUE:** Comm. Chappell moved to approve the Certificate of Levies and Revenue for the year 2009, seconded by Comm. Rule, and carried.

**Adjourned:** Comm. Rule moved to adjourn the meeting at 2:15 p.m. seconded by Comm. Chappell.

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Clerk

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
December 29, 2008**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 29, 2008 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman  
Larrie D. Rule, Vice-Chairman  
Steve Chappell, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Ashton N. Harrison, County Administrator  
Kim Percell, Deputy County Clerk

**MEETING** was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

**MINUTES** of the regular meeting held on Monday, December 22, 2008 were read. Comm. Chappell moved to approve the minutes of December 22, 2008 as corrected, seconded by Comm. Rule and carried.

**ROAD: Road Supervisor Dean Roundtree**, gave a report on the snow removal done for the holiday weekend. With the weather conditions most employees worked both Christmas day and the day after. He reported that most county roads are in good shape, but a few repairs will be needed on the equipment. He reported the sand reserves are getting low.

**LOUIS SZABO and PAT LESKY** discussed concerns they had regarding the Sub Division **SOUTHERN BLUFFS**.

Commissioners went to an On-Site visit to the Mancos Road Shop at 9:30 a.m.

## **LUNCH**

**THE FOLLOWING PUBLIC HEARINGS WERE HEARD:** The time being set aside for the following public hearings, the roll was called and the public notices were read, the proceedings were taped for the record. High impact Permit Application request for **Amerigas Propane, L.P., Agents Maness and Associates, Inc.**, submitted by **Brad Townsend**. Request is for the purpose of permitting a bulk propane storage tank. The property located within the Lot 2 of Fairgrounds General PUD at 29296 Road J.25. Cortez, Co. Commissioner Chappell moved to approve the High Impact Permit application for **Amerigas Propane L.P., Agents Maness and Associates, Inc.** submitted by **Brad Townsend** permitting a bulk propane storage tank located within Lot 2 of Fairgrounds General PUD, with no on site tank filling. Seconded by Comm. Rule, motion carried. (See Attached) Two High Impact Permit applications and two Special Use Permit applications submitted by **Bill Barrett Corporation, agent Don Hamilton**, for the purpose of drilling 2 horizontal natural gas wells, the construction of 1 new well pad and the expansion of an existing well pad together with associated tie-in lines for wells known as 16H-28-38-16 and 13H-27-38-16, on property owned by **Marianne and Jerroll Koskie**, located at 24028 Road X, Lewis, Co. Commissioner Rule moved to approve the two High Impact permit Applications and two Special Use Permit applications submitted by **Bill Barrett Corporation, Agent Don Hamilton**, for the purpose of drilling 2 horizontal natural gas wells, the construction of 1 new well pad and the expansion of an existing well pad together with associated tie-in lines for wells known as 16H-28-38-16 and 13H-27-38-16, on property owned by **Marianne and Jerroll Koskie** located at 24028 road X Lewis, Co.. Seconded by Comm. Chappell, motion carried. (See Attached) High Impact Permit Application and a Special Use permit Application submitted by **Bill Barrett Corporation, Agent Don Hamilton** for the purpose of constructing a well pad, drilling a horizontal exploratory natural gas well known as 14H-29-38-16 on property owned by **Roscoe Rose** located at 22866 Road X, Lewis, Co., and the construction of tie-in lines. Commissioner Chappell moved to approve the High Impact Permit Application submitted by **Bill Barrett**

**Corporation Agent Don Hamilton**, for the purpose of constructing a well pad, drilling a horizontal exploratory natural gas well, known as 14H-29-38-16 on property owned by **Roscoe Rose** located at 22866 Road X, Lewis, Colorado, and the construction of tie-in lines, property consisting of 294 acres, more or less, with the proposed well pad. Seconded by Comm. Rule, motion carried. (See Attached)

**Adjourned:** Comm. Chappell moved to adjourn the meeting at 2:15 p.m. seconded by Comm. Rule.

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Clerk

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Chairman

ONLINE COPY