

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 5, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 5, 2009 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 29, 2008 were read. Comm. Rule moved to approve the minutes of December 29, 2008 as corrected, seconded by Comm. Chappell and carried.

PAYROLL: General fund checks in the amount of \$315,803.48, District Attorney fund check #54406 in the amount of \$32,343.42, Treasurer fund check #54405 in the amount of \$248,121.38, Road department fund checks in the amount of \$78,883.99, Treasurer fund check #21804 in the amount of \$63,866.29; and Landfill fund checks in the amount of \$15,781.84, Treasurer fund check #5967 in the amount of \$13,589.86 were approved for payment.

ROAD: Road Supervisor Dean Roundtree was informed of a temporary court order allowing the turnaround on Road K.6. It was said the County can turn around on the property. There will be a hearing for next week concerning same. Supervisor Roundtree said the department is sanding and plowing snow in some areas. He reported a few signs are missing and some have been damaged. The roundup shop is in need of alternative heat. He talked about equipment in need of repairs. Supervisor Roundtree discussed an upcoming meeting in regards to the county road plan.

PLANNING: Planning Director Susan Carver presented the following planning items.

•**An after- the- fact** exemption for **Edwin and Joyce Liukko**. (Resolution P-41-75) Edwin and Joyce Liukko wish to convey 10 acres more or less to the adjacent property owners **Marvin and Peggy Reichenau**. Said request would result in Edwin and Joyce Liukko owning a tract of land consisting of 4 acres, more or less, and Marvin and Peggy Reichenau owning a tract of land consisting of 14 acres, more or less. Peggy and Marvin Reichenau informed the Board of their intentions in regards to the property. Comm. Chappell moved to amend

planning resolution P-41-75 and to approve an after the fact exemption on property located at 22735 Road L owned by Marvin and Peggy Reichenau. Seconded by Comm. Rule and carried. (See attached)

•**Variance request.** A request for a variance for a shop being constructed on property located at 6300 Road 24, Cortez for **Edwin and Jennifer Wood**. The setback requirements for auxiliary structures are 25' from adjacent boundary lines. The request is from the 25' to a 7' setback from the adjacent property line. Director Carver said there are no covenants recorded on the property and adjacent property owner Don Lien is not opposing the variance. Edwin and Jennifer Wood informed the Board of their intentions for the request. The property is currently zoned as ARES. Comm. Rule moved to grant a variance from the setbacks of 25' to 7' on property located at 6300 Road 24 for Edwin and Jennifer Wood. Seconded by Comm. Chappell and carried. (See attached)

•**Boundary line adjustment. RC Southwest Development, LLC, Rob Pope, Maness and Associates agents.** The property is located at 23701 Road K.3, Cortez consisting of 470 acres more or less and 52 acres more or less on 23100 Road L, Cortez. The applicant wishes to combine 18 acres more or less of the 470 acre tract to the 52 acre tract whereby consolidating an area for a proposed development which will consist of 73 acres more or less. This adjustment is considered as an exemption rather than a boundary line adjustment. Comm. Chappell moved to approve an exemption to the land use code for R C Southwest Development, LLC combining a 52 acre tract more or less to an 18 acre tract off of a 470 acre tract creating 73 acres more or less. The property is located at 23100 Road L. Seconded by Comm. Rule and carried. (See attached)

Corey Veach met to discuss access to his property on the Dolores Norwood Road. He requested a letter declaring his historical access on 2.6 miles on the forest service road. The 2.6 miles is in Dolores County and he is requesting a letter from the Board stating he uses that portion of the Dolores Norwood road that's in Montezuma County to access his property. A letter will be written.

•**Term appointments.** Director Carver discussed a proposed resolution regarding term appointments for the Planning and Zoning Commission Board.

•**Scheduling of public hearings** for reviewing and determining requests for high impact permit and special use permit applications for construction of a new 4 acre well pad known as 3H-19-38-16 and a second hearing for 16H-12-38-17, horizontal drilling of a natural gas well, and 12" steel tie-in gas line as submitted by **Bill Barrett Corp**. The property is located at 21450 Road Z, Lewis, owned by Charles M. McAfee & Co. RLLLP. The hearings have been scheduled as follows; January 19, 2009 at 3:00 p.m. for 3H-19-38-16 and January 19, 2009 at 3:45 p.m. for 16H-12-38-17 on Bill Barrett Corp.

• **Signed findings and permit on the following:**

High Impact Permit No. 565, Amerigas Propane L.P. (See attached)

High Impact Permit No. 576, Bill Barrett Corp. (See attached)

High Impact Permit No. 577, Bill Barrett Corp. (See attached)

High Impact Permit No. 578, Bill Barrett Corp. (See attached)

LUNCH: 12:00 Noon

2009 COUNTY HOLIDAYS: A list of the county holidays for 2009 was submitted for approval. Comm. Chappell moved to approve the county holidays for 2009 as presented, seconded by Comm. Rule and carried. (See attached)

LOT LINE AMENDMENT: Kelly Ridge Ranch Subdivision located at 42050 Road N.25, Mancos. The request is to amend a common lot line on lots 3A and 4A of the subdivision. Both lots are owned by Pat and Sarah Hatch. Comm. Rule moved to sign the amended plat for lots 3 and 4 in the Kelly Ridge Ranch Subdivision, 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 and a special use permit application request for the construction of a dew point control compressor facility, a natural gas processing facility called the Pinto Plant as submitted by **Williams Field Services Co., LLC**, Andrea Walton, Dave and Brenda Diss agents. The facility is located at 18340 Road BB, Pleasant View, Co. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning Director Carver gave an overview of the applications. Andrea Walton was on a conference call and Don Hamilton and Dave Diss were in attendance. Don Hamilton representing Williams Field Services spoke as to the applications. The property consists of 148 acres with the footprint for the facility being approximately 17.48 acres more or less. Ms. Walton stated the footprint will not go larger than 17.48 acres. She gave an anticipated time line for the construction beginning in March 2009. Comm. Koppenhafer opened the hearing to public comment at this time. **Ron Ellis** has concerns about the condition on Road 18 as the road is rough and dusty and concerns with speed. **Rex Corsair** has concerns with roads 18 and DD. He says the roads are in bad shape as well. **Darwin Cline** wishes the roads to be taken care of. He said there needs to be dust control and better road maintenance. Hearing no further public comment that portion of the hearing was closed. Mr. Hamilton responded to the comments made addressing the project access being on Road 18 and said any contractors will be instructed to use a slow and safe speed. He said Williams will work to ensure that speed and correct roads are used. Ms. Walton stated that if mag chloride is needed that will be done. She said any problems reported would be dealt with by Williams. It was stated that upgrades and mag chloride should be done on 1 mile on DD and 2 miles on Road 18. No further comments were made after Comm. Koppenhafer opened the hearing back up. Public comment period was closed. After hearing all the evidence presented Comm. Chappell moved to approve a high impact permit and special use permit application for the construction of a dew point control compressor facility, a natural gas processing facility called the Pinto Plant as submitted by Williams Field Services Co., LLC located at 18340 Road BB, Pleasant View, Co. S20 T38N,R17 W N.M.P.M. located south of Road BB east of Road 18 conditional upon upgrades and mag chloride on 1 mile of Road DD and 2 miles on Road BB. Also, conditional upon notifying

(a) with a two week advance notification of facility construction, (b) ingressing and egressing daily vehicle counts including time of day and date and (c) vehicle type. Seconded by Comm. Rule and carried. Comm. Koppenhafer closed the hearing. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit and a special use permit application request for the construction of a pipeline gathering system as submitted by **Williams Field Services Co., LLC**, Andrea Walton, Dave and Brenda Diss agents. 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. Agents Don Hamilton, Dave Diss were in attendance and Andrea Walton was on conference call. Don Hamilton spoke as to the applications for Williams Field Services LLC. Comm. Koppenhafer opened the hearing up to public comment. Hearing no public comments, Comm. Koppenhafer closed that portion of the hearing. It was stated the pipeline would be started around March of 2009. The pipe will be laid mostly along the right of way and may take 6 to 8 weeks to complete. There may need to be some spot mag chloride done to mitigate dust. After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit and special use permit applications for

Williams Field Services, Agents Andrea Walton, Don Hamilton and David Diss for the construction of a pipeline gathering system with the land reclamation as stated in the easements with the property owners and as stated in the application. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearing at this time.

CHANGE OF USE: Director Carver asked to forward a high impact permit application for a change of use on a commercial building/lot located at 9165 Road 27, Cortez as submitted by **Tri-State Generation and Transmission Association, Inc.** The building will be used as Tri-State's Cortez field facility. Comm. Rule moved to forward the high impact permit application for Tri-State Generation and Transmission Association, Inc. to the Planning Commission. Seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

Letter to Robert Riggert acknowledging his valued service on the Planning and Zoning Commission Board. (See attached)

Final Determinations for Evangel Assembly of God, and Montezuma Water Co.,
(See attached)

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

MEETING ADJOURNED: 4: 40 p.m.

County Clerk January 5, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 12, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 12, 2009 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, January 5, 2008 were read. Comm. Rule moved to approve the minutes of January 5, 2009 as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree presented a road and bridge plan for 2009. Comm. Rule moved to approve the Montezuma County road and bridge plan for 2009, seconded by Comm. Chappell and carried. (See attached) County Administrator Harrison informed the Board of the hearing concerning the Road K.6 turnaround on the Gonzales property is scheduled for January 20, 2009 at 3:00 p.m. Discussed the origination of the 60' right of way on roads in the county.

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of December, 2008 (See attached)

2009 APPOINTMENTS: The following election of officers and appointments were made.

Comm. Chappell made a motion to elect and appoint the following;

- County Commissioners; Chairman, Larrie D. Rule, Vice Chairman, Steve Chappell and Commissioner of Deeds, Gerald W. Koppenhafer
- County Attorney; Bob Slough
- County Administrator/Budget Officer; Ashton Harrison
- County Road Supervisor; Dean Roundtree
- Director of Social Services; Dennis Story
- Director of Public Health; Lori Cooper
- Health Officer; Dr. Gerald Griebel
- Region 9 Economic Development Board; Steve Chappell, Alternate; Larrie D. Rule
- Southwest Regional Transportation Committee; Larrie D. Rule, Alternate; Steve Chappell

- Veteran's Affairs Officer; Bud Carrier to a term expiring January, 2011
- Legal Publications; Cortez Journal, Dolores Star and Mancos Times.

Motion seconded by Comm. Rule and carried.

Comm. Rule moved to appoint the following to the Montezuma County Lodger's Tax Board;

- Deanna Truelsen, to a term to expire January, 2012 and Judith Swain to a term to expire January, 2012. Seconded by Comm. Chappell and carried.

LIQUOR LICENSE: Clerk's deputy **Tammy Neely** presented a renewal of a hotel/restaurant liquor license for **Sophia Retreat and Conference Center**. Comm. Rule moved to approve the renewal for Sophia Retreat and Conference Center, seconded by Comm. Chappell and carried.

Deputy Neely presented an application for a special event liquor license for **Four States Ag Expo** for the dates of March 19th through the 21st from 9:00 a.m. to 5:00 p.m. each day. Comm. Rule moved to approve a special event permit for the Four States Ag Expo for March 19th through March 21st from the hours of 9:00 a.m. to 5:00 p.m. Motion seconded by Comm. Koppenhafer. Comm. Rule and Comm. Koppenhafer voted aye, Comm. Chappell voted nay. Motion carried.

HOUSING NEEDS: **Chris Burkett** met to discuss a grant application to conduct a housing needs assessment in conjunction with the municipalities of Cortez, Mancos, and Dolores. He informed the Board about the grant. Comm. Chappell moved to support the application for the Colorado Division of Housing needs assessment grant, and to authorize the Chairman to the Board of County Commissioners to sign the application, 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, 2008 seconded by Comm. Rule and carried. (See attached).

- Signed the following findings and permit
High impact permit number 580, Williams Field Services Co. LLC (See attached)
High impact permit number 579, Williams Field Services Co. LLC (See attached)

LUNCH: 12:00 noon

PLANNING: Planning Director Susan Carver presented a complaint regarding a violation of the threshold standard #24 concerning lighting from Jim Skvorc. The complaint deals with the Boren Storage Facility on Highway 145, Dolores. Director Carver will send a letter to the property owner about the nature of the complaint. (See attached)

OIL AND GAS CONSERVATION COMMISSION form for request for notification of any oil and gas operations applications received for signature. Form was signed. (See attached)

EXEMPTION REQUEST: Director Carver presented a request for an exemption submitted by Lane and Sharon Kim on a tract of land located at 25570 Road N, Cortez, consisting of 59 acres, more or less and said exemption is to allow the conveyance of 17 acres more or less to be added to the existing acreage of the adjacent property owners, Alan and Pamela Schafer, Family Trust and located at 12540 Road 25. Cortez. Comm. Chappell moved to approve an exemption to add 17.2 acres to the existing land owned by Alan and Pamela Schafer, Family Trust. Seconded by Comm. Rule and carried. (See attached)

PUBLIC HEARING; It being the time set aside a continuation of a public hearing is held for the purpose of reviewing and determining a high impact permit application and a special use permit application request for a hot mix asphalt plant, to be operated in conjunction with a proposed aggregate mining and processing operation on property located at 39238 Hwy. 160, Mancos, submitted by **Eldon A., Linda L., and Andrew K. Simmons**, agents **Four Corners Materials, Peter Kearl**. The roll was called, the public notice was read, and the proceedings were taped for the record. This hearing is for the asphalt plant that is to be used in conjunction to an aggregate mining and processing operation. Director Carver gave an overview of the application. Peter Kearl and **Ralph Wagner** informed the Board of their operations. Peter Kearl discussed the required permits and time stipulations. He spoke on base line air quality and monitoring. Nathan Barton gave a power point presentation about the volatile organic compounds (VOC) from said plant. Mr. Kearl said the plant would not be operated in the winter time. Pete Siegmund said the plant operations would be from around April through mid December and then its all weather dependent using CDOT specifications of 40 degrees and rising. Comm. Koppenhafer opened the hearing to public comment. The following audience members spoke regarding various concerns they have with the plant. **John Fleitz Ned Harper, Nancy Segal, Betsy Harrison** read excerpts from a letter written by Attorney Jeff Robbins. **Greg Kemp, Tom Vaughan, Eric Janz, Jim Cody, Marjorie Connoley** she read a letter from Peggy and Lee Cloy, **Nadia Hebard** read a letter from **Felicity Broennan.Dian Law, Silvia Fleitz**, and she read a letter from **Alfred Hughes. Elizabeth Wheeler**, she read parts of a letter from **Virginia Dunlop and Dick White, Sarah Staber, Laird Carlson, Claudia Whitmen** read letters from **Margaret Heath. Greg Kaylor, Tony Littlejohn, Jerry Giacomo, Gareth Barton, Stirling Bernard, Wendy Benjamin, Phil Kemp, Ned Harper, Mathies Barton, Jim Law, Patricia Burk, Deb Campbell, Dave Sipe**, Hearing no further public comment, Comm. Koppenhafer closed that portion at this time. A short break was taken. The hearing resumed. Agents for Four Corners Materials responded to the questions raised such as toxic and contamination and air quality. He said a minimal amount of contaminants are emitted. They are emission regulated from various agencies. If anyone has a complaint they would like to hear about it. Nathan Barton spoke about the contaminants specifically about hot mix asphalt plants and the EPA reports. Ralph Wagner said the Company does not want to move the Cortez plant to the Mancos Plant but would like to put an upgraded plant in the Simmons pit sometime in the future. He discussed pricing for their product and are priced locally. Talked about additional paving contracts in Mesa Verde National Park and he said they would bid for the contract and produce asphalt for these contracts from the Simmons plant. Height of stack is specified in the application. Talked about noise and light pollution and said the hours of operation would not be violated per the limitations stated in the permit. He said it is very unlikely where they would subcontract to another contractor but if they did, the contractor would have to perform like they do. He addressed additional trucks because of the gravel operation and hauling of dry aggregate or asphalt. Discussed Old Castle being a multi-national company. He talked about employees. He said they purchase equipment, fuel, tires, parts and etc locally if possible. He said the equipment will be as environmentally sound as possible. He said they would never put their company in jeopardy for any reason. Opened back to public comment. Again the following audience members made comments; **Jim Law. Betsy Harrison, Sarah Saber**. She asked if there is any air monitoring equipment in the Mancos Valley. Comm. Koppenhafer said that the CHPDE will not disclose the location of their air monitoring equipment. **Patricia Burk, John Fleitz, Eldon Simmons, Jerry Giacomo, Betsy Harrison, Deb Campbell, Eric Janz, Dave Sipe, Eldon Simmons, John Fleitz, Doug Doty, Greg Kemp**, Hearing no further public comment Comm. Koppenhafer closed the public comment portion again. After much discussion and hearing all the testimony and the evidence presented **Comm. Chappell moved** to approve a high impact permit and special use permit for a hot mix asphalt plant, to be operated in conjunction with a proposed aggregate mining and processing operation on property located at 39238 Hwy 160, Mancos, Co. submitted by Eldon A., Linda L., and Andrew K. Simmons, agents Four Corners Materials, Peter Kearl. The property is situated on the north side of Hwy 160 west of Road 39, located in Section 31, Township 36N, Range 13W N.M.P.M.. with a date certain of 2020 and a 1 year annual review of the permit when the operations begins upon notification to the BOCC by the company and the review will be noticed in the newspapers by public notice. The hours of operation will begin with 6:30 a.m. being a warm-up time and operations

to begin at 7:00 a.m. until 6:00 p.m. The Board determined the evidence satisfied the requirements of section 3306.4 of the land use code, Also notify the BOCC in advance of projects with potential to exceed limits on air pollution and mitigation measures to prevent exceedence. All State and Federal permits are to be met. Seconded by Comm. Rule and carried. Comm. Koppenhafer closed the hearing.

Meeting was continued to Tuesday, January 13, 2009 at 11:00 a.m.

JANUARY 13, 2009

The meeting was called to order by Comm. Koppenhafer at 9:00 a.m.

BLM: Sally Wisely, Lou Ann Jacobson, Matt Janowiak, and Mark Stiles representing the BLM met to discuss various access problems to the Canyon of the Ancients National Monument. They talked about gaining approval for proposed oil and gas development within the Canyon of the Ancient National Monument. Mark Stiles talked about the implementation of the plan and gave an update. Lou Ann Jacobson updated the Board with meetings with Questar and agreements made and changes in well locations. Bob Clayton, operations director for Kinder Morgan updated the Board about Kinder Morgan's work and problems they have had. He talked about changes Kinder Morgan has made and stated they have gone with the BLM's geographical area development plan. (GADP). The BLM discussed the need for early communication and the need to improve the time lines to include quicker action. Talked about the utilization of leases. The question concerning what constitutes an archeological community. It was stated that was very difficult to determine but taking the GADP approach helps. Discussed access to private in-holdings to the Monument. The holders feel they should not have to pay fees to have access to their own land. Mark Stiles stated a travel management plan would need to be done. Mr. Stiles made a statement that if the Board hears property owner concerns, he asked the Board to direct them to the BLM to discuss the situation. The Board asked questions concerning recreational access. Lou Ann Jacobson stated hunting is allowed on the Monument and fire arms may be carried on the Monument as well. She stated there are plans to close the Monument to recreational shooting in the future. The term recreational shooting should be defined better. Talked about the use and routes that can be used and for what purposes. A map of the Monument can be provided to distinguish what routes can be used for what types of activities. Audience members spoke at this time with various concerns. Miscelle Allison submitted a letter in to minutes. (See attached) Letter from Chester Tozer to BLM and a letter from Sally Wisely to Ann Brown

Meeting was continued until Wednesday, January 14, 2009 at 9:30 a.m.

Comm. Rule called the meeting to order.

Commissioners present were Comm. Rule and Comm. Chappell. Comm. Koppenhafer was absent.

CDOT; Mike McVaugh, Jo Cuthbert, and James B. Horn, CDOT managers met to discuss the possibility of a master road plan for proposed developments. They discussed access to the various oil and gas drilling locations. They all talked about the roads DD and 18 access to well sites. A suggestion was made to have the big trucks enter on Road 18 and exit on Road DD. CDOT would like to meet on a regular basis with the County and Cities in an effort to keep all more informed on projects and show a united front.

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

Letter to Steven K. Beverlin, manager, Dolores Public Lands Office in reference to snow removal on the Norwood Road regarding the Corey Veach Property. (See attached)

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

MEETING ADJOURNED: 11:30 a.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 19, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 19, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, January 12, 2009, Tuesday, January 13, 2009, and Wednesday, January 14, 2009 were read. Comm. Koppenhafer moved to approve the minutes of January 12, 13, 14, 2009, as corrected, seconded by Comm. Chappell and carried.

ACCOUNTS PAYABLE: General Fund # 54409-54597 in the amount of \$304,450.93, Road Fund # 21808-21863 in the amount of \$253,013.10, and Landfill # 5970-6007 in the amount of \$29,756.10 for the month of December, 2008 were approved for payment.

ROAD: Road Supervisor Dean Roundtree and **Terri Forth** with Thomas and Forth Engineering, Inc. discussed a turnaround on the Gonzales property on Road K.6. **County Administrator Harrison** presented a survey done by Maness & Associates, Inc concerning the Sylviano Garcia fence relocation concerning a boundary line adjustment between his property and the county shop property in Mancos. Administrator Harrison will discuss the situation with Mr. Garcia. (See attached) Supervisor Roundtree talked about the culvert on Road G. He was informed about problems on Road S with an MVI irrigation canal and discussed plowing issues by the Fairview Cemetery.

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

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted, Director Dennis Story and Lou Ann Everret were present.

COUNTY CLASSIFICATION: Reviewed and discussed becoming a class 3 county. County Assessor Mark Vanderpool, County Coroner Charlie Rosenbaugh, County Sheriff Gerald Wallace and County Clerk Carol Tullis were present. The increase would take effect in 2011 if approved. Comm. Koppenhafer moved to approve **Resolution 1-2009** requesting the State Legislature categorize Montezuma County from a class IV County to a class III County, seconded by Comm. Chappell and carried. (See attached)

SYLVAN CEMETERY: Comm. Chappell moved to re-appoint Lori Olander to the Sylvan Cemetery District to a three year term to expire in January, 2012, seconded by Comm. Koppenhafer and carried.

LUNCH: 12:05 p.m.

PLANNING RESOLUTION: Planning Director Susan Carver discussed a resolution concerning terms of office of directors on Montezuma County Planning Commission.

DEB AVERY with the Cortez Cultural Center asked for a letter of support regarding the Center's efforts to obtain enterprise zone status. Comm. Koppenhafer moved to sign a letter of support for the Cortez Cultural Center's efforts to obtain enterprise zone status. Seconded by Comm. Chappell and carried. (See attached)

PLANNING: Planning Director Carver presented the following planning items;

- An application from **James and Jacqueline Snow and Brian and Cheryl Grubbs** for a common lot line adjustment for properties located at 17973 Road 39, Mancos, Co., and Road 17892 Road 39, Mancos, Co. The properties are known as lots 9 & 10 of the Millwood Acres Subdivision.(See attached) Director Carver will discuss concerns of the Board with the parties involved and see if they wish to pursue the adjustment.
- Director Carver presented an application from Archie Hansen for review and determination of an exemption request on a tract of land located at 22980 Road K.3, Cortez. The request is to create two 1 acre lots, non-residential, to the **Home Owners Association of Indian Camp Ranch**. He said the lots would be used to accent the existing access points to Indian Camp Ranch. **Ernie Maness** explained Mr. Hansen's request. Comm. Chappell moved to approve this exemption request for 2 one acre lots from lot 21 with the following stipulations; be restricted to open space and with no sewer system installation, and no development except for entryway development, seconded by Comm. Koppenhafer and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding a high impact permit and a special use permit application submitted by **Bill Barrett Corporation, Don Hamilton, agent**. Said application is for the purpose of constructing a 4 acre well pad, drilling a horizontal natural gas well, and a 12" or less buried steel pipeline corridor with well site production equipment on property owned by **Charles M. McAfee & Company, LLLP**, located at 24751 Road 21, Lewis, Co. consisting of 136 acres more or less (16H-12-38-17). The roll was called, the public notice was read and the proceedings were taped for the record. Director Carver gave an overview of the applications. **Don Hamilton and Jim Felton** representing Bill Barrett Corporation explained the applications and their intentions to the Board. Comm. Rule opened the hearing to public comment at this time. The following audience members spoke with various concerns. **Dexter Gill, David Baker, Rebecca Renbourne, and Jerry Koskie**, Hearing no further comments, that portion was closed. Mr. Felton spoke in response to the audience's questions. He introduced **Monte Shed** to speak about the road work and maintenance and he addressed the rig lighting during the drilling process. Mr. Shed talked about the traffic, explained the flaring processes. Mr. Hamilton discussed the access being on Road 22. The Board talked about a possible access being on Road 20 being a better access. Comm. Rule opened the hearing back up to public comment. The following audience members spoke with concerns and questions. **M.B. McAfee, Chuck McAfee, Kelsey Maez, and David Baker**. Hearing no further comments, Comm. Rule closed that portion. It was asked if they have any type of road plan. The statement

was made that they are working on a plan. After hearing the comments made and the evidence presented Comm. Chappell moved to approve a high impact permit application and a special use permit application for 16H-12-38-17, submitted by **Bill Barrett Corporation, Don Hamilton, agent**. Said application is for the purpose of constructing a 4 acre well pad, drilling a horizontal natural gas well, and a 12" or less buried steel pipeline corridor with well site production equipment on property owned by **Charles M. McAfee & Company, LLLP**, located at 24751 Road 21, Lewis, Co. consisting of 136 acres more or less. Said property is situated in S12, T38N, R17W. N.M.P.M., lying on the north side of Road AA, west of Road 21, and all State, County, and Federal permits are to be met. Motion was seconded by Comm. Koppenhafer and carried. (See attached). Comm. Rule closed the hearing at this time.

•**PUBLIC HEARING:** It being the time set aside a public hearing is held regarding a high impact permit and a special use permit application submitted by **Bill Barrett Corporation, Don Hamilton, agent**. (3H-19-38-16) Said application is for the purpose of constructing a 4 acre well pad, drilling a horizontal natural gas well, and a 12" or less buried steel pipeline corridor with well site production equipment on property owned by **Charles M. McAfee & Company, LLLP**, located at 21450 Road Z, Lewis, Co. consisting of 160 acres more or less. The roll was called, the public notice was read, and the proceedings were taped for the record. + **Comm. Koppenhafer** moved to have the recording of the previous hearing attached to this hearing. There were no audience objections and the Commissioners were all in agreement. The motion was seconded by Comm. Chappell and carried. Director Carver gave an overview of the applications. Don Hamilton talked about the applications. Comm. Rule opened the hearing to public comment. The following audience members made comments. **Jerry Koskie, Charles McAfee, and David Baker**. Hearing no further comments, Comm. Rule closed that portion of the hearing. Mr. Shed responded to the concerns raised by the audience. Comm. Rule once again asked for public comments. **M.B. McAfee** spoke. The comment period was closed. After hearing all the comments made and the evidence presented Comm. Koppenhafer moved to approve the high impact permit and special use permit application submitted by **Bill Barrett Corporation, Don Hamilton, agent**. (3H-19-38-16) Said application is for the purpose of constructing a 4 acre well pad, drilling a horizontal natural gas well, and a 12" or less buried steel pipeline corridor with well site production equipment on property owned by **Charles M. McAfee & Company, LLLP**, located at 21450 Road Z, Lewis, Co. Also have all State, County and Federal permits met and the necessary production equipment if the well is productive. Seconded by Comm. Chappell and carried. Comm. Rule closed the hearing at this time. (See attached)

FINDINGS: Comm. Chappell moved to sign the findings and permit for the high impact permit number 581 and special use permit for Four Corners Materials, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

Signed the Variance for Edwin and Jennifer Wood. (See attached)

Signed the Needs Assessment Grant with Cities and Towns. (See attached)

Letter from Montezuma County Sheriff's Office concerning illegal alien report. (See attached)

Memo from Summit Ridge Water Dist. and map. (See attached)

Letter from Nurse-Family Partnership. (See attached)

Letter from Natural Energy Resources Co.Re: comments on flawed Southern Delivery System final environmental impact statement. (See attached)

Letter from Southern Ute Indian Tribe/State of Colorado Environmental Commission Re. final notice of reservation air code and title V operating permit program. (See attached)

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

MEETING ADJOURNED: 6:10 p.m.

County Clerk January 19, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 26, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 26, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, January 19, 2009 were read. Comm. Koppenhafer moved to approve the minutes of January 19, 2009, as corrected, seconded by Comm. Chappell and carried.

JAMES DIETRICH updated the Board on a recent Dolores River Dialog meeting.

ROAD: Road Supervisor Dean Roundtree said he has been contacted about the condition on Road 22. He has contacted Jim Felton with Bill Barrett concerning the road. Supervisor Roundtree will contact Monte Shed with Bill Barrett concerning the road as well. He told the Board that the clean up on Road 34 is progressing and will finish it in the spring. . He said an agreement has been reached concerning the turnaround on the Gonzales property on Road K.6.

ROAD IMPACT FEES: Reviewed bids concerning industrial and commercial road impact fees study. Bids were received from Russell Engineering Inc. in the amount of \$105,915.00, RPI Consulting LLC in the amount of \$26,680.00 and TischlerBise in the amount of \$34,200.00. Comm. Koppenhafer moved to accept the bid from TischlerBise for conducting a study for the creation of road impact fees for commercial and industrial impacts. Seconded by Comm. Chappell and carried.

Supervisor Roundtree discussed the graveling, fencing, and parking at the Fairgrounds. He talked about the canal on Road S and a hole in the area of Stanley Electric needing attention.

FAIRGROUNDS MANAGER LeeAnn Milligan met to discuss the fees concerning the race track. She also gave the Board an update on the Ag Expo. She stated Jack Nelson requested a contract for next year including a fee schedule. She said they made several improvements to the race track. Comm. Koppenhafer moved to give a \$2500.00 credit to Jack Nelson for improvements made at the Montezuma County raceway in 2008. The credit will reduce his 2009 fees, seconded by Comm. Chappell and carried.

SOUTHWEST MEMORIAL HOSPITAL: Dan Jessup and Trudy Chittick presented the financial statements for the quarterly and year to date operations ended December 31, 2008. (See attached)

CERTIFICATION: Comm. Chappell moved to sign the certification of non-acceptance of tobacco industry funds and resources, seconded by Comm. Koppenhafer and carried. (See attached)

EMERGENCY MANAGEMENT ADVISORY COMMITTEE: A review of the Emergency Management Advisory Committee was discussed. Lori Cooper and Lori Johnson met to review the by-laws of the advisory board for the Emergency Management Advisory Committee. The EMAC is to assist the Board and the Sheriff with county wide aspects of emergency management. The by-laws will be restructured and brought before the Board at a later date. No action was taken at this time.

LUNCH: 12:40 p.m.

PLANNING COMMISSION RESOLUTION: This resolution deals with the personnel, organization, vacancies, compensation and terms of the Planning and Zoning Commission. Comm. Chappell moved to adopt Resolution 2-2009, seconded by Comm. Koppenhafer and carried. (See attached)

APPOINTMENTS: Comm. Chappell moved to appoint the following people to the Planning and Zoning Commission, seconded by Comm. Koppenhafer and carried.

Tim Hunter appointed for a 1 year term, expiring January 2010

Dennis Atwater appointed for a 2 year term, expiring January 2011

Jonathan Callender appointed for a 3 year term, expiring January 2012

Guy Drew appointed for a 3 year term, expiring January 2012

Drew Gordanier appointed for a 2 year term, expiring January 2011

(See attached)

The remaining directors are Andy Logan and Casey McClellan and their terms expire on January 2010.

MCPHEE BREAKWATER: Marianne Mate met to update the Board on the McPhee Breakwater project. She spoke about phase one of the project and future plans in regards to grant applications. She is hopeful construction will begin in early spring or late summer.

JAIL BOND: Don Diones with George K. Baum & Co. spoke via conference call and explained the jail bond and when they would be paid. It was stated the operating costs for the jail can be collected up to the time the bonds mature in 2012.

LETTER TO REP. JOHN T. SALAZAR: Comm. Koppenhafer moved to sign letters to Rep. John Salazar and Sally Wisely with the BLM showing support for the proposed mineral lease sale, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

Notice of Claim was received from the law firm of Titus and Murphy. The claim was forwarded to the insurance company. (See attached)

Signed the findings and permit on High Impact Permits 582 and 584, Bill Barrett Corp. Charles M. McAfee & Co. RLLLP. (See attached)

Letter from John T Salazar to Sally Wisely concerning the proposed mineral lease sale. (See attached)

Letter from LaPlata County to the BLM concerning the proposed mineral lease sale. (See attached)

Agenda for the Colorado Board of Health. (See attached)

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

MEETING ADJOURNED: 4:55 p.m.

County Clerk January 26, 2009

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 2, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 2, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, January 26, 2009 were read. Comm. Koppenhafer moved to approve the minutes of January 26, 2009, as corrected, seconded by Comm. Rule and carried.

PAYROLL: General fund checks in the amount of \$322,319.96 District Attorney fund check #54601 in the amount of \$30,739.85, Treasurer fund check #54600 in the amount of \$265,095.10, Road department fund checks in the amount of \$83,459.16, Treasurer fund check #21866 in the amount of \$67,090.93; and Landfill fund checks in the amount of \$16,258.48, Treasurer fund check #6010 in the amount of \$14,711.03 were approved for payment.

ROAD: Road Supervisor Dean Roundtree said the survey has been drawn for the turnaround on the Gonzales property on Road K.6 and will be presented to the Gonzales' for approval. He stated the department is filling pot holes and trimming trees. MVI is installing pipe on R Road. **Ryan Nataluk and Nick Cioffredi with Stantec Consulting** gave a power point presentation concerning the CDOT bridge inspection. Mr. Nataluk said they inspected 27 bridges throughout the County and informed the Board of the results of the inspection. He explained various problems that needed maintenance. (See attached)

CONTRACT: Sheriff Wallace presented a contract for law enforcement services with the Town of Dolores for 2009. Comm. Koppenhafer moved to approve the contract between the Montezuma County Sheriff's Office and the Town of Dolores for law enforcement services for 2009, seconded by Comm. Rule and carried. (See attached) He discussed staffing in the Detention Center.

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

STORMENT FAMILY TRUST: Appraiser Scott Davis presented an abatement petition for the Storment Family Trust for parcel number R015360, Lot 3, Juniper Skye Subdivision. He said the classification should be residential.

Comm. Koppenhafer moved to approve the abatement for the Storment Family Trust on parcel number R015360 and to classify the property as residential, seconded by Comm. Rule and carried. (See attached)

RICHARD WINGER: Appraiser Scott Davis presented an abatement petition for Richard Winger on parcel number R003991, Tract 7, Rogue Ranch. He said the large acre adjustment was missing from the account. Comm. Koppenhafer moved to approve the abatement for Richard Winger on parcel number R003991 to account for the large acreage adjustment that was missing from the account, seconded by Comm. Rule and carried. (See attached)

CINDY FEIGERT: Appraiser Scott Davis presented an abatement petition for Cindy Feigert on parcel number R013681 for property located at 28590 Road 5.5 (Tract 5, Black Rhino Ranch) Appraiser Davis stated the value changed during the computer conversion. Comm. Koppenhafer moved to approve the abatement for Cindy Feigert, parcel number R013681, tract 5 of the Black Rhino Ranch, seconded by Comm. Rule and carried. (See attached)

HOUSING AUTHORITY OF MONTEZUMA COUNTY: Appraiser Scott Davis presented an abatement petition for the Housing Authority of Montezuma County parcel number R008545. He said the parcel became tax exempt on July 9, 2008. Comm. Koppenhafer moved to approve the abatement on parcel number R008545 for the Housing Authority of Montezuma County, seconded by Comm. Rule and carried. (See attached)

DONALD CORBEIL: Appraiser Scott Davis presented an abatement petition for Donald Corbeil on parcel number R016165, Lot 3 Riggert 3 lot minor subdivision. He stated the computer did not roll the correct values. Comm. Koppenhafer moved to approve the abatement on parcel number R016165 for Donald Corbeil, seconded by Comm. Rule and carried. (See attached)

MARIANNE MATE discussed the 2009 grant concerning the McPhee Breakwater project. Comm. Koppenhafer moved to sign the grant application for the McPhee Breakwater Project for 2009, seconded by Comm. Rule and carried. (See attached)

LUNCH: 12:00 NOON

LIGHTING COMPLAINT: Planning Director Susan Carver discussed a complaint received concerning outdoor lighting at the Boren Storage facility on Highway 145, Joshua and Gina Boren owners. Director Carver submitted letters from Jim Skvorc and One Touch Electric. The complaint letter states the lighting on this property violates the threshold standards in regards to lighting. It was decided to look at the lighting before making a determination to see if a public hearing should be scheduled. No action was taken at this time. The complaint will be reviewed on Monday, February 9, 2009 at 1:30 p.m. (See attached)

PLANNING: Planning Director Carver presented for review and determination of a final plat to amend the DLC 3 lot minor development. The applicants are combining lots A and B, changing the development to a 2 lot minor development. The property is located at 19581 at Road 31, Dolores. Comm. Koppenhafer moved to accept the amendment combining lots A & B to a 2 lot minor subdivision, seconded by Comm. Rule and carried.

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 tract of land created by an exemption consisting of 3 acres. The property is owned by **Glenna Harris, Tony Herrmann, agent** and located at 24500 Road 15.5, Pleasant View Co. The roll was called, the public notice was read, and the proceedings were taped for the record. Director Carver gave an overview of the application. Tony Herrmann informed the Board of the request. Comm. Rule opened the hearing to public comments at this time. A letter from William B. Fulks was received concerning numerous obsolete pieces of equipment on the property. **Jan Sennhenn** has concerns with a driveway on the road. Hearing no further public comment, Comm. Rule closed that portion. Mr. Herrmann discussed the driveway and road issues raised. After hearing the comments made and evidence presented, Comm. Koppenhafer moved to approve the AR3-9 zoning

request for Glenna Harris, Tony Herrmann, agent on a tract of land located at 24500 Road 15.5, Pleasant View. Seconded by Comm. Rule and carried. (See attached) Comm. Rule closed the hearing at this time.

Resolution: Comm. Koppenhafer moved to approve planning Resolution P-01-09 creating an exemption of a 3 acre tract of land owned by Glenna Harris located at 24500 Road 15.5, Pleasant View, Co. Seconded by Comm. Rule and carried. (See attached)

APPOINTMENTS: Comm. Koppenhafer moved to appoint the following; seconded by Comm. Rule and carried.

FAIRVIEW CEMETERY DISTRICT: **Kami Oliver** to a three year term expiring January 2012

ARRIOLA CEMETERY DISTRICT: **Tom Comisky** to a three year term expiring January 2012

LEBANON CEMETERY DISTRICT: **Frank Muniz** to a three year term expiring January 2012

(See letters attached)

NATHAN BARTON AND CASEY MCCLELLAN met to discuss the possibility for construction and operation of a recycling center to support activities in Montezuma and Dolores Counties. This center would be operated as a private enterprise. A formal application should be presented before any action can be taken.

PLANNING: Planning Director Carver presented for review and determination a request to amend a common lot line in the Herrington 2 lot minor development located at 21555 Road F, Cortez, **Richard Vukelich** applicant. Mr. Vukelich will have a survey done.

NATHAN BARTON, CASEY MCCLELLAN AND KELLY MCCLELLAN met to discuss the feasibility of a project to operate the Outhouse Recycling Facility. They explained the use of the facility and said there is a need for such a facility in this county. He said the operation is not a landfill and will not be a permanent facility. They will work with the planning department.

CORRESPONDENCE: The following correspondence was read and noted.

Letter from City of Cortez concerning the transfer of the Emergency Management program from the City to the County. (See attached)

Letter from Board of Land Commissioners in reference to posting of expiring state trust land leases within the county. (See attached)

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

MEETING ADJOURNED: 5:00 p.m.

County Clerk February 2, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 9, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 9, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, February 2, 2009 were read. Comm. Koppenhafer moved to approve the minutes of February 2, 2009, as corrected, seconded by Comm. Chappell and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of January, 2009. (See attached).

ROAD: Road Supervisor Dean Roundtree reported that the Gonzales' rejected the proposed turnaround on Road K.6. Supervisor Roundtree discussed the following; an easement on Road 23, the asphalt on Road 25 across the Great Cut Dike is in need of repair, and that the department has been trimming trees in the McElmo canyon area.

JAMES DIETRICH explained a scoping letter received from the Forest Service concerning an aspen restoration project. He said the aspen trees are dying so the forest service is asking for a letter of support for the project. Comm. Chappell moved sign a letter of support for the aspen forest health and restoration project FC1950-1, seconded by Comm. Koppenhafer and carried. (See attached)

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of January 2009 (See attached) Manager Barton talked about the HSRF fees in regards to TABOR.

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

JONATHAN CALLENDER: Appraiser Cynthia Claytor presented an abatement petition for Jonathan Callender on parcel number R005618 (Lot 7, Kernan Creek Ranch). She said the value did not roll. The property should be residential. Mr. Callender was present. Comm. Chappell moved to approve the abatement on parcel number

R005618 for Jonathan Callender in the amount of \$1,481.32, seconded by Comm. Koppenhafer and carried. (See attached)

JEFREY SCHRAGE: Appraiser Cynthia Claytor presented an abatement petition for Jeffrey Schrage on parcel number R490 (Beaver Pond, lot 1). She said the values did not roll at the end of the year and asked for an abatement of \$1,936.68. Comm. Chappell moved to approve the abatement on parcel R490 Beaver Pond, lot 1 for Jeffrey Schrage in the amount of \$1,936.68, seconded by Comm. Koppenhafer and carried. (See attached)

APPOINTMENT: Comm. Koppenhafer moved to appoint Terri Forth to the Montezuma County Housing Authority vacancy, seconded by Comm. Chappell and carried. This appointment is to replace Jackie Barker and the term will expire in 2011. (See attached)

AGREEMENT: Comm. Koppenhafer moved to allow Ashton Harrison to sign the consulting agreement between Tischlerbise, Inc and Montezuma County in the amount of \$34,200.00 Seconded by Comm. Chappell and carried. (See attached)

TREASURER SHERRY DYESS, Rob Peterka and Clerk and Recorder Carol Tullis met to discuss the ability to accept credit card payments in their respective offices. Rob Peterka, Computer Services Manager was present. A convenience fee will be assessed to customers in addition to their County-related charges. Customers will have to sign a written statement that they are aware of the convenience fee being assessed. Customers may also pay online if the elected official or department manager agrees. Treasurer Dyess stated she will set up a separate Treasurer's account to track the ACH payments. Comm. Chappell moved to sign an agreement with Point and Pay and First National Bank of Omaha for credit card services for the Clerk & Recorder's Office and Treasurer's Office with change stating the laws of Colorado will govern. Comm. Koppenhafer seconded the motion and carried. (See attached.)

FOUR CORNERS RECYCLING INITIATIVE; Eric Freels, Scott Clow, Ashton Hargrave, and Debby Barton met to update the Board on the recycling initiative. Mr. Freels gave a brief outline of the 2009 potential grant proposal. They informed the Board on their recycling processes and the long-term strategies for recycling and sustainable operations in the Four Corners region. A letter of support from the entities involved was requested. The Board will look into writing a letter. No action was taken at this time. (See attached)

LUNCH: 12:30 p.m.

PLANNING: Review of land use code concerning a complaint regarding lighting requirements. The complaint is for lighting at the Boren Storage Facility. **Josh Boren** discussed the complaint stating the accusations are false and the lighting is friendly to the human eye. **Dick Geisler** with One Touch Electric was asked about the type of lights install. He said the lights are high pressure sodium and are the same as those installed around ATMs and other security areas. He said the lights shine to the fence line and stops there. He said the reflectors cast the lights downward, **Jim Skvorc** spoke in reference to letters submitted by Mrs. Boren and said he has never been on the Boren's place. He feels the county code is being violated and that is why he brought the issue to the Board. He stated he is taking exception to the county code being violated and not the landowners. A neighbor of Mr. Boren's living across the road stated the lighting does not bother him at all. Director Carver stated she has not received any notices from CDOT or any other entity in regards to the lighting. Comm. Koppenhafer moved to not set the complaint for public hearing and to check with the State Patrol and the Sheriff's Office to verify the lighting is not a distraction. Seconded by Comm. Chappell and carried. Director Carver will contact the State Patrol and Sheriff's Office. (See letters attached)

EXEMPTION: Planning Director Carver presented a request for an exemption from the subdivision regulations for **Robert Schuster (Robert & Diane Schuster, Trustees)** The tract is consisting of 9 acres more or less bisecting Road G and located at 6092 Road G, Cortez. Comm. Chappell moved to approve an exemption as provided for in 8103.3 of the Montezuma County Land Use Code, Resolution No. 07-2008 to separate 9 acres more or less owned by Robert Schuster Revocable Trust. Seconded by Comm. Koppenhafer and carried. (See attached)

AFTER-THE-FACT-EXEMPTION: Director Carver presented for final review and determination an after the fact exemption for **Jerry and Cindy Jackson** for a tract of land located at 16105 Road 18, Cortez. Director Carver said Mr. and Mrs. Jackson are bringing a noncompliant tract into compliance. Comm. Koppenhafer moved to approve Resolution P-2-09 after the fact for Jerry and Cindy Jackson on property located at 16105 Road 18, Cortez, Co. Seconded by Comm. Chappell and carried. (See attached)

FINAL PLAT: Director Carver presented a final plat for a 4 lot moderate development for **Danny and Jeanie Wilkin**. The property is consisting of 21 acres, more or less and located at 7493 Road 22.9, Cortez. The proposal is for three 3 acre tracts with one 12 acre tract; remaining acreage is in excess of 35 acres and is not a part of this proposal. Comm. Chappell moved to approve final plat for a 4 lot moderate development (Windmill Ridge) on property located at 7493 Road 22.9 for Danny and Jeanie Wilkin, seconded by Comm. Koppenhafer and carried. (See attached)

HIGH IMPACT PERMIT AMENDMENT: Director Carver presented for review and determination for a request to amend high impact permit no. 444 on the **Weatherly Revocable Trust DTD, Cheryl Dean, agent**. The permit is currently for the purpose of conducting a business for a retail store for freight damaged and new furniture store. The proposed use is for conducting a business for an antique store and located at 6817 Hwy 491, Cortez, Co. It was stated the antique shop will be operating within the perimeters of the existing permit for the furniture store operations. Comm. Chappell moved to approve the request to amend the high impact permit number 444 for the purpose of conducting an antique shop on property located at 6817 Hwy 491, Cortez, Co. for Weatherly Revocable Trust DTD , Cheryl Dean agent. Seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING: Director Carver presented for review and determination a request to forward a high impact permit application to the Planning Commission on property owned by Hovenweep Canyon Ranch, LLC, operated by Four Corners Recycling Systems, LLC, Nathan Barton, agent. The property is located at 18655 Road 10, Pleasant View, Co. The application is for the construction and operation of a solid waste facility which will accept exploration and production (E&P) wastes for treatment, storage, and recycling. Nathan Barton and Casey McClellan explained the applications. Comm. Chappell moved to forward the high impact permit and special use permit request for Four Corners Recycling Systems, LLC, Nathan Barton, agent to the Planning Commission, for the operation of a solid waste facility. It was noted the applicant requested that the Board not forward the application to the State agencies at this time. Seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.
Letter from DOLA to Mayor Orly Lucero in reference to EIAF#4265 Cortez/Four Corners Interpretive Center.
(See attached)

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

MEETING ADJOURNED: 4:25 p.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 23, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 23, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, February 9, 2009 were read. Comm. Chappell moved to approve the minutes of February 9, 2009, as presented, seconded by Comm. Koppenhafer and carried.

ACCOUNTS PAYABLE: General Fund # 54599-54788 in the amount of \$448,940.61, Road Fund # 21865-21964 in the amount of \$165,388.79, and Landfill # 6012-6037 in the amount of \$78,017.74 for the month of January, 2009 were approved for payment.

VETERAN'S AFFAIRS: Comm. Koppenhafer moved to sign the County Veterans Service Officer's monthly report and certification of pay for January, 2009 seconded by Comm. Chappell and carried. (See attached).

ROAD: Bill Ivy with the United States Forest Service discussed the co-op agreement on the Dolores Norwood Road. He presented an agreement concerning the 2008 striping project that has been done on the Dolores Norwood Road for approval. He discussed an agreement concerning the magnesium lignon (mag-lig) application on 4.3 miles of the Dolores Norwood road that is in Montezuma County. Comm. Chappell moved to sign the cooperative roads agreement between the USDA Forest Service, San Juan National Forest and Montezuma County number 08-RO-11021300-054, seconded by Comm. Koppenhafer and carried. (See attached modification # 1). Comm. Chappell moved to sign the cooperative roads agreement between the USDA Forest Service, San Juan National Forest and Montezuma County number 08-RO-1102130054, seconded by Comm. Koppenhafer and carried. (See attached modification #2). **Road Supervisor Roundtree** presented a resolution concerning the county road right-of-way applications in regards to any disturbance within any/all rights-of-way for county roads in order to facilitate companies and individuals needing to dig in or disturb county rights-of-way. The applications shall set forth fees, terms, conditions and guidelines for activities in the county rights-of-way and repealing resolutions numbers 11-95

and 20-91 and Supervisor Roundtree presented a permit application fee schedule for underground installations and driveways. Comm. Koppenhafer moved to approve **Resolution 3-2009** and the attached fee schedule with any fee changes be made by the Commissioners, seconded by Comm. Chappell and carried. (See attached). Supervisor Roundtree discussed work needed on Roads 18, AA, BB, and others.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted, Director Dennis Story, Lori Higgins and Lou Ann Everret were present.

RICK AND HELEN LEE AND NINA WILLIAMS met with the Board. Ms. Williams presented a letter from Casey Veach who wished to place his property into a conservation trust fund. She is asking for a letter of support to the Great Outdoors Colorado. Mr. and Mrs. Lee also have property they wish to place in a conservation trust fund. Comm. Koppenhafer moved to approve signing letters of support to the State Board of the Great Outdoors Colorado Trust Fund for Crescent Ranch Open Space Proposal and RSL Ranch Open Space Proposal, seconded by Comm. Chappell and carried. (See attached)

BOARD OF EQUALIZATION – ABATEMENTS: It being the time set aside, the following abatement petitions was heard: The roll was called and the proceedings were taped for the record. **DEREK VAN ATTA:** Appraiser Cynthia Claytor presented an abatement petition for Derek Van Atta, parcel numbers R5432 & R5429 (Lot 3 & 1 Rogue Ranch). Mr. Van Atta says there has been a historic drop in all asset classes and are over valued. Assessor Vanderpool said the market supports the 2008 assessments and recommends denial. Mr. Van Atta explained his situation and said he as the lots for sale but there has been no interest in the purchase of these lots. Comm. Chappell moved to agree with the Assessor's recommendation to deny the petition on parcel numbers R5432 and R5429, seconded by Comm. Koppenhafer and carried. (See attached)

HERMINE KUNDER: Appraiser Cynthia Claytor presented an abatement petition for Hermine Kunder parcel number R005130 (101 N. Main, Mancos). She said the computer duplicated another commercial building. An abatement of \$1,424.48 is requested. Hermine Kunder was present. Comm. Chappell moved to approve the abatement in the amount of \$1,424.48 on parcel number R005130 for Hermine Kunder, seconded by Comm. Koppenhafer and carried. (See attached)

DEIDRE PIOTROWSKI: Appraiser Cynthia Claytor presented an abatement petition for Deirdre Piotrowski on parcel number R014443 (36375 Road N). She said a residence was added to the tax roll and recommended an abatement in the amount of \$1,554.84. Comm. Chappell moved to agree with the assessor's office and approve the abatement in the amount of \$1,554.84 on parcel number R014443 for Deidre Piotrowski, seconded by Comm. Koppenhafer and carried. (See attached)

LATER:

MANCOS INVESTMENT GROUP: Appraiser Cynthia Claytor presented an abatement petition for Mancos Investment Group, on parcel number R4960 (D.H. Lemmons Townsite, Blk 1, Lots 11 & 12). Appraiser Claytor stated the computer did not roll correct values at the end of the year and the parcel should be residential. The Assessor's Office is recommending an abatement in the amount of \$1,671.08. Comm. Koppenhafer moved to approve the abatement for parcel number R4960, seconded by Comm. Chappell and carried. (See attached)

JAMES CODY: Appraiser Cynthia Claytor presented an abatement petition for parcel number R013409 for James Cody. She said the Assessor's Office re-inspected the property and corrected the values. The Assessor's Office is recommending an abatement in the amount of \$1,078.84. Comm. Chappell moved to approve the abatement for James Cody on parcel number R-03409, seconded by Comm. Koppenhafer and carried. (See attached)

JACK RANDOLPH: Appraiser Cynthia Claytor presented an abatement petition for Jack Randolph, on parcel number R014264 stating a mobile home was added to the property and should be changed to residential. The Assessor's Office is recommending an abatement in the amount of \$3,610.52. Comm. Koppenhafer moved to approve the abatement for R014264 for Jack Randolph on parcel number R014264

JANIE HAYES: Appraiser Cynthia Claytor presented an abatement petition for Janie Hayes, on parcel number R015160 (Wayne Robb Lot 3). She said the property should be agricultural and the Assessor's Office recommends an abatement in the amount of \$2,978.49. Comm. Chappell moved to approve the abatement on Janie Hayes property parcel number R015160, seconded by Comm. Koppenhafer and carried. (See attached)

DAVID BANGA: Appraiser Cynthia Claytor presented an abatement petition for David Banga, on parcel number R012352 (40845 Road G) in the amount of \$1,800.48. Appraiser Claytor said the property should be classified as agricultural and the tax returns and parcel have been verified. Comm. Chappell moved to approve an abatement on parcel number R012352 for David Banga, seconded by Comm. Koppenhafer and carried. (See attached)

PETE MCDONALD: Appraiser Cynthia Claytor presented an abatement for Pete McDonald on parcel number R015945. Appraiser Claytor said the computer changed the acreage and classification. She said the classification should be agricultural. The Assessor's Office recommendation is for an abatement in the amount of \$1,646.64. Comm. Chappell recused himself from these proceedings. Comm. Koppenhafer moved to approve an abatement for Pete McDonald on parcel number R015945, seconded by Comm. Rule and carried. (See attached)

GRANT MOORE: Appraiser Cynthia Claytor presented an abatement for Grant Moore on parcel number R003509. She said the property should be agricultural. The Assessor's Office recommends an abatement in the amount of \$1,517.64. Comm. Koppenhafer moved to approve an abatement for Grant Moore on parcel number R003509, seconded by Comm. Chappell and carried. (See attached)

HEALTH DEPARTMENT DIRECTOR LORI COOPER presented a consumer protection contract. She said there is a reduction in funding. Comm. Chappell moved to sign the contract for consumer protection between the Colorado Department of Public Health and Environment and the Montezuma County (contract routing number 09-00012), seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 12:00

GIS SPECIALIST DOUG ROTH presented the Highway Users Tax Fund mileage certification for approval. Comm. Koppenhafer moved to sign the Highway Users Tax Fund mileage certification, seconded by Comm. Chappell and carried. (See attached)

RESOLUTION 4-2009: Comm. Chappell moved to sign Resolution 4-2009 concerning senior services transportation, seconded by Comm. Koppenhafer and carried. (See attached)

LETTER OF SUPPORT: Comm. Chappell moved to sign a letter of support for Four Corners Recycling Cooperative. Seconded by Comm. Koppenhafer and carried. (See attached).

ORDER 1-2009: Comm. Chappell moved to approve order 1-2009 to transfer from the Law Enforcement Authority Fund to the General Fund in the amount of \$32,790.00 for the balance of salaries and expenses for 2008, seconded by Comm. Koppenhafer and carried. (Attached)

ORDER 2-2009: Comm. Chappell moved to approve order number 2-2009 to transfer from the Jail Sales Tax Revenue to the General Fund for jail operations in the amount of \$337,176.00, seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING: Planning Director Susan Carver presented for review and determination a final exemption request on a tract of land. The land is located at 22980 Road K.3, Cortez owned by **Archie Hansen**. The request is to create two 1 acre lots, non-residential. Mr. Hansen desires to convey said acreage to the Home Owners Association of Indian Camp Ranch to be landscaped and used to accent the existing access points to the ranch. Ernie Maness of

Maness and Associates explained the request. Comm. Koppenhafer moved to sign Resolution P-04-09 granting said exemption to the entrance to the Indian Camp Ranch. Motion was 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 an AR3-9; AR10-34, and a commercial zoning request for a proposed 4 lot moderate development consisting of 39 acres, more or less. The property is located at 37411 Hwy. 160, Mancos and owned by **Michael Williamson, agents Maness and Associates, Inc.** Also a request for a tract created by an exemption consisting of 13.7 acres, more or less, and owned by Michael Williamson, agents, Maness & Associates, Inc. The property is located at 37385 Hwy. 160, Mancos. 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. Susan Underwood Hart explained the request. Comm. Rule opened the hearing to public comments at this time. Hearing no public comments, Comm. Rule closed that portion of the hearing. After hearing all the evidence presented Comm. Chappell moved to approve the zoning request on 39 acres more or less for a 4 lot moderate subdivision on property located at 37411 Hwy. 160, owned by Michael Williamson with lots 3 & 4 being zoned AR3-9, lot 2 with AR10-34 and to approve lot 1 being designated as commercial zoning and also to have 2 water taps tied to the 4 lot moderate development, seconded by Comm. Koppenhafer and carried. (See attached)

Director Carver presented for review and determination a preliminary plan for a proposed 4 lot moderate development consisting of 39 acres more or less as submitted by **Michael Williamson, Maness and Associates, Inc.,** agents. The property is located at 37411 Hwy 160, Mancos. Comm. Koppenhafer moved to approve the preliminary plan for a 4 lot moderate subdivision, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted;
Merchant application between Montezuma County and Point and Pay. (See attached)
Letter from Trident Insurance in reference to claim number 44737. Plaintiffs Felicity Broennan, Patricia Burk, Betsy Harrison, John Fleitz and Sara Staber. (See attached)
Letter from LaPlata County stating appreciation to Dennis Story. (See attached)
Letter from Lynn Buchanan expressing appreciation to Deb Barton. (See attached)
Letter from Mancos Public Library. (See attached)
Durango Herald article concerning LaPlata County
Summons case number 09 CV 18/Simmons/Four Corners Materials (See attached)

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

MEETING ADJOURNED: 3:40 p.m.

County Clerk 2/23/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 2, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 2, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, February 23, 2009 were read. Comm. Chappell moved to approve the minutes of February 23, 2009, as corrected, seconded by Comm. Koppenhafer and carried.

PAYROLL: General fund checks in the amount of \$321,684.26, District Attorney fund check #54790 in the amount of \$32,503.72, Treasurer fund check #54791 in the amount of \$260,368.00, Road department fund checks in the amount of \$82,817.70, Treasurer fund check #21966 in the amount of \$68,523.39; and Landfill fund checks in the amount of \$15,996.82, Treasurer fund check #6039 in the amount of \$14,379.62 were approved for payment.

ROAD: Road Supervisor Dean Roundtree and Ken Jackson talked about Road 22 from Road X north being damaged by Bill Barrett Corp. trucks. He said the road is so bad he can not get out due to the ruts being deep. He said some rock and sandstone base would help. It was stated if the county has to build a road; the road would be built to road specifications. Supervisor Roundtree informed the Board that the department has been trimming trees on Road G, hauling chips to Mancos, and beginning to grade roads. County Administrator Harrison said the grant for the equipment has not been received yet. He also said the grant hearing concerning upgrades for county buildings will be in Denver on March, 19, 2009. County Administrator Harrison and Comm. Rule will attend. Discussed signage on the road to the Yucca House.

INTERGOVERNMENTAL AGREEMENT: Comm. Koppenhafer moved to sign the road and street management agreement between the Town of Dolores and Montezuma County. Seconded by Comm. Chappell and carried. (See attached)

STATIONARY BID: Comm. Chappell moved to approve the bid for stationery for all county departments from **Cortez Copy and Printing** for 2009, seconded by Comm. Koppenhafer and carried. (See attached)

FOREST RECEIPT PAYMENT DISTRIBUTION: County Administrator Harrison informed the Board of the Forest receipt payment distribution and explained the distribution process.

COLORADO DOW PILT PAYMENT: Comm. Chappell moved to apply for the Colorado Division of Wildlife impact assistance grant application authorized by C.R.S. section 30-25-302, as amended, seconded by Comm. Koppenhafer and carried. (See attached cover page)

MONTEZUMA COUNTY PARTNERS: Michele Rivas and Dani Gregory with Montezuma County Partners met to update the Board on the annual bike race (12 hours of Mesa Verde) and to request a donation of the use of the Fairgrounds for the race. Ms. Rivas discussed what Partners does and gave an executive summary concerning the Partners mentoring youth program. (See attached) Dani Gregory informed the Board of the bike race and how it works. She asked if the Board would help by the donation of the use of the Fairgrounds for this race. She will discuss the overall cost of the use with Fairgrounds Manager Lee Ann Milligan. No action was taken at this time. **LATER:** Partners will pay the regular fees for the use of the Fairgrounds for the bike race. Comm. Chappell moved to donate \$860.00 to Montezuma County Partners for the work they do for the youth of Montezuma County, seconded by Comm. Koppenhafer and carried.

LODGERS TAX: Sue Scott and Peggy Cloy with the County Lodger's tax Board met to update the Board on the distribution of the Lodger's Tax funds. They proposed the distribution division to be \$31,000.00 each for Mancos and Dolores Chambers of Commerce, \$5,000.00 to the Cultural Center, \$2,000.00 designated for advertising outside of the area for the Ag-Expo, and \$45,000.00 to Mesa Verde Country. Comm. Koppenhafer moved to approve the Lodger's Tax Fund disbursement as follows: \$31,000.00 for Dolores Chamber of Commerce, \$31,000.00 for Mancos Chamber of Commerce, \$5,000.00 for the cultural center, \$2,000.00 for the Ag-Expo and \$45,000.00 for Mesa Verde Country, seconded by Comm. Chappell and carried.

LIQUOR LICENSES: Clerk's Deputy Tammy Neely presented liquor license renewals for **G Wil Liquors and Smitty's Liquors**. Deputy Neely presented a retail liquor store license renewal for G. Wil Liquors. Some questions arose with the application. Deputy Neely will contact the applicant. She presented a retail liquor store license renewal for Smitty's Liquor Store. Comm. Koppenhafer moved to approve a renewal for malt vinous and spirituous retail liquor license for Smitty's Liquors seconded by Comm. Chappell and carried

LUNCH: 12:10 p.m.

COMPLAINT: Planning Manager Susan Carver presented correspondence from Leslie Melton, Southwest Field Inspector with Co. Oil & Gas Conservation Commission concerning a complaint that has been received regarding noise generated by Mid American Pipeline Co's compressor stations on Road P.2. Manager Carver will look into the complaint further.

PLANNING: Planning Manager Susan Carver presented an exemption request from **John and Shirley Nunn**. The property is located at 27536 Road P, Dolores consisting of 60 acres more or less. The Nunn's wish to convey 50 acres more or less to **Spencer Smith** creating an 87 acre tract with 10 acres remaining for the

Nunn's. Comm. Chappell moved to grant an exemption for John and Shirley Nunn for a 10 acre tract on property located at 27536 Road P, 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 an industrial zoning request on 34 acres, more or less owned by **Western Excelsior Corporation, Agent, Normand Birtcher**. The property is located at 901 Grand Ave., Mancos. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning Manager Susan Carver gave an overview of the application. Agent, Normand Birtcher explained the application and intentions further. Mr. Birtcher stated the operation has been industrial status for several years and the property is currently unzoned and wishes the property to be industrial zoned. He said the operation of the business is to convert aspen trees into excelsior. The trees are shredded then used for various uses. Comm. Rule opened the hearing to public comment. **Boyd Sanders, owner of Boyd's welding** spoke in favor of the zoning. **Sandy Pace** stated she has no problem with the plant, however, has concerns with their waste management practices. Mr. Birtcher said they have an air curtain waste burner in place and in use. Comm. Rule closed the public comment portion of the hearing. Director Carver made the Board aware of a letter from the Town of Mancos that is in the packet and she read a portion of the letter into the record. Mr. Birtcher stated Western Excelsior is currently in the process of doing a land swap with the Town of Mancos. After some discussion and hearing all the evidence presented and comments made, Comm. Koppenhafer moved to approve the industrial zoning request for Western Excelsior Corporation, Normand Birtcher, agent located at 901 Grand Ave., Mancos, seconded by Comm. Chappell and carried.

ARRIOLA CEMETERY DISTRICT: Comm. Koppenhafer moved to appoint **James Fisher** to the Arriola Cemetery District for a 3 year term, expiring Jan. 2012, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted;
E-mail from James B. Horn (CDOT) about SH 184 – Road 23 realignment at MM 1.4L (See attached)

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

MEETING ADJOURNED: 3:35 p.m.

County Clerk 3/2/2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 9, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 9, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, March 2, 2009 were read. Comm. Koppenhafer moved to approve the minutes of March 2, 2009, as corrected, seconded by Comm. Chappell and carried.

VETERAN’S AFFAIRS: Comm. Chappell moved to sign the County Veterans Service Officer’s monthly report and certification of pay for February, 2009 seconded by Comm. Koppenhafer and carried. (See attached).

ROAD: Road Supervisor Dean Roundtree stated Bill Barrett Corp. has done a lot of work on Road 22 and they are moving equipment in using County Road 23. Discussed soft spots on various roads. Administrator Harrison said that Cortez Cemetery is requesting more gravel. He said they received a lot of gravel last year and denied the request at this time. Planning Director Susan Carver informed the Board of a meeting with CDOT in regards to Bill Barrett Corp and Williams has been scheduled for April 27, from 1:30 to 4:30.

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of February 2009 (See attached) she discussed the regional waste characterization study for the San Juan Basin Recycling Association and asked for a letter of support for conducting one of the planned waste characterization sorts at the Landfill. Comm. Koppenhafer moved to sign a letter of support for a regional waste characterization study for the San Juan Basin Recycling Association,(RREO Grant) seconded by Comm. Chappell and carried. (See attached)

LEAF GRANT: Lt. Ted Meador with the Sheriff’s Department presented a LEAF (Law Enforcement Assistance Fund) grant concerning underage drinking. Comm. Chappell moved to sign the LEAF grant July 1, 2009 to June 30, 2010, seconded by Comm. Koppenhafer and carried. (See cover page attached)

COLORADO RURAL WORKFORCE CONSORTIUM. Comm. Koppenhafer moved to designate John Ranson of Archuleta County to act as the chief local elected official for the Southwest sub-region and to serve as the sub-

region's representative on the Board of Local Elected Officials for the Colorado Rural Workforce Consortium, seconded by Comm. Chappell and carried.

NATIONAL FOREST RECEIPT PAYMENTS: Comm. Chappell moved to approve the national forest receipt payments to the following school districts; Montezuma-Cortez RE-1 in the amount of \$181,523, to Dolores School District RE-4A in the amount of \$41,412 and to Mancos RE-6 in the amount of \$23,566, seconded by Comm. Koppenhafer and carried. (See attached)

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a retail liquor license renewal for **G Whil Liquors**.

Comm. Koppenhafer moved to approve the renewal of a retail liquor store license for G Whil Liquors, seconded by Comm. Chappell and carried.

DOLORES CEMETERY DISTRICT: Comm. Chappell moved to appoint Justin Foster to the Dolores Cemetery District to a three year term expiring January 2012 and to extend Gary Allen's term until January 2013, seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 11:35 a.m.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a request for a high impact permit application for Tri-State Generation and Transmission Association Inc., John J. Enright agent. The roll was called, the public notice was read and the proceedings were recorded for the record. The facility will be the base of operations for the transmission line maintenance personnel, a base for the substation operations/maintenance techs, a control facility for the internal communications system and a place to keep equipment and vehicles needed for field operations. The property is located at 9165 Road 27, Cortez. Planning Manager Carver gave an overview of the application. She stated the property is currently zoned commercial. **Mark Murray**, permitting and land rights manager with Tri-States Generation and Transmission Association informed the Board of the request and gave a power point presentation. **Richard Hale, Ben Mayer and John J. Enright** was present. Comm. Rule opened the hearing to public comment. Hearing no public comment, that portion of the hearing was closed. After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit application for Tri-State Generation and Transmission Association along with a 50' communications tower on property located at 9165 Road 27, Cortez, and the commercial zoning is appropriate, seconded by Comm. Koppenhafer and carried. (See attached)

AMERIGAS: Comm. Koppenhafer moved to correct the High Impact Permit number for Amerigas to 586, seconded by Comm. Chappell and carried. (See attached)

NEW HOPE CHRISTIAN MINISTRIES: Comm. Koppenhafer moved to correct the High Impact Permit number for New Hope Christian Ministries to 585, seconded by Comm. Chappell and carried. (See attached)

MEMO: Planning Director Carver presented a memo stating she had talked with the Colorado State Patrol concerning the lighting issue at the Boren Storage Facility. She said Matt with the State Patrol said he brought the lighting up to other patrolmen and it was determined that they have no issues or concerns with the current lighting at that facility. She said she also talked to Sheriff Wallace who has no concerns regarding safety of the traveling public. (See attached)

PLANNING: Planning Director Susan Carver requested the Board forward a high impact permit application on property owned by Keith A. Cole, Association and Nathan Barton, agents, to the Planning Commission. The request is for the construction and operation of an electric utilities service and operations center to include an office, maintenance area, storage area and headquarters for Empire Electric. The property is owned by Keith A. Cole and located at 11401 Road 24, Cortez. Nathan Barton discussed the proposal further. Comm. Koppenhafer moved to forward the application for a high impact permit to the Planning Commission, seconded by Comm. Chappell and carried.

BOUNDARY LINE ADJUSTMENT was presented for preliminary approval. The properties are owned by Montezuma Valley Irrigation Co. and located at 11501 Hwy 491 consisting of 3 acres more or less and Dale and Annette Jeter, L/E Rem: Barbara I. Jeter, etal and located at 11300 Road 24 consisting of 7 acres more or less. The Jeters wish to convey 1 acre more or less to Montezuma Valley Irrigation. Comm. Chappell moved to give preliminary approval for a boundary line adjustment between Montezuma Valley Irrigation and Dale and Annette Jeter, L/E Rem. Barbara I. Jeter etal. Seconded by Comm. Koppenhafer and carried.

ZONING REQUESTS: The following zoning requests were scheduled for public hearings:

Property owned by **Everett Ranches, Inc., Larry Everett**, located at 12736 Road 40, Mancos. The request is for AR3-9 zoning for a proposed 3-lot moderate development on 9 acres, more or less.

MARVIN REICHENAU; A zoning request has been received for AR3-9 zoning on properties located at 22779 Road L and 22695 Road L consisting of 4 acres each and an AR 10-34 zoning request on property located at 22735 Road L consisting of 12.5 acres more or less. The property owners are Marvin and Peggy Reed-Reichenau and Edwin and Joyce Liukko.

ALAN AND PAMELA SCHAFFER FAMILY TRUST: An AR35+ zoning request has been received from Alan and Pamela Schaffer Trust on property located at 12540 Road 25, Cortez. for the purpose of reviewing and determining an AR35+ zoning request on a tract of land consisting of 40 acres more or less.

SAID HEARINGS have been scheduled for April 6, 2009 beginning at 1:30 p.m. by Director Carver.

CORRESPONDENCE: The following correspondence was read and noted;

Signed Merchant Application for Point and Pay. (See attached)

Case number 07 CV 04 order concerning turnaround on Gonzales' property on Road K.6. (See attached)

Follow-up letter from Sandra Pace concerning Western Excelsior's public hearing. (See attached)

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

MEETING ADJOURNED: 3:35 p.m.

County Clerk 3/9/2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 16, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 16, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, March 9, 2009 were read. Comm. Koppenhafer moved to approve the minutes of March 9, 2009, as presented, seconded by Comm. Chappell and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of February, 2009. (See attached).

ROAD: Road Supervisor Dean Roundtree said rigs and equipment has been moving on Road 23 to the Oliver property and Bill Barrett has been doing some blade work on the roads they use. County Administrator Harrison presented the energy impact grant contract concerning the purchase of a loader, water tank and backhoe. Comm. Chappell moved to approve order number EIAF6522 for the Montezuma County Road Department, seconded by Comm. Koppenhafer and carried. (See attached). Supervisor Roundtree stated residents on **Road 16** asked if the Road Department could chip seal Road 16. He said the residents are short of funds and asked if the Department could help with funding. Supervisor Roundtree said Kinder Morgan rig moves will amount to \$6,000.00 and the residents will have to come up with the rest. **Bill Mealing** with the Ag-Expo complimented the Department on all the work that they have done at the Fairgrounds.

CHILD SUPPORT CASES: The Board was informed that Judge Plewe and Judge Walker with the 22nd Judicial District have instructed the Montezuma County Department of Social Services to implement the administrative process for child support cases. Attorney Slough opposes this change, but the Department will implement said administrative process as instructed by the Judges.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted; Director Dennis Story and Lou Ann Everett were present.

AG-EXPO Board members Bill Mealing, Ken Perry, Kelly Wilson, Wayne Geisinger, and Keri-Lynn Riley, and Lee Ann Milligan, Fairground Manager met to update the Board on the upcoming Ag-Expo. The Board thanked Lee Ann and the Fairground employees for all the work they have done. Mr. Geisinger said the fence work has been completed.

ABATEMENTS: It being the time set aside the following abatements was heard. The roll was called and the proceedings were recorded for the record.

GRENE LLC: Appraiser Cynthia Claytor presented an abatement petition for Grene LLC on parcel number R13887 (Lot 3 Lea Estates, Mancos). She said the property has never been used commercially and the property should be classed as residential. Comm. Chappell moved to approve the abatement on R13877, Lot 3 Lea Estates, Mancos and classify the property as residential, seconded by Comm. Koppenhafer and carried. (See attached)

THEODORE STEARMAN: Appraiser Cynthia Claytor presented an abatement petition on parcel number R016316, Lot 1B, Black Rhino Ranch. She said the parcel was split and should have a shared value effective on Jan. 1, 2008 of \$202,760.00. Comm. Koppenhafer moved to approve abatement on parcel number R016316, Lot 1B Black Rhino Ranch for Theodore Stearman, seconded by Comm. Chappell and carried. (See attached)

ZETROC DEVELOPMENT: Appraiser Cynthia Claytor presented an abatement petition on parcel number R010750. She said the computer failed to rollover the 2007 value to tax year 2008. Comm. Chappell moved to approve the abatement for Zetroc Development for parcel number R10750, seconded by Comm. Koppenhafer and carried. (See attached)

MICHAEL SMITH: Appraiser Cynthia Claytor presented an abatement on parcel number R15027 for Michael Smith. She said the house was framed only in Jan.1, 2008. Comm. Koppenhafer moved to approve the abatement on parcel number R15027 for Michael Smith, seconded by Comm. Chappell and carried. (See attached)

HILLTOP RANCH: Appraiser Cynthia Claytor presented abatement on parcel number R015949 for Hilltop Ranch. She stated the residential abstract code did not roll over. Comm. Chappell moved to approve the abatement on parcel number R015949 for Hilltop Ranch, seconded by Comm. Koppenhafer and carried. (See attached)

Comm. Rule closed the abatement hearings at this time.

LIQUOR LICENSE CORPORATE CHANGE: A corporate change was presented for **G Whil Liquors**. Comm. Koppenhafer moved to sign a corporate change replacing Dave Kyzer with Joy Kyzer (100%) on G. Whil Liquors LLC, seconded by Comm. Chappell and carried.

DISCUSSED the Dolores and Mancos senior meal program and the participation in this program. County Administrator Harrison will write a letter concerning the participation and that the programs will be re-evaluated in one year.

LUNCH: 11:45

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an A80+ zoning request for existing uses on a tract of land owned by **Peter Skartvedt and Ann Rilling**, consisting of 340 acres located at 10755 Road 19, Cortez, also for review and determination of an AR35+ zoning request on a tract of land existing of 49 acres located at 10520 Road 19 which is owned by Peter Skartvedt and Ann Rilling. 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 request. Mr. Skartvedt was present. Comm. Rule opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing the evidence presented Comm. Koppenhafer moved to approve AR80+ zoning request on land

owned by Peter Skartvedt and Ann Rilling on property located at 10755 Road 19 consisting of 340 acres and to approve the AR35+ zoning request consisting of 49 acres on property located at 10520 Road 19, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

COMM. CHAPPELL was excused for the remainder of the afternoon.

JERRY W. MILLER: Director Carver presented an application from Jerry W. Miller on property located at 11607 Hwy. 491 consisting of 1 acre more or less and for **Charles and Toni Bates and Herman and Hannah Chupp** with property located at 11617 Hwy. 491 consisting of 1 acre more or less. The request is for a boundary line adjustment and the common lot line between the two lots bisecting a pre-existing structure on the Bates-Chupp tract. Said adjustment will require the Miller's to convey approximately .27 acres to the Bates. Both properties are currently unzoned. Comm. Koppenhafer moved to give temporary approval for a boundary line adjustment so that the building is completely within the boundaries of the Bates parcel located at 11607 Hwy. 491, 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 AR10-34 zoning request for a proposed single lot development on 10 acres, more or less on property owned by **David Hancock**, located at 19995 Road 16, Yellow Jacket. The roll was called, the public notice was read and the proceedings were taped for the record. Director Carver gave an overview of the application. **Ron Remmerde** represented Mr. Hancock in this hearing. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment, that portion was closed. After hearing and reviewing all the evidence presented, Comm. Koppenhafer moved to approve the proposed single lot development on 10 acres more or less on property located at 19995 Road 16, Yellow Jacket owned by David Hancock and to zone the property as AR10-34, seconded by Comm. Rule and carried. (See attached) Comm. Rule closed the hearing. Comm. Koppenhafer moved to approve the **findings** for the Hancock Single Lot Development as corrected and to sign the final plat for the Hancock Single Lot Development, seconded by Comm. Rule and carried. (See attached)

RC SOUTHWEST DEVELOPMENT, LLC., Rob Pope, agent Susan Hart-Underwood for Maness and Associates. Director Carver presented for final review and determination a request for an exemption on property owned by the RC Southwest Development, LLC., Rob Pope, located at 23701 Road K.3 consisting of 470 acres, more or less and property located at 23100 Road L consisting of 52 acres more or less. The request is to combine 18 acres more or less of the 470 acre tract to the adjacent 52 acre tract; whereby consolidating 73 acres more or less for a proposed development. The property is currently unzoned. Comm. Koppenhafer moved to approve Planning resolution P-05-09 for RC Southwest Development LLC where the landowner wishes to convey 17.72 acres from the 459 acre tract to become a part of the 52 acre tract, whereby creating a 70 acre tract and a 441 acre tract, 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 and AR10-34 zoning request for a purposed 13 lot major development on 70 acres, more or less, owned by **RC Southwest Development, LLC, agents, Maness and Associates Inc.** The roll was called, the public notice was read and the proceedings were taped for the record. Director Carver gave an overview of the application. Susan Hart-Underwood representing Maness and Associates Inc. explained the applications further. Rob Pope discussed the fencing of the property. He said the adjoining properties are already fenced. Comm. Rule opened the hearing to public comments at this time. **Bill Grove** stated he has concerns with the traffic at the Hwy. 491 intersection. **Ernie Maness** discussed the intersection with CDOT

possibly repainting the intersection. Director Carver read a letter stating comments from CDOT. The letter stated the proposed use will likely not create a 20% change of use therefore CDOT cannot require an access permit for this activity. Hearing no further public comment, Comm. Rule closed that portion of the hearing. Mr. Pope responded to the intersection comments. Director Carver read a letter from Kathleen Molzahn. Mr. Pope said they tried to mitigate the situation by reducing the development from 19 lots to 13 lots. After hearing all the comments made and the evidence presented, Comm. Koppenhafer moved to approve the zoning request for AR3-9 for 10 lots and AR10-34 for 3 lots in the Crestview Heights 13 lot major development and approve the preliminary sketch plan for phase one of said subdivision, seconded by Comm. Rule and carried. (See attached)

JOHN AND SHIRLEY NUNN: Director Carver presented an application for final review and determination an exemption request wherein **John and Shirley Nunn** wish to convey 50 acres more or less to the adjacent property owner **Spencer Smith** creating an 87 acre tract with the Nunn property consisting of 10 acres more or less with no additional lot being created. The properties are located at 27536 Road P and 27990 Road P, Dolores. Comm. Koppenhafer moved to approve **Resolution P-06-09** and final exemption plat for the John Leslie Nunn property. Seconded by Comm. Rule and carried. (See attached)

GARY F. AND COLETTIE E. CRANSTON: Director Carver presented for review and determination a boundary line adjustment from Gary F. and Colettie E. Cranston. The properties are located at 23400 Road N, consisting of 16 acres, more or less, and 12978 Hwy 491 consisting of 2 acres more or less. The adjustment request is for 5 acres more or less be combined with an existing 2 acre tract resulting in a 10 acre tract and an 8 acre tract. Both tracts are zoned commercial. Comm. Koppenhafer moved to approve a preliminary exemption for the tracts belonging to Gary and Colettie Cranston located at 12978 Hwy. 491, seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted;
Letter from Dexter Gill concerning road damage policies. (See attached)
Thank you card from Good Samaritan Center. (See attached)

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

MEETING ADJOURNED: 4:15 p.m.

County Clerk 3/16/2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 23, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 23, 2009 at the courthouse in Cortez, Colorado, there were present:

Larrie D. Rule, Chairman
Steve Chappell, Vice-Chairman
Gerald W. Koppenhafer, 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 Rule** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, March 16, 2009 were read. Comm. Koppenhafer moved to approve the minutes of March 16, 2009, as presented, seconded by Comm. Chappell and carried.

ACCOUNTS PAYABLE: General Fund # 54792-54968 in the amount of \$344,410.89, Road Fund # 21967-22025 in the amount of \$81,045.83, and Landfill # 6041-6071 in the amount of \$22,282.21 for the month of February, 2009 were approved for payment.

ROAD: Road Supervisor Dean Roundtree discussed the Ag-Expo held at the Fairgrounds. He talked about the handicap and overall parking situation. He said the Department is hauling gravel and preparing roads 33 and 34 for mag-chloride. Discussed problems on Roads N, P and other various other roads.

PROCLAMATION: A Proclamation was read stating 2009 marks the celebration of 100 years of continuous use of the Mancos High School and the 50th anniversary of the Mancos Colorado days, a Proclamation was presented by the Board of County Commissioners recognizing this history and proclaiming the month of July, 2009 to be History and Culture month in the Mancos Valley. Comm. Chappell moved to sign said Proclamation, seconded by Comm. Koppenhafer and carried. (See attached)

BRIDGE SHELTER: M. B. McAfee and **John Van Cleve** representing the Bridge Emergency Shelter presented a brief year end report concerning the Bridge Emergency Shelter. (See attached) An emergency shelter assistance grant for Cortez Addiction Recovery Services, Inc. (CARS) was presented. Comm. Chappell moved to sign the grant application for the Bridge Emergency Shelter with Colorado Division of Housing, seconded by Comm. Koppenhafer and carried. (See attached)

PINION PROJECT: **Diana Buzza** updated the Board on the Pinion Project and she stated they have provided over \$100,000.00 in assistance. She presented an emergency shelter grant application for homeless prevention. Comm. Koppenhafer moved to sign the grant application for the Colorado Division of Housing for 2009 and the Pinion Project, seconded by Comm. Chappell and carried. (See signature page attached, See Diana Buzza for complete application)

SHERIFF GERALD WALLACE met to discuss the emergency management program. He discussed grant application deadlines. He also discussed the placement of a stop sign at Road 24 and T.

QUIT CLAIM DEED: Loretta Murphy presented a quit claim deed between Montezuma County and **Silviano Garcia** conveying the west 10' of the east ½ of lot 8, block 10, George Bauer's second subdivision, Town of Mancos. Comm. Chappell moved to sign the Quit Claim Deed from Montezuma County to Silviano Garcia conveying a parcel of land, seconded by Comm. Koppenhafer and carried. (See attached)

LETTER OF SUPPORT: Comm. Koppenhafer moved to sign a letter of support to re-appoint Al Heaton to Group 1 of the Southwest Colorado Resource Advisory Council, seconded by Comm. Chappell and carried. (See attached)

LUNCH: The Board met with San Miguel and Dolores County Commissioners at the Ponderosa Restaurant.

PLANNING: Planning Director Carver presented the following Planning items.

Director Carver discussed an issue concerning the construction of a new access to the owner's property. She said the property owner is Kenneth Carlson located at 26408 Road N. The installation is in violation of the County Road Regulations. A letter will be sent. (See attached)

HIGH IMPACT PERMIT FOR TRI-STATE GENERATION AND TRANSMISSION: Director Carver presented for review and signing a high impact permit for Tri-State Generation and Transmission. The application was approved by the Board on March 9, 2009. Comm. Chappell moved to approve the findings on the high impact permit number 587 for Tri-State Generation and Transmission, seconded by Comm. Koppenhafer and carried. (See attached)

COMPLAINT: Director Carver informed the Board of a land use code complaint she received regarding commercial use, storage, storm water, lighting and noise on property owned by **Marjorie Muniz**. Director Carver will send a letter. (See attached)

A second complaint was received concerning junk construction equipment on property located on the north east side of Road T.5 and Hwy 184, where **Richard Swanner** has moved construction equipment on the property. (See attached) A letter will be written.

FINAL PLAT: Director Carver presented for review and determination a final plat for a tract of land created by an after-the-fact exemption, **Michael Williamson, agent**. The property is located at 37385 Hwy 160, Mancos. Comm. Chappell moved to approve the final plat on property described in Planning Resolution P-03-09 for Michael Williamson, seconded by Comm. Koppenhafer and carried. (See attached)

SERVICE PLAN: Carol Tullis, Montezuma County Clerk and Recorder presented the Board with the proposed **Goodman Point Water District Service Plan** Said Plan was filed on March 20, 2009 in the Clerk and Recorder's Office. Comm. Koppenhafer moved pursuant to C.R.S. 32-1-204(2)(a) to forward the proposed Goodman Point Water District Service Plan to the Planning Commission, seconded by Comm. Rule and carried. Comm. Chappell recused himself from this motion.

CORRESPONDENCE: The following correspondence was read and noted;

Notice of filing application for Colorado Mined Land Reclamation Permit for Oldcastle SW Group, Inc. dba Four Corners Materials. (See attached)

Letter from Gary Wright concerning the solid waste disposal facility at 18655 Road 10. (See attached)

Letter from the Southwest Water Conservation District regarding the 27th annual water seminar on April 3, 2009 in Durango Colo. (See attached)

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

MEETING ADJOURNED: 4:45 p.m.

County Clerk 3/23/2009

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 30, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 30, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, March 23, 2009 were read. Comm. Koppenhafer moved to approve the minutes of March 23, 2009, as presented, seconded by Comm. Chappell and carried.

PAYROLL: General fund checks in the amount of \$333,475.32, Treasurer fund check #54970 in the amount of \$258,904.48, District Attorney fund check #54971 in the amount of \$30,883.42, Road department fund checks in the amount of \$82,473.31, Treasurer fund check #22028 in the amount of \$67,044.70; and Landfill fund checks in the amount of \$16,572.95, Treasurer fund check #6073 in the amount of \$14,199.66 were approved for payment.

ROAD: Road Supervisor Dean Roundtree discussed the purchase of a backhoe. He talked about the deterioration of some paved county roads and talked about Road 16. Supervisor Roundtree said the Department is working on ditches.

ANNUAL FIRE OPERATING PLAN: Comm. Koppenhafer moved to approve the annual fire operating plan with Archuleta, Dolores, LaPlata and Montezuma Counties effective on May 1, 2009 through April 30, 2010, seconded by Comm. Chappell and carried. (See attached)

LETTER OF SUPPORT: Comm. Koppenhafer 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)

LAURA LEWIS and **Ed Morlan** with **Region 9** gave a Community Development Action Plan presentation. She talked about the enterprise zone projects in the Montezuma County area. Ms. Lewis talked about economic

development in the area as well. She said they are working on a regional transit system. Mr. Morlan said Region 9 is working on an economic gardening program to help businesses. Mr. Morlan talked about regional governance and how it works.

JAIL TOUR: It being the time set aside a jail site visit was conducted.

LUNCH:

ABATEMENT: It being the time set aside an abatement petition for **James Lynch** is heard. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor presented a petition from James Lynch on parcel number R015618. She stated the Assessor's Office is familiar with the property and stated it should be classified as agricultural. The Assessor's Office recommends an abatement of \$1,363.68. James Lynch was present. Comm. Koppenhafer moved to agree with the Assessor's Office as to the agricultural classification on parcel number R015618 owned by James Lynch located at 14767 Road 29.75, Dolores, seconded by Comm. Chappell and carried. (See attached)

PLANNING DIRECTOR CARVER presented 3 high impact permit and 3 special use permit applications (Landis and Root property) for Bill Barrett Corporation to be forwarded to the Planning Commission. The applications are for the construction of one well pad that may contain up to four wells and connecting pipeline. Comm. Chappell moved to forward to the Planning Commission 3 high impact permit and 3 special use permits applications for Bill Barrett Corp. for exploration well sites and connecting pipeline, seconded by Comm. Koppenhafer and carried. (See attached)

Director Carver informed the Board of the scheduling of a public hearing for HUM LLC for Monday, April 13, 2009. (See attached)

PLANNING: Planning Director Susan Carver presented an application from **Dianna and Ray Knuppel** for review and determination of an exemption. The property is located at 21254 Road S. She stated the Knuppel's wish to convey to the Lewis Arriola Community Center 6 acres more or less to be used by the Community Center for parking. Chan Chaffin with the Community Center explained the application in more detail. Comm. Chappell moved to grant an exemption of 6 acres more or less on property located at 21254 Road S and 21176 Road S receiving the 6 acres. Seconded by Comm. Koppenhafer and carried. (See attached)

COMPLAINT: Director Carver presented a land use code complaint regarding alleged change of land use, noise, outdoor storage, and contamination of natural storm water drainage. The owners of Lot 2 of the Skinner 3 lot minor development located in Mancos has concerns about the commercial activities being conducted on Lot 1. Director Carver stated the property is not zoned commercial. (See attached) Director Carver will send a letter to Mr. Skinner.

DON MCLEAN with **Stoner Ranch** introduced himself to the Board.

CORRESPONDENCE: The following correspondence was read and noted;

Letter from the Southern Ute Indian Tribe in reference to area designation recommendation for 2008 revised ozone NAAQS (See attached)

Stipulation of Dismissal on case number 2009CV18 was received. (See attached)

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

MEETING ADJOURNED: 3:20 p.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 6, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 6, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, March 30, 2009 were read. Comm. Koppenhafer moved to approve the minutes of March 30, 2009, as presented, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree informed the Board of the retirement of Carl Gustafson. He said Mr. Gustafson has worked for the County for 22 years. He discussed work done by Bill Barrett Corp. on Road 23. He talked about the best way to utilize the road impact fees paid by the Corporation. Supervisor Roundtree discussed the following: (1) He said they need to find another source for chip oil. (2) There is a problem with a water leak on Road L. (3) He talked about equipment in need of repair. County Administrator Harrison stated all road impact fees are being studied. A request was received from the Lion's Club for the use of tables and chairs for the Health Fair. It was agreed to allow the club the use of the tables and chairs.

FAIRGROUNDS: Fairgrounds Manager LeeAnn Milligan discussed the horse cards for open riding at the Fairgrounds. She would like to see a set fee structure for monthly or quarterly payments for horse cards and advertising signs. It was suggested quarterly payments would be best. She said she has been approached by county employees for free riding. It was stated they would have to pay like everyone else. Discussed raises for the two fairground employees. Manager Milligan discussed the upcoming events scheduled at the Fairgrounds.

LATER: FAIRGROUNDS FEE SCHEDULE. Comm. Chappell moved to approve the amended fee schedule rate for the Fairgrounds as of April 6, 2009, seconded by Comm. Koppenhafer and carried. (See attached)

RURAL LAW ENFORCEMENT GRANT: Sheriff Gerald Wallace presented a grant application for rural law enforcement. He stated the grant would help with jail staffing. He talked about getting help with substance abuse for the inmates. Comm. Koppenhafer moved to approve the signing of the grant application for the

“Screening for Success” recovery act assistance to rural law enforcement to combat crime and drug program, seconded by Comm. Chappell and carried. (See attached)

ELECTRICAL BIDS. Bids were opened for electrical services. The bids proposals are for a 23 month time frame. Bids were received from Cortez Electric Inc., Dickson Electric LLC, Stanley Electric LLC, A & J Electric Inc., and A & E Electric. Comm. Chappell moved to accept the bid from Cortez Electric Inc. for electrical maintenance for Montezuma County. Seconded by Comm. Koppenhafer and carried. (See attached)

VETERAN’S AFFAIRS: Comm. Koppenhafer moved to sign the County Veterans Service Officer’s monthly report and certification of pay for March, 2009 seconded by Comm. Chappell and carried. (See attached).

TREASURER’S REPORT: Comm. Chappell moved to accept the 6 month schedule of receipts and disbursements for July 1, 2008 through December 31, 2008 and to publish said report in the newspaper. Seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 12:05

MONTEZUMA COUNTY SENIOR SERVICES: Comm. Chappell moved to sign the amended contract number 09-HTD-00060 between the Colorado Department of Transportation and Montezuma Senior Services, seconded by Comm. Koppenhafer and carried. (See attached)

PUBLIC HEARING: It being the time set aside 3 public hearings was held. The roll was called, the public notice was read and the proceedings were taped for the record for each hearing. The hearings are as follows.

ALAN B. AND PAMELA J. SCHAFFER FAMILY TRUST: Public hearing for the purpose of reviewing and determining an AR35+ zoning request for a tract of land owned by Alan B. & Pamela J. Schaffer, Family Trust. The property is located at 12540 Road 25, Cortez, consisting of 40 acres more or less. Alan Schaffer talked about the application in more detail. Comm. Rule opened the hearing to public comment at this time. Hearing no comment, Comm. Rule closed that portion of the hearing. After hearing all the evidence presented, Comm. Koppenhafer moved to approve an amendment to planning resolution P-02-06 to add 17.28 acres from the Lane Kim property to the Alan B. and Pamela J. Schaffer Family Trust property and to approve the AR35+ zoning request, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

MARVIN AND PEGGY REICHENAU: Public hearing for reviewing and determining an AR3-9 and AR10-34 zoning request for 3 separate tracts of land. The properties owned by the Reichenau’s are located at 22735 Road L and at 22695 Road L and property owned by Edwin and Joyce Luikko located at 22779 Road L, Cortez. Two of said tracts consist of 5 acres more or less and one tract consists of 14 acres more or less. Director Carver gave an overview of the application. She said the Luikko’s wish to convey 10 acres more or less to Peggy Reed- Reichenau to become a part of Reichenaus’ existing 2.5 acre tract located at 22735 Road L. Peggy Reed-Reichenau spoke as to the request. Comm. Rule opened the hearing to public comment. Hearing no public comment, Comm. Rule closed that portion of the hearing. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the AR3-9 zoning and to amend planning resolution P-48-84 on a 5 acre tract owned by Peggy Reed Reichenau, seconded by Comm. Chappell and carried. Comm. Chappell moved to approve AR3-9 zoning on property located at 22779 Road L owned by Edwin and Joyce Luikko on 4.01 acres, seconded by Comm. Koppenhafer and carried. Then Comm. Koppenhafer moved to approve an after-the-fact exemption on property located at 22735 Road L, Cortez, owned by Peggy Reed-Reichenau to add 11.17 acres from the Luikko tract and to zone the property as AR10-34, seconded by Comm. Chappell and carried. Finally, Comm. Koppenhafer moved to change planning

resolution P-41-75 to change the 14 acres owned by Edwin and Joyce Luikko down to 4.01 acres, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing.

EVERETT RANCHES, INC.: Public hearing for reviewing and determining an AR3-9 zoning request for a three lot moderate development on 9 acres more or less. The property is owned by Everett Ranches, Inc., Larry Everett agent and located at 12736 Road 40, Mancos. Director Carver gave an overview of the application. Larry Everett informed the Board of his intentions for the application. Comm. Rule opened the hearing to public comment. Hearing no public comment, Comm. Rule closed that portion of the hearing at this time. After hearing all the evidence presented, Comm. Chappell moved to approve the AR3-9 zoning request and the preliminary plat for a 3 lot moderate development on property located at 12736 Road 40, owned by Everett Ranches, Inc., Larry Everett agent, seconded by Comm. Koppenhafer and carried. (See attached). Comm. Rule closed the hearing at this time.

PLANNING: Director Carver presented a request to forward 2 high impact permit and 2 special use permit applications from Williams Field Services Company, LLC to the Planning Commission. The proposed pipelines are located along County roads 21 and Z in Lewis. She asked for the Board to forward the applications to the Planning Commission for their review. Comm. Chappell moved to forward the high impact permit and special use permit applications for Williams Field Services Co. LLC on the proposed pipelines that will parallel existing Roads 21 and AA, the McAfee property to the Planning Commission. Motion seconded by Comm. Koppenhafer and carried. (See attached)

JOHN CALLENDER, Chairman of the Montezuma County Planning Commission presented a letter to the Board in regards to the Commission's interest in beginning the process of revising the Comprehensive Plan for Montezuma County. A suggestion was made for the Planning Commission to have scoping meetings throughout the County first to see if the comprehensive plan needs to be either re-written or revised. Comm. Koppenhafer moved to give direction to the Planning Commission to have a scoping exercise to obtain a sense as to whether the comprehensive plan should be either revised or re-written and for the Planning Commission to hold scoping workshops in at least 4 areas around the County and to report back to the Board of County Commissioners at the Board's first meeting in October, 2009. Seconded by Comm. Chappell and carried. (See attached)

SOUTHWEST COLORADO WORKFORCE ADVISORY BOARD: Comm. Chappell moved to appoint Karen Harbaugh of Muscanell Millworks to a two year term effective March 1, 2009 to the Southwest Workforce Advisory Board, seconded by Comm. Koppenhafer and carried. (See attached)

BRENT OLIVER met to ask the Board if they have any questions in regards to the complaint received concerning the Skinner 3 lot minor development. A letter will be sent by the Planning Department. Mr. Oliver will be notified when a response is received from Mr. Skinner.

CORRESPONDENCE: The following correspondence was read and noted;
Notice of public hearing for Goodman Point Water District Service Plan, (See attached)
Letter from Susan K. Bryson in reference to application for GEO solar rebate program. (See attached)

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

MEETING ADJOURNED: 4:25 p.m.

County Clerk 4/6/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 13, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 13, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, April 6, 2009 were read. Comm. Chappell moved to approve the minutes of April 6, 2009, as presented, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree stated the Department has been busy grading roads. **Ray Patterson** met to discuss Road 15 South of Road U and presented pictures. (See attached) He had concerns with D & L Construction encroaching on a portion of his property on Road 15. The Board will do a site visit before making any decisions. Supervisor Roundtree stated that portions of Road 12 is rough and needing attention also portions of Road 17 shows a lot of soft spots. He said he is still looking into a place to purchase chip oil. Discussed finding a small water truck for the Fairgrounds. A meeting is being scheduled with CDOT regarding the approach on Road 23.

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of March, 2009 (See attached). A letter was received from Roy Lane, Cortez Chief of Police, complementing Deb Barton and the Landfill employees for recovery of evidence from the landfill. (See attached)

DOLORES SOIL CONSERVATION DISTRICT representative Jody Downs presented a report from the Dolores Tamarisk Action Group for year 2008. (See attached) She informed the Board of what was done in 2008 and plans for the program in 2009. Ms. Downs talked about a Colorado State Water Board grant opportunity. She said she will write a grant for funding. She asked the Board if they could help by giving \$5,000.00 to help with the grant match. She was told to work with the County weed program in regards to the grant match.

A COUNTY RESIDENT informed the Board of potholes on Road 26 between Roads L and P.

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a modification to the premises for Dawson Lake Store. Comm. Koppenhafer moved to approve the permit application and report of changes for the Dawson Lake Store (DLS Inc.), seconded by Comm. Chappell and carried.

ORDER #3-2009: Comm. Chappell moved to approve Order #3-2009 to transfer \$2,250.00 from the Road Impact Fees to the Road and Bridge Fund, seconded by Comm. Koppenhafer and carried. The funds were deposited in the wrong fund and is now being transferred to the correct fund. (See attached)

SOUTHWEST COLORADO WORKFORCE ADVISORY BOARD: Comm. Chappell moved to appoint Marci Cummings with the Cortez Chamber of Commerce and Breeanna McClure with the Double Tree Hotel in Durango to the Southwest Colorado Workforce Advisory Board for a term of two years. Seconded by Comm. Koppenhafer and carried. (See attached)

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 for the proposed construction and operation of a storage facility on property owned by HUM, LLC., Maness and Associates and James Larue agents. The property is located at 29454 Hwy 160, also known as Lots 1 & 4 of the Fairgrounds PUD consisting of 6.2 acres more or less. The roll was called, the public notice was read and the proceedings were taped for the record. Margaret Clauson with the Planning Department gave an overview of the application. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment, Comm. Rule closed that portion of the hearing. After hearing all the evidence presented, Comm. Chappell moved to approve the high impact permit for the purpose of constructing and operating a storage facility on property owned by HUM LLC, Agents, Maness and Associated and James Larue, located at 29545 Hwy. 160, Cortez, Co., also know as lots 1 and 4 of the Fairgrounds PUD, seconded by Comm. Koppenhafer and carried. (See attached).

Comm. Koppenhafer moved to sign the findings for high impact permit number 588 on property owned by James Larue, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Margaret Clauson with the Planning Department stated the application for Gary F. & Colettie E. Cranston is lacking a signature on the mylar, therefore this agenda item will be presented at a later date.

Margaret Clauson presented a response letter from Richard and Marie Swanner concerning the complaint regarding machinery and equipment stored on the .32 acre piece of property located at the corner of Hwy. 184 and Road T.5. (See attached) She also presented response letters in response to Mr. Swanner's letter from Jerry Giacomo and Lynn and Jay Robertson. (See attached) The Board requested more information concerning the history on that parcel before any determination can be made. No action was taken at this time.

CORRESPONDENCE: The following correspondence was read and noted;

Letter to Dolores Community Center Board of Directors concerning continued support of \$500.00 per month for providing a location for the Senior Lunch program for Dolores seniors until January 2010. (See attached)

Letter from Sheila O'Houlihan concerning the recycling facility. (See attached)

Agenda from the Colorado Board of Health (See Attached)

Notice of 112 Construction Materials Reclamation Permit Application Re. Oldcastle dba Four Corners Materials, Simmons Pit, File No. M-2009-024(See attached).

Letters from Department of Transportation Region 5 concerning federal enhancement funds for Town of Silverton, City of Durango and Town of Pagosa Springs. (See attached)

MEETING ADJOURNED: after site visit to Road 15 and U.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 20, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 20, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, April 13, 2009 were read. Comm. Koppenhafer moved to approve the minutes of April 13, 2009, as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree, Levena Saunders and Harry Rogers met to discuss the renewing of the lease on the Haycamp Gravel Pit. Ms. Saunders stated they would like to renew the lease with the County for 4 years with a few changes. She asked if it would be agreeable to convert from yardage to tonnage. It was also stated that the legal description where the County is working has been incorrect and that will be corrected. Ms. Saunders wanted Ernie Maness to reaffirm the survey. She said they would like to reserve the hunting rights in the area and not allow the County employees hunting privileges. It was asked to change the fees from \$1.07 per ton to \$1.10 per ton and Harry Rogers asked the County to fix the cattle guard. Comm. Koppenhafer moved to give temporary approval to the changes requested by Mrs. Saunders concerning the Haycamp Gravel Pit lease. To change the rate to \$1.10 per ton instead of by the yard, there will be no hunting by County employees, to fix the cattle guard and to weigh the County trucks for accuracy from time to time, seconded by Comm. Chappell and carried. Supervisor Roundtree said he is waiting on prices for the purchase of motor graders, and talked about a water truck for the Fairgrounds. He talked about mag chloride alternatives and would like to learn more about Polymer treated mag chloride. He said they are beginning to lay mag chloride on some roads. He talked about removing a cattle guard on Road 43 as it has become a problem.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of March, 2009. (See attached).

UTE MOUNTAIN ROUNDUP: Clerk's Deputy Tammy Neely presented a special events application from Ute Mountain Roundup for a request to serve alcohol during the rodeo at the Fairgrounds. Ute Mountain

Roundup representative Slim McWilliams discussed the request stating the Rodeo is scheduled for June 11, 12, and 13. He said they would be selling beer at the Rodeo from 6:30 to 9:30 p.m. and at the dance on Friday and Saturday beginning after the rodeo until 12:00 midnight. Mr. McWilliams said they would have the same security assistance from the Sheriff's Office as they did last year. Comm. Koppenhafer moved to approve a special events liquor license for the Ute Mountain Roundup to serve beer at the outdoor arena at the Fairgrounds from 6:30 to 9:30 p.m. on June 11th, 12th, and 13th and to approve the special events permit to serve malt, spirituous, and vinous liquor in the indoor arena from 9:00 p.m. to 12:00 midnight on June 12th and 13th. The motion was seconded by Comm. Chappell and carried.

ACCOUNTS PAYABLE: General Fund # 54974-55157 in the amount of \$318,943.33, Road Fund # 22027-22096 in the amount of \$145,816.56, and Landfill # 6075-6113 in the amount of \$102,462.55 for the month of March, 2009 were approved for payment.

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

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a retail liquor store license renewal for **Eagle Claw**. Comm. Koppenhafer moved to approve the renewal of the liquor license for a retail liquor store for the Eagle Claw liquor store, seconded by Comm. Chappell and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for a service plan for the proposed **Goodman Point Water District**. The roll was called the public notice was read and the proceedings were taped for the record. Comm. Chappell recused himself from the hearing at this time. Attorney for the district, **Bud Smith** informed the Board that the proper statutory notices have been filed. (See attached) He discussed the service plan in more detail. **J. R. Berry and Mike Bauer** gave a power point presentation at this time. (See copies attached) Attorney Smith submitted letters of support from the majority of property owners in the proposed special water district area. (See attached) Comm. Rule opened the hearing to public comment at this time. The following audience members spoke to the formation of said district. **James Silba, Patricia Fulks, Katherine Evans, Brad Mustoe, George Greenbank, Rod Evans, Pat Baxstrom, Bob Clayton representing Kinder Morgan**. He stated Kinder Morgan is not in total support of the district but will go along with the formation and that there are no guarantees of their tax payments in the future. **Neil Stephens** representing Empire Electric said this organization concurs with Kinder Morgan. **Keri Mustoe & Brad Mustoe** stated after he installed a wood burning stove, his homeowner's insurance company would not insure him because of the water problem. He also is on the Lewis Arriola Fire Protection District and informed the Board of the fire department's rating. Hearing no further public comments, Comm. Rule closed that portion of the hearing. Mr. Berry responded to questions and informed the Board of the number of taps required. It is understood that future proceedings in District Court and elections by the voters as required by law are still necessary for the formation of the District and possible funding by bonds and taxes. Montezuma Water District manager Mike Bauer talked about the placement of fire hydrants. After hearing all the evidence presented Comm. Koppenhafer moved to approve **Resolution number 5-2009** approving the service plan for the Goodman Point Water District for the formation of a special district as submitted to the Board of County Commissioners, seconded by Comm. Rule and carried. Comm. Chappell recused himself earlier. (See attached) Copy of draft minutes from the Planning Commission dated April 9, 2008 is attached. Comm. Rule closed this hearing at this time.

LUNCH: 11:40

PLANNING: Planning Manager Susan Carver informed the Board of the following applications that have been scheduled for public hearings on May 4, 2009 beginning at 2:30 p.m.:

Bill Barrett Corporation: High Impact and Special Use Permit Applications for the purpose of constructing a well pad, well completion and testing on property owned by Clark D. Root, located at 25200 Road 16, Pleasant View, Co.

Bill Barrett Corporation: High Impact and Special Use Permit Applications for the purpose of constructing a well pad, well completion and testing on property owned by Ward and Karen Landis, located at 18055 Road Z, Pleasant View, Co.

Williams Field Service Co. LLC: High Impact and Special Use Permit Applications for the purpose of constructing/installation of two natural gas steel tie-in well connect segments and well site production equipment associated with exploration wells that have been concurrently applied for by Bill Barrett Corporation. The proposed pipeline is on Roads BB and Z, Pleasant View, Co.

ZANE AND DOROTHY FRAZIER ESTATE: Adjacent property owners of the Zane and Dorothy Frazier Estate located at 25451 Road N, Cortez consisting of 62.43 acres, more or less, wish to adjust their common lot lines wherein obtaining acreage from the Frazier property. The adjacent property owners are as follows: (1) **Ronald Tryon**, 25300 Road N consisting of 5 acres more or less, created by an exemption. Mr. Tryon wishes to obtain 5 acres of the Frazier property to become a part of his existing 5 acre tract. (2) **Lane and Sharon Kim**, 25570 Road N, Cortez, consisting of 59 acres and the Kim's wish to obtain 12 acres of the Frazier property to become a part of their existing 59 acre tract. (3) **Alan and Pamela Schafer Family Trust**, 12540 Road 25, Cortez, consisting of 40 acres. The Trust wishes to obtain 23 acres of the Frazier property to become a part of their existing 40 acre tract. The remaining Frazier property will consist of 21 acres and no new tract shall be created. The above mentioned applicants are requesting exemptions. Comm. Chappell moved to grant preliminary approval for an exemption to Ron Tryon who wished to obtain 5 acres of the Frazier property and for amendments to property owned by Lane and Sharon Kim to purchase 12 acres of the Frazier property and for the Alan and Pamela Schafer Family Trust to purchase 23 acres of the Frazier property with 21 acres remaining in the Frazier property. Seconded by Comm. Koppenhafer and carried. (See attached)

VERIZON WIRELESS agents, Alltel Communications, Inc. Director Carver presented for review of High Impact Permit No. 437. Alltel would like to co-locate their equipment on an existing Verizon Wireless tower, located at 600 Hwy. 160-491, Cortez. Alltel representatives, **Jeremy Mironas and Shawn Cook** informed the Board of their intentions. They explained the request amendment would be to allow the installation of a back-up generator and associated propane fuel tank on the site. Director Carver said they would not exceed 10% of the existing permitted use. Comm. Chappell moved to allow Alltel Communications to add the necessary equipment to an existing Verizon tower. Seconded by Comm. Koppenhafer and carried. (See attached)

KEVIN AND KARYL DIMMICK, Scott Wallace agent. An after-the-fact exemption request on land located at 36755 Road P.1, Mancos was presented for review and determination. The Dimmick's desire to bring this tract into compliance and are therefore requesting an exemption. Comm. Koppenhafer moved to approve the after-the-fact exemption for Kevin and Karyl Dimmick on property located at 36755 Road P.1 and a variance to the width to the access right-of-way to 15', seconded by Comm. Chappell and carried. (See attached)

GARY F. AND COLETTIE E. CRANSTON, Agent Don Bain. A boundary line adjustment on property located at 23400 Road N, consisting of 16 acres and property located at 12978 Hwy. 491 consisting of 2 acre, more or less, was presented for review and determination. The request is to combine the 5 acres, more or less from the 16 acre tract with the existing 2 acre tract, more or less resulting in a 10 acre tract and an 8 acre tract. Both tracts are zoned commercial. Comm. Chappell moved to sign the exemption plat for Gary F. and Colettie E. Cranston, seconded by Comm. Koppenhafer and carried.

CORRESPONDENCE: The following correspondence was read and noted;
Response letter from the Cortez Sanitation District in response to e-mail concerning operation costs. (See attached)
Letter from Betsy Harrison, Mancos Valley CARES concerning a request for a moratorium on granting high impact permits in the Mancos Valley. (See attached)
Unsigned letter about Nathan Barton's, blog. (See attached)

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

MEETING ADJOURNED: 2:45 p.m.

County Clerk 4/20/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 27, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 27, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, April 20, 2009 were read. Comm. Koppenhafer moved to approve the minutes of April 20, 2009, as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree said the mag chloride work is continuing. He said the department will be moving gravel from the county shop area in Mancos this week. Comm. Koppenhafer signed the amended plat for lot 8, block 10, George Bauer's second addition. This plat deals with the property transfer between the County and Silvanio Garcia. Supervisor Roundtree talked about the purchase of equipment stating he is still looking at prices. Comm. Chappell informed Supervisor Roundtree that a portion of Road 18 to Road T is rough due to all the truck traffic. They talked about Road 26 and Road N. Supervisor Roundtree talked about site visits with CDOT to be conducted on Wednesday.

COUNTY ADMINISTRATOR HARRISON presented bids to be opened for the construction of ADA ramps at the Courthouse. Four bids were received. (1) Daniel's Concrete in the amount of \$12,450.00 (2) ABC Builders in the amount of \$8,500.00 (3) Mr. Concrete in the amount of \$10,300.00 (4) AWJ and Sons in the amount of \$20,200.00. Comm. Rule recused himself from this proceeding. Comm. Koppenhafer moved to award the bid to Mr. Concrete Construction in the amount of \$10,300.00 for the replacement of the ADA handicap ramps, handrails and relocate ADA parking spaces at the County Courthouse. The bid was awarded to Mr. Concrete over the lowest bid due to the others submitting incomplete bids and their failure to answer all the questions required for the bid, seconded by Comm. Chappell and carried. (See attached)

MONTEZUMA COUNTY ECONOMIC ASSOCIATION: Jim Reser informed the Board of what the Association is about. He said the Association was formed in 2008. He talked about their objectives and goals for this area. Mr. Reser discussed workshops for local businesses on how to survive and thrive during this

economic crisis and talked about state generated leads for economic development in this area. He said they would like to create an inventory capacity by business type.

BOARD OF EQUALIZATION ABATEMENTS: It being the time set aside an abatement hearing is conducted for **Gilbert B. Schwartz, Trustee**, on accounts R014935, R014837, and R014838 for tax year 2007. The roll was called and the proceedings were taped for the record. Assessor Mark Vanderpool gave an overview of the petitions stating the property assessment is over-market on parcel numbers R014935, R014837, and R014838 and recommended approval to adjust the values of 2007 to agree with the 2008 values. Comm. Chappell moved to agree with the Assessor's recommendation on parcel numbers R014935, R014837 and R014838 for Gilbert B. Schwartz, Trustee on Lot 2, Lot 3 and Lot 4 of the Schwartz Subdivision for tax year 2007, seconded by Comm. Koppenhafer and carried. (See attached). Comm. Rule closed the hearing at this time.

WAL-MART GRANT: **Tom Hooten** said he does a chess after school program that is funded by a Wal-Mart Grant and he is asking for a letter of support from the Board concerning this grant. Comm. Rule signed the letter of support for the Wal-Mart grant for Mr. Hooten's chess after school program. (See attached) Mr. Hooten said he had a couple call him concerning interest in having a community garden to grow food for the soup kitchens and they were wondering if the County had any land that could be used for said garden. The Board said they did not have any available land.

HIGH SCHOOL RODEO: **Luann Meyer** and **Jerrod Simmons** representing the High School Rodeo Club said they would like to submit a bid to host the State rodeo finals at the Montezuma County Fairgrounds. She said the event would bring approximately 100 families to the area. She asked about the fees charged for the use of the Fairgrounds. Fairgrounds Manager LeeAnn Milligan will work with Luann Meyer to look at different options. No action was taken at this time.

LUNCH: 12:00 noon

FEDERAL LANDS UPDATE: **James Dietrich** gave the Board an update concerning federal lands. He discussed a conversation he had with the owner of Stoner Lodge concerning future plans for the lodge and TDRs. He informed the Board about the meeting with the Dolores River Dialog group. He talked about the wild and scenic designation and various approaches to the designation. He would also like to schedule a meeting with the Board and Jim Siscoe with Montezuma Valley Irrigation at a later date.

Director Susan Carver met to review a land use complaint in regards to lot 1 of the 3 lot minor Skinner Subdivision. Director Carver stated Ronald E. Skinner has submitted a high impact permit application on April 22, 2009. She informed the Board that the access off of Road S is a 30' easement which is suitable for a subdivision but not for a commercial operation. She asked if she should schedule a public hearing concerning the high impact permit application? A public hearing has been scheduled for May 18, 2009 at 3:00 P.M. (See attached)

A PUBLIC HEARING was scheduled for **Hovenweep Canyon Ranch, LLC**, operated by **Four Corners Recycling Systems, LLC** Nathan Barton, agent. The property is located at 18655 Road 10, Pleasant View, Co. The hearing is for the review and determination of a high impact, and special use permit request for the purpose of constructing and operating a solid waste disposal facility with a footprint of 83 acres, more or less, on a tract of land consisting of 473 acres, more or less. She presented recommendations from the Planning Commission. Comm. Koppenhafer moved to set the zoning, high impact permit and special use permit hearing for the recycling facility for June 1, 2009 at 9:15 a.m. Seconded by Comm. Chappell and carried. She also recommended the hearing be held at the County Annex.

BILLING: Discussed a billing sent to Attorney Robbins regarding the preparation for the law suit concerning the Four Corners Materials asphalt plant. The law suit has been dropped and the record was prepared prior to suit being dropped. Comm. Chappell moved to proceed to collect 2/3 cost of the preparation of the records as ordered by District Court on case #2009CV18, file number 2101.001 in reference to Broennan, et al v Board of County Commissioners of Montezuma County, Co., seconded by Comm. Koppenhafer and carried. (See attached)

MANCOS VALLEY CARES: Comm. Koppenhafer moved to deny a request for a moratorium on the granting of any additional high impact permits in the Mancos Valley along the Hwy 160 corridor between Mesa Verde and Mancos, seconded by Comm. Chappell and carried.

MEETING WAS CONTINUED TO WEDNESDAY AT 1:00 P.M.

MEETING RECONVENED Wednesday April 29, 2009 1:00 p.m.

Present were the following: Comm. Rule, Comm. Chappell, Comm. Koppenhafer, Attorney Slough, County Administrator Harrison, and Clerk Tullis

2009 CV 18: Attorney Slough discussed the possible ramifications of pursuing the costs incurred by the County in the preparation for the law suit. Comm. Chappell moved to rescind the previous motion made to collect any preparation costs in the law suit #2009 CV 18 in response to a billing sent and letter received from Attorney Jeff Robbins. He also moved to take no further action concerning this matter, seconded by Comm. Koppenhafer and carried.

PLANNING DIRECTOR Susan Carver introduced representatives from CDOT, Bill Barrett Corporation, Williams Field Services, and Empire Electric. The purpose of this meeting was to provide a short term and long term projection for any/all proposed oil, gas, and CO2 development activities and possibilities to address traffic issues. **Jim Horn and Mike McVaugh with CDOT** discussed increased traffic activity and an opportunity to develop a master plan with the oil/gas/CO2 industries. They talked about various access roads from the U.S. highway system and how these accesses might be mitigated. After much discussion, it was decided for the entities involved to meet again at a later date.

The Board left for a site visit to those roads in question at this time.

MEETING ADJOURNED: After the site visit.

County Clerk 4/27/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 4, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 4, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, April 27, 2009 were read. Comm. Koppenhafer moved to approve the minutes of April 27, 2009, as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree stated they are working on the mag-chloride program and grading roads. He was informed that Kinder Morgan will help with any road repairs on roads they use. He discussed the cost of obtaining the chip oil. He talked about roads in need of repairs and discussed roads with high volume traffic that require more maintenance than some others. Supervisor Roundtree presented the gravel lease on the Gardner Pit. Comm. Koppenhafer moved to sign the lease between Montezuma County, Lavena E. Saunders, Harry Rogers and Nola K. Welsh for the operation of the gravel pit referred to as the Gardner Pit. from May 1, 2009 to April 30, 2013, seconded by Comm. Chappell and carried. (See attached)

ROAD L: Ed Green and others presented a signed petition and met to ask the County for assistance in improving portions of Road L between Road 22 and 23. He said they would like to have a 4 way stop installed at the intersection of road 23 and L. It was stated the residents could do a cost share for the chip seal like they do on the mag-chloride program. A road count will be done to determine the amount of traffic. (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of April, 2009. (See attached).

SOUTHWEST MEMORIAL HOSPITAL: Trudy Chittick and Dan Jessup presented the financial statement for the three months of operations ended March 31, 2009 (See attached) They said the hospital had a good quarter and talked about a couple of new doctors coming into the area. Ms. Chittick talked about a physician's development plan that will be completed soon. She talked about a need to build a facility to house physician's offices. The Board will take a tour of the facility at a later date.

SPECIAL EVENTS LIQUOR LICENSE: Clerk's Deputy **Tammy Neely** presented an application for a special events liquor license for **For Pet's Sake Humane Society**. The permit is for the service of malt, vinous, and spirituous alcohol at the event to be held at Cliffrose High Desert Nursery. The event is scheduled for July 25th beginning at 5:30 p.m. to 9:00 p.m. Comm. Koppenhafer moved to approve the special event liquor license to serve malt, vinous, spirituous alcohol for For Pet's Sake Humane Society to be held at the Cliffrose High Desert Nursery on July 25th from 5:30 p.m. to 9:00 p.m., seconded by Comm. Chappell and carried.

FOREST SERVICE GRANT: Sheriff **Gerald Wallace** presented a forest service proposal for boat patrol and forest service campground patrol in the amount of \$11,600.00. Comm. Koppenhafer moved to sign the cooperative law enforcement agreement between Montezuma County Sheriff's Department and the U.S. Department of Agriculture, forest service San Juan National Forest beginning May 22, 2009 and ending September 30, 2009, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 11:40

PAYROLL: General fund checks in the amount of \$342,891.93 District Attorney fund check #55159 in the amount of \$31,083.35, Treasurer fund check #55160 in the amount of \$262,817.63, Road department fund checks in the amount of \$77216.78, Treasurer fund check #22099 in the amount of \$62,612.66; and Landfill fund checks in the amount of \$16,223.88, Treasurer fund check #6116 in the amount of \$13,954.90 were approved for payment.

PLANNING: Planning Director Susan Carver presented a request to forward a high impact and special use permit application to the Planning Commission. It is a proposal to conduct a 3D geophysical seismic survey project known as the Sandstone Canyon 3D Project. Bill Barrett Corporation Field Representative, **Miles Coroy** informed the Board of their intentions for the applications in more detail. Comm. Chappell moved to forward the high impact permit and the special use permit application for Bill Barrett Corporation, Miles Coroy, agent, to conduct a 3D geophysical seismic survey known as the Sandstone Canyon 3D Project to the Planning Commission, seconded by Comm. Koppenhafer and carried. (See attached)

COMPLAINT: Discussed a complaint against Richard and Marie Swanner and response concerning machinery and equipment stored on a .32 acre piece of property located at the corner of Hwy 184 and Road T.5. A response letter dated April 29, 2009 from the Swanners was presented to the Board. (See attached) A follow up letter from Lynn and Jay Robertson dated May 4, 2009 was submitted to the Board as well. (See attached). Loretta Murphy stated that .32 acre piece was apparently left off the deeds sometime in property transfers but is still considered to be owned by the Swanner family. Comm. Koppenhafer moved to take no further action on this complaint as there is no violation of the land use code based upon the evidence presented at this time, seconded by Comm. Chappell and carried.

COUNTY ADMINISTRATOR HARRISON and GIS specialist Doug Roth informed the Board that a company from the Denver area has special pricing for aerial maps with 1 foot contours. Mr. Roth stated there is a lot of interest in this type of mapping from various agencies. A letter will be sent to see if other agencies might be interested with helping fund such a project.

PUBLIC NOTICE: It being the time set aside notice is hereby given to hold three consecutive public hearings on the following:

BILL BARRETT CORPORATION, AGENT DON HAMILTON: The roll was called, the public notice was read and the proceedings were taped for the record. A high impact and a special use permit application was submitted by Bill Barrett Corporation on property owned by Ward and Karen Landis located at 18055 Road Z, Pleasant View. Planning Director Carver gave an overview of the applications. The application is for the construction of a new 4.59 acre, more or less, well pad; horizontal drilling of up to 4 natural gas wells; well completion and testing; if the well is deemed to be productive, production facilities would be installed on the disturbed portion of the well pad; and, a steel tie-in gas line would be constructed. Don Hamilton and others explained the project in more detail. Comm. Rule opened the hearing up to public comment at this time. **Bob Clayton** with Kinder Morgan discussed a newspaper article in the Dove Creek newspaper. Hearing no further public comments, Comm. Rule closed that portion of the hearing. Director Carver passes out a letter from Ken Curtis an engineer with DWCD concerning their continued work with Bill Barrett on installations around the existing DWCD irrigation system. (See attached). Don Hamilton addressed concerns raised at this time. He said there would be some road work done to Road Z for this project. After hearing the comments and evidence presented Comm. Koppenhafer moved to approve the high impact permit and special use permit applications for Bill Barrett Corp. on property owned by Ward and Karen Landis located at 18055 Road Z, Pleasant View, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing at this time.

BILL BARRETT CORPORATION, DON HAMILTON AND ANDREA WALTON, AGENTS. The roll was called, the public notice was read, and the proceedings were taped for the record. The pipeline is proposed on County roads BB & Z in Pleasant View. The application is for the construction of a new 4.59 acre, more or less, well pad; horizontal drilling of up to 4 natural gas wells; well completion and testing; if the well is deemed to be productive, production facilities would be installed on the disturbed portion of the well pad; and, a steel tie-in gas line would be constructed. The property is owned by Clark D. Root, located at 25200 Road 16, Pleasant View. Planning Director Carver gave an overview of the applications. Don Hamilton and others spoke as to the application. They said they would be upgrading Road BB for this project. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment that portion was closed. After hearing all the evidence presented, Comm. Chappell moved to approve a high impact permit and a special use permit application for Bill Barrett Corporation for the purpose of constructing a drilling pad, well pad; horizontal drilling of up to 4 natural gas wells on property located at 25200 Road 16, Pleasant View Co. and owned by Clark D. Root, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed the hearing at this time.

WILLIAMS FIELD SERVICES COMPANY LLC, ANDREA WALTON AND DON HAMILTON, AGENTS. The roll was called, the public notice was read, and the proceedings were taped for the record. The applications are for the purpose of constructing two pipeline well connect segments and wellsite production equipment associated with previously permitted exploration wells known as Root 14-5-38-18 and Landis 14-15-38-17. The proposed pipeline will cross/parallel Roads BB and Z. Planning Director Susan Carver gave an overview. Andrea Walton, Don Hamilton and others spoke as to the applications. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment, Comm. Rule closed that portion of this hearing. After hearing all the evidence presented Comm. Chappell moved to approve the high impact and special use permits for the construction of two pipeline well connect segments and wellsite production equipment associated with previously permitted exploration wells known as Root 14-5-38-18 and Landis 14-15-38-17 that will cross/parallel roads BB and Z to connect with the previously approved Yellow Jacket gathering

facility. Seconded by Comm. Koppenhfer and carried. (See attached) Comm. Rule closed this hearing at this time.

COMPLAINT: Planning Director discussed a complaint lodged against Marjorie Muniz, 41481 Hwy 184, Mancos and a response concerning commercial use, storage, storm water, lighting and noise on the property. Due to the fact no one was present concerning this complaint, it will be presented at a later date.

FEDERAL LAND UPDATE: James Dietrich gave an update on the Dolores River Dialog. Jim Siscoe discussed how Montezuma Valley Irrigation plays a part in the wild and scenic plan. He said MVIC's roll in this wild and scenic process is to protect the water rights in this area. He asked the Board to come to the next meeting on May 11th at 5:30 p.m. to express their concerns with the control and protection of water rights in this County and the wild and scenic designation.

CORRESPONDENCE: The following correspondence was read and noted:
Letter from Governor Ritter, the granting of EIAF #06596, Montezuma County Energy Efficiency upgrades (See attached)
Letter from DOLA in reference to DOLA conducting a customer service survey. (See attached)

MEETING WAS CONTINUED TO TUESDAY, MAY 5, 2009 AT 1:00 P.M. for on site building inspections of County facilities.

MEETING reconvened Tuesday, May 05, 2009 at 1:00 p.m.

Present were the following:

MEETING ADJOURNED at the conclusion of the facilities inspections:

County Clerk

5/4/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 11, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 11, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, May 4, 2009 were read. Comm. Chappell moved to approve the minutes of May 4, 2009, as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree was informed of a request for warning signs at the Sand Canyon Trail on Road G. He will look into it. He stated a 1995 Ford water truck was purchased for the Fairgrounds. Supervisor Roundtree discussed a law suit between Montezuma Water Co. and residents living on Road 26 concerning the installation of a water line on Road 26. It also seems a fence is being built in the County right-of-way on that road. A return receipt letter will be written to the landowners and a copy sent to their attorney concerning the 60' road right of way. He said the mag chloride work is continuing and work on the Dolores – Norwood road is beginning.

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of April, 2009 (See attached) She said the fencing has been completed on the Carver land that was purchased. Manager Barton informed the Board of a small hazmat incident that occurred on May 6th which shut down the landfill for a short time. She said all was taken care of and the landfill reopened the next morning. She discussed the City of Cortez cleanup efforts and said they brought in around 92 tons of trash from that cleanup.

SENIOR SERVICES: Mary Holiday presented a CDOT transportation grant for approval. Comm. Chappell moved to approve the transportation grant for fiscal year 2010-2011 for the FTA/CDOT Grant Assistance application, seconded by Comm. Koppenhafer and carried. (See attached)

DOLA GRANT: Wanda Martin presented a DOLA Gaming impact grant for a project to improve response through GPS. Comm. Koppenhafer moved to approve the local government limited gaming impact fund grant application for the Sheriff's Office, seconded by Comm. Chappell and carried. (See attached)

JAMES DIETRICH along with Pam Wilson, program coordinator for Firewise Council of Southwest Colorado, gave a power point presentation on how Title 3 monies can be used for fire education. Title 3 monies can be used for fire education, search and rescue and community fire plans. She talked about issues facing Southwest Colorado.

LUNCH: 12:00

McPHEE RESERVOIR: A proposal to prepare the construction drawings and provide engineering support during the assembly and installation of the Floating Wave Attenuator for the boat launch ramp at McPhee Reservoir was presented. Comm. Chappell moved to accept the rate schedule for Blue Water Design Group, seconded by Comm. Koppenhafer and carried. (See attached)

VETERAN'S AFFAIRS: Comm. Koppenhafer moved to sign the County Veterans Service Officer's monthly report and certification of pay for April, 2009 seconded by Comm. Chappell and carried. (See attached).

PLANNING: Planning Director Susan Carver presented for review and requests to forward the following high impact permit and special use permit applications to the Planning Commission:

BILL BARRETT CORPORATION, Don Hamilton, agent: Director Carver presented a high impact and special use permit application for the construction of four new 5 acre well pads known as Fisher 1-21; 2-21; 3-21 4-21, horizontal drilling of up to 4 natural gas wells per pad; and two 16" or less buried steel pipeline corridors on property owned by James Fisher. The property is located at 23300 Road Z, Lewis. Comm. Koppenhafer moved to forward the permit applications for the construction of the 4 Fisher well pads to the Planning Commission, seconded by Comm. Chappell and carried.

WILLIAMS FIELD SERVICES CO., Don Hamilton, agent: Director Carver presented a high impact and special use permit applications for the purpose of installing production equipment on the proposed Fisher well pads on property owned by James C. Fisher and located at 23300 Road Z, Lewis. The applications are for the construction of a well-connect pipeline, if the proposed Fisher wells are deemed to be productive. Comm. Koppenhafer moved to forward the applications for the installing production equipment on the proposed Fisher well pads, seconded by Comm. Chappell and carried.

PLANNING DIRECTOR CARVER scheduled the following public hearings.

SCHEDULE A PUBLIC HEARING for a high impact permit and special use permit applications for the construction of pipeline segments for well connections and well-site production equipment associated with exploration wells that have been previously approved by the County as submitted by Williams Field Services, Don Hamilton, agent. The proposed pipelines are located along Road 21 and Z in Lewis and the proposed pipelines will parallel existing Roads 21, AA & BB. She informed the Board that this hearing is scheduled for June 15th at 2:15 p.m. (See attached)

SCHEDULE ZONING PUBLIC HEARING: Director Carver presented for review and determination a request from **Robert Schuster Revocable Trust, Robert and Diane Schuster Trustees** for zoning on the following: (1) An AR3-9 zoning request for a proposed exemption tract located at 6092 Road G, Cortez, consisting of 9 acres more or less, which was created by Road G bisecting a 185 acre, more or less parcel whereby leaving 9 acres separate from the remaining acreage. (2) A request for AR35+ zoning for the remaining acreage consisting of 175 acres, more or less, and AR35+ zoning for 2 separate tracts of land each consisting of 40 acres more or less, owned by Robert Schuster Revocable Trust located at 6090 and 6088 Road G. Director Carver said this hearing has been scheduled for May 18th at 3:30 p.m.

SCHEDULE ZONING PUBLIC HEARING: A zoning request on property owned by The Estate of Zane and Dorothy Frazier, located at 25451 Road N, Cortez, consisting of 62.43 acres, more or less. The request is for the review and determination of an AR3-9, AR10-34 and AR35+ for the adjacent property owners who wish to obtain

acreage from the aforementioned property to become a part of their existing acreage; wherein no new lot(s) will be created. (1) Property owned by Ronald Tryon, located at 25300 Road N, Cortez, created by Resolution no. P-69-82, consisting of 5 acres, Mr. Tryon wishes to purchase 5 acres to create a 10 acre tract. (2) And Mr. Tryon owns a 3 acre tract of land created by Resolution no. P-9-76 located at 25300 Road N., Cortez. (3) Property owned by Lane and Sharon Kim, located at 25770 Road N, Cortez, consisting of 59 acres and the Kim's wish to purchase 12.34 acres of the Frazier Property to become a part of their existing 59 acres creating a 71 acre parcel. The remaining acreage owned by the Estate of Zane and Dorothy Frazier, located at 25451 Road N, Cortez will consist of 42 acres. This hearing has been scheduled for June 15th at 1:40 p.m. (See attached)

SCHEDULE ZONING PUBLIC HEARING on property owned by Keith A. Cole, Agents, Empire Electric Association and Nathan Barton. The property is located at 11401 Road 24, Cortez, and property owned by Montezuma Valley Irrigation (MVI) located at 11501 Hwy. 491, Cortez. A zoning public hearing before the Board of County Commissioners is being requested for their commercial and/or industrial zoning and pre-sketch plan for a proposed 2 lot minor general planned unit development consisting of 43 acres. Comm. Koppenhafer moved to set July 20th at 1:30 as the appeal hearing for Empire Electric Association to determine the commercial/industrial zoning, seconded by Comm. Chappell and carried. (See attached)

FINDINGS; The following findings were signed: (1) High Impact Permit no 589, Special use permit Bill Barrett Corp. (Landis property) (See attached) (2) High impact permit no. 590, special use permit, Bill Barrett Co. (Root Property) (See attached) (3) High impact permit no 591, special use permit Williams Field Services (Root & Landis)) (See attached)

PLANNING DIRECTOR Carver presented for final review and determination an after-the-fact exemption request from Kevin and Karyl Dimmick, Scott Wallace, agent. The exemption request is for a tract of land located at 36755 Road P.1, Mancos. Comm. Koppenhafer moved to sign the Dimmick after-the-fact exemption plat, seconded by Comm. Chappell and carried.

Comm. Koppenhafer moved to sign planning resolution no. P-08-09 after the fact exemption, seconded by Comm. Chappell and carried. (See attached)

AFTER THE FACT EXEMPTION was presented for Jesus Marquez for review and determination of 2 after-the-fact-exemptions on properties located at 24153 and 24191 Road L.5, Cortez. Comm. Koppenhafer moved to give approval for an after the fact exemption for a tract located at 24153 Road L.5 and 24191 Road L.5, seconded by Comm. Chappell and carried. (See attached)

THIS MEETING WAS CONTINUED UNTIL 5:30 P.M. at the Lewis Arriola Community Center for a meeting with the Dolores River Dialogue.

DOLORES RIVER DIALOGUE : It being the time set aside a meeting is conducted at the Lewis Arriola Community Center with the Dolores River Dialogue.

MEETING ADJOURNED: At the conclusion of the Dolores River Dialogue meeting.

County Clerk

5/11/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 18, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 18, 2009 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, May 11, 2009 were read. Comm. Koppenhafer moved to approve the minutes of May 11, 2009, as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree reported the Department is working on the Dolores-Norwood Road. He said patching is being done on the county roads as well. Supervisor Roundtree said he has been in contact with Mr. Dunn concerning the easement on Road 23. Mr. Dunn is still considering the proposal. Discussed the mag-chloride program and said it is progressing well. Talked about damage on the Road S intersection and discussed the problems on Road L and 22. Supervisor Roundtree said work will be done on that road this week.

ACCOUNTS PAYABLE: General Fund # 55161-55329 in the amount of \$180,755.20, Road Fund # 22098-22164 in the amount of \$108,051.71, and Landfill #6115-6153 in the amount of \$ 137,291.75 for the month of April, 2009 were approved for payment.

TREASURER'S REPORT: Treasurer's Report for April 2009 was submitted. (See attached)

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

SHERIFF WALLACE met to discuss the problem of dogs running at large in the County. He would like to see a more proactive manner in dealing with this problem. Discussions will continue and no action was taken at this time. The need for more deputies for the Jail was discussed. County Administrator Harrison said there is funding to hire 3 more detention deputies for the Jail that would be paid out of the General Fund. It was stated there is a need and 3 more detention deputies could be hired.

BOARD OF HEALTH: DIRECTOR Lori Cooper gave the Board an update on the Health Department. She presented the following contracts for approval. (1) An amendment to the environmental health contract. (2) A contract for air monitoring for another year to monitor ozone and PM2.5. (3) A Tuberculosis contract for screening control and investigation. (4) A public health contract. Comm. Chappell moved to approve to amend the environmental health consumer protection contract between the Montezuma County Public Health Agency and the State of Colorado, seconded by Comm. Koppenhafer and carried. (See attached)

Comm. Koppenhafer moved to sign the Tuberculosis prevention contract between The Colorado Department of Public Health and Environment and The Montezuma County Public Health Agency, seconded by Comm. Chappell and carried. (See attached)

Comm. Chappell moved to sign the air monitoring renewal for the period of July 1, 2009 to July 30, 2010, seconded by Comm. Koppenhafer and carried. (See attached)

Comm. Koppenhafer moved to sign the Public Health contract, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00 noon. The Board had lunch at Southwest Memorial Hospital

PLANNING: Planning Director Susan Carver presented the following items:

EVERETT RANCHES: Presented an application from Everett Ranches, Inc. Larry Everett, agent, for review and determination of a final plat for Oakview Overlook, a 3 lot moderate development on property located at 12736 Road 40, Mancos consisting of 9 acres, more or less. Director Carver gave an overview of the application. Larry Everett spoke as to the final plat. Comm. Chappell moved to sign the final plat for Oakview Overlook for a 3 lot moderate development on property located at 12736 Road 40 consisting of 9 acres more or less, seconded by Comm. Koppenhafer and carried.

ANDREW AND WENDY GATZKE: An application for review and determination of a request to amend a common lot line on lots 2 and 1B of the Gatzke 3 lot moderate subdivision. The lots are located at 12760 and 12750 Road 23, Cortez. Lot 2 consists of 5.31 acres more or less and lot 1B consists of 5.78 acres more or less. The request is to amend the common lot line wherein lot 2 will consist of 3 acres and lot 1B will consist of 7.5 acres. Director Carver gave an overview of the application and Andrew and Wendy Gatzke talked about the amendment in more detail. Comm. Chappell moved to approve the preliminary lot line adjustment on lots 2 and 1B of the Gatzke 3 lot moderate subdivision, seconded by Comm. Koppenhafer and carried. (See attached)

TIMBERLINE PROPERTIES OF COLORADO, LLC: Application for review and determination of a request for an exemption wherein the applicants are owners of 6 separate tracts of land. Tracts located on 17223 Road 30, Dolores, consists of 13 acres and .6 acres and a tract located on 17511 Road 30, Mancos consisting of 3 acres, other tracts located on 17575 Road 30, consisting of .58 acres, and 38 acres, and a tract located on 17610 Road 30 consisting of 2 acres. The applicants would like to combine/join some of these tracts; whereby, resulting in 3 tracts of land. No subdivisions will be created by these multiple exemptions. Comm. Koppenhafer moved to approve an exemption to combine lots 5 & 6 for Timberline Properties of Colorado LLC, mailing address of 28827 Hwy 160, Cortez, seconded by Comm. Chappell and carried. Comm. Koppenhafer moved to approve an exemption for the combination of lots 2, 3, and 4 to Timberline Properties of Colorado, LLC with a mailing address of 28827 Hwy. 160, Cortez, seconded by Comm. Chappell and carried. Comm. Koppenhafer moved to approve an exemption for the division of lots 1 into lot 1A for Timberline Properties of Colorado, LLC with all properties located on Road 30, Dolores creating a 4 acre lot and a 9 acre lot, seconded by Comm. Chappell and carried. (See attached)

DENNIS AND PEGGY PLUMB: An application for review and determination of historic uses on property located at 30795 Hwy. 184, Dolores, consisting of 56 acres. The application project description includes a trading post, RV park mobile home rentals (3 mobile home rentals), water permits for up to 14 rentals, horse boarding, and site plan included in year 2000 with 3 rentals, 1 home and 1 business. Peggy Plumb discussed the application further. It was decided to hold a public hearing. A public hearing has been scheduled for June 15th at 3:00 p.m. (See attached)

GREG KEMP asked the Board if there might be a possibility for Habitat for Humanity the use of the County parking lot for a fund raiser scheduled on Saturday May 30th if needed He said this would be a training experience by building an 8x10 shed and using it as a fund raiser for Habitat for Humanity. It was agreed they could use the parking lot if they needed to.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing a land use code complaint regarding concerns with traffic, dust, noise, outdoor storage-solid waste/garbage and storm water pollution on property located at 31530 Road S, Mancos. The roll was called, the public notice was read and the proceedings were taped for the record. Director Carver gave an overview of the complaint. She said the complaint deals with land use code violations on property owned by Ronald and Catherine Skinner located at 31528 Road S, Mancos. Ron and Catherine Skinner explained the use of the property in more detail. Mr. Skinner stated he will be doing a mobile business in the future rather than conducting it at his residence. Comm. Rule opened the hearing to public comment at this time. **Nina Kartchner** stated she rents from the Skinners and that what the Skinners said is true. **Brandy Kartchner** is also a renter from the Skinners, and she said there is no way the Oliver's can see the snowmobiles from their property. She also said there are numerous horses on the Oliver property. **Brian Kartchner** agreed with what the Skinners are saying is true. Complainant **Brent Oliver** addressed his complaint in detail. Hearing no further public comment, Comm. Rule closed that portion of the hearing. It was stated the property is zoned AR10-34 even though it is a 9 acre plus tract. Mr. and Mrs. Skinner responded concerning storage and other issues Mr. Oliver then responded to further issues raised. Mr. Skinner will continue to clean the area as time permits. It was stated that a commercial business should not be conducted in this residential subdivision. After hearing all the evidence presented, Comm. Koppenhafer moved to deny commercial use on lot 1 of the Skinner Subdivision zoned AR10-34, seconded by Comm. Chappell and carried. Comm. Rule closed the hearing at this time. (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 exemption tract located at 6092 Road G, Cortez, consisting of 9 acres. The roll was called, the public notice was read and the proceedings were taped for the record. Said tract was created by Road G bisecting a 185 acre parcel whereby leaving 9 acres separate from the remaining acreage. Also, review and determine of an AR35+ zoning request for the remaining acreage consisting of 175 acres and review and determine an AR35+ zoning request for 2 separate tracts of land each consisting of 40 acres. The properties are located at 6090 and 6088 Road G, Cortez, owned by the **Robert Schuster Revocable Trust**. Director Carver gave an overview of the application. Robert Schuster discussed the proposed exemption and zoning requests. Comm. Rule opened the hearing to public comment at this time. **Stephen Goetting** spoke in favor of the request. Hearing no further public comment, Comm. Rule closed that portion. After hearing all the evidence presented, Comm. Koppenhafer moved to approve an exemption for a tract of land located at 6092 Road G consisting of 9 acres more or less and approve the zoning of AR3-9 and to zone the remaining tracts at AR35+, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

RESOLUTION P 07-09 Comm. Chappell moved to sign Planning Resolution P-07-09 seconded by Comm. Koppenhafer and carried. (See attached)

PARADOX COMMUNITY TRUST: The Board was informed that Steve Zwick, County attorney for San Juan County contacted Attorney Slough concerning area counties participating in the Paradox Community Trust whereby the counties would put the severance tax money received in the trust. Attorney Slough was directed to contact Attorney Zwick informing him that Montezuma County is not interested in participating in the Paradox Community Trust.

CORRESPONDENCE: The following correspondence was read and noted:
Case Number 2008 CV 34 (Sin Vacas) an order remanding proceeding to the BOCC for further findings. (See attached)

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

MEETING ADJOURNED: 4:33 p.m.

County Clerk 5/18/09

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 1, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 1, 2009 at the Montezuma County Annex in Cortez, Colorado, there were present:

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

MEETING was called to order by **Chairman Rule** at 9:15 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, May 18, 2009 were read. Comm. Chappell moved to approve the minutes of May 18, 2009, as corrected, seconded by Comm. Koppenhafer and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an industrial zoning request; a special use permit application; and, a high impact permit application for the purpose of constructing and operating a solid waste facility with a footprint of 83 acres, more or less, on a tract of land consisting of 473 acres, more or less, owned by Hovenweep Canyon Ranch, LLC, operated by Four Corners Recycling Systems, LLC, Nathan Barton, agent. The property is located at 18655 Road 10, Pleasant View, Co., situated southwest of Road BB and northwest of Road 4, located in S.17, T37N, R19W, N.M.P.M. The roll was called, the public notice was read, and the proceedings were taped for the record. Comm. Rule opened the hearing and introduced the Board and announced a few ground rules. Planning Director Susan Carver gave an overview of the application. Agent Nathan Barton spoke as to the application stating they are asking for the special use application. He said 3 separate applications were submitted. He stated at this time that industrial zoning is not being requested and waiving that request. A power point presentation was presented concerning how such facilities function. Mr. Barton stated this is not a solid waste facility. The facility will be built to comply with the current CDPHE standards. He said there will be 10 basins, 2 for solids and the remaining 8 will be for liquids. He discussed the reason for the location. He said the facility will not generate waste and is not a toxic waste facility. Comm. Rule asked Jon Callender, Chairman of Planning and Zoning to inform them about the concerns presented to the Commission in its meetings. Comm. Koppenhafer asked if there will be any ground watering monitoring wells and how many will there be? Mr. Barton said there will be angled monitoring done on each basin. Comm. Rule opened the hearing to public comment at this time. **Erin Johnson**, council for the Hovenweep Alliance presented a statement of opposition to the facility and gave a summary of those oppositions. **Richard McClellan** spoke in support of the facility. He asked the Board to look

to the future. **M.B. McAfee** read a letter from Betty Koller. Ms. Koller has concerns with cancer that may be caused by long term exposure and concerned with the lack of a design plan in regards to the wildlife. **Sidney Slater** spoke in opposition. He said he lives in Dolores County about 13 miles from the facility location and has concerns with hazards being blown around the area. **John Wolf** supported the facility and said it would be good for the County. He spoke as to the industrial nature of the facility. **Walter Henes** spoke on behalf of area farmers and in opposition to facility and its location. **Bessie White** talked about how the area has progressed and said the area is mostly farming and wants to see it remain as a farming community. **Sam Bangs** said he has been on the volunteer fire department and how the department has improved. He spoke as to how the oil and gas industry has helped the department and the area. He spoke in support of the project. **Steve Sloan** is a chemical engineer and he addressed some of the chemical issues and asked who would be doing the chemical monitoring. He is against the facility as it is planned. **Allen Lichliter** talked about what an oil and gas operation is required to do and what wastes are produced and said the materials are not hazardous. **Maryanne Mate** talked about the special use and high impact permits and third party monitoring. **Rhonda Swanner** supported the project and said it could create jobs and help the County grow. **Deb Campbell** is opposed to the proposal. She said she is for economic development and talked about the quality of life here. **Todd Overbye** read a letter regarding Hovenweep Natural Monument's position on the facility and various concerns. **Chris Wolf** talked about concerns with the process and the lack of an outside review of the application. He disagrees with the location and asked for an outside review and asked to deny approval of the facility. **Paul Young** spoke in support of the project. **Rick Ryan** stated he and his wife oppose the facility and said there are some better alternatives for the growth. **Lorna Wilkes-Rubleman** talked about preserving the area and quality of life. She asked for a no vote. **Gary Wright** is opposed to this project. He asked the Board to vote against the construction of this project. **Judy Schuenemeyer** talked about her concerns with the children and their future. She is concerned with the impact financially and the effects it may have in the future. **David Baker** would like to see more oversight and denial of the facility. He would like to see more landowner rights protected. **Paul Schmitz** is not in favor of any waste sites in this area or any other areas. He talked about major water issues and other risk factors for the long term affect. **Si Jarboe** talked about the effects on real estate sales. **Deborah Barton** talked about recycling and solid waste facilities. She personally supports the facility.

LUNCH: 12:01 p.m.

1:05 p.m. Meeting resumed.

Ned Harper asked if Montezuma County is prepared to deal with the anticipated oil and gas exploration in this county. Do we have the water resources to satisfy the demand and questioned if the land is an appropriate place for this facility. **M.B. McAfee** talked about the special use permit dealing with impacts and threshold standards. She discussed spot zoning stating that is illegal in Colorado and not in the County's comprehensive plan. **Jerry Giacomo** submitted a written statement and petition. He talked about waste disposal sites and what the impacts may be and said the infrastructure is not in place and is not compliant with the land use code. **Chuck McAfee** said he is involved by leasing minerals to oil and gas companies. He discussed zoning, and the Commissioner's role and responsibility. He asked the Board to deny the application. **Dave Wuchert** said he is neither for nor against the proposal. He gave input concerning the risks and urged the Board to get a third party review and listed various requirements and monitoring. **Rebecca Whitehead** along with her infant son Orin Samulski stated her concerns for the future generations and the economic impacts. **Tim Kearns** owns land close to the proposed facility and is opposed to the facility but not to the oil and gas industry. **John Peters-Campbell** talked about the definition of the word toxic. He wanted to think about the legacy of

what we are leaving. He urged the Board to not approve this plan. **Lloyd Hartle** is a third generation farmer and would like for that to continue and said that we need to promote and develop our natural resources and asked for the Board to approve the application. **Nick Richens** said he does not live in the area but he lives in an area that has oil and gas explorations. He said we need facilities like this. He is for responsible drilling and placement of such facilities. **Kevin Cook** talked about spot zoning, changes in land use, and property rights. **Jo Shane** presented some pictures and wanted to know who will do the clean up. She talked about the wild life and livestock issues. **Jimbo Buickerood** said there is a lot of interest in this project outside the area as well and he talked about adverse impacts. **Deb Campbell** said there are all kinds of technology to protect the environment. **Sheila O'Houhlin** talked about the impacts of a waste facility and how chemicals used will impact health. **Steve Sloan** talked about road conditions and the impacts added traffic will do. **Samone Klein** talked about the area being a farming community. Hearing no further public comments Comm. Rule closed this portion of the hearing. Nathan Barton responded to various questions and issues raised during the public comment portion. He gave another power point presentation and explained operations of other solid waste facilities. He said they do not intend to dispose of anything at this site. **Kelly McClellan** talked about their intentions. Comm. Rule opened the hearing back to public comment. **Chris Wolf** said truck traffic and location was not properly addressed. He mentioned the outside review and zoning issues again. **John Wolf** said there have been invitations to see other facilities and proposed a visit might be helpful. **Chuck McAfee** said he is skeptical and fearful at this point. **Dave Wuchert** referred the Board to a letter he sent previously. **David Heck** now living in Arizona spoke about the lack of opposition from businesses in the County and said what is at issue is the facility and possible toxicity. **Bob Clayton** expressed his support for this project not only for the industrial need but for energy independence. **Marianne Mate** asked about cost and citizen health concerns. She asked to table the hearing so more information can be gained. **Paul Schmitz** spoke about costs at other facilities and other issues encountered at these places. **David Baker** would like to see a committee of citizens to research other areas and get back to the Board with their findings. **Ned Harper** urged the Board to study what LaPlata County has developed in regards to oil and gas exploration. **Jimbo Buickerood** pointed out that Mr. Barton's third party review would be the State and that would be only to the technical part but not about the impacts to the neighborhood. He also spoke again about the location. **Sheila O'Houhlin** spoke about the toxic waste and talked about the job shortage and long term health issues. **Greg Kemp** spoke. **Bob Clayton, John Wolf** talked about wind rows. Hearing no further comments, Comm. Rule closed this portion. Attorney Slough said although the industrial zoning request has been dropped, he discussed the A80+ zone portion of the land use code. (3303.1 and 3303.4) and its requirements. The Commissioner's made various comments and answered questions. After hearing all the evidence presented Comm. Koppenhafer moved to deny the high impact permit and special use permit on this project that's been before us today facility, seconded by Comm. Rule. Commissioners Koppenhafer and Rule voted aye, Commissioner Chappell voted nay. Vote was 2 aye, 1 nay, motion carried.

The meeting has been continued until 10:00 a.m. Tuesday, June 2, 2009.

MEETING CONTINUED 10:00 a.m. Tuesday, June 2, 2009

Present were Comm. Rule, Comm. Chappell, Comm. Koppenhafer, County Administrator Harrison, and Clerk Tullis.

CSU EXTENSION: Deborah Young, Nathan Moreno, and Montezuma County extension agent Jan Sennhenn met to update the Board concerning CSU personnel. Ms. Young also discussed funding and said 5 positions were lost. She said agents may have to serve more than one county, however, she said due to

retirement and resignations there are 9 positions open even though 5 positions were lost. They would like input from the counties as how to best fill those positions that will benefit the counties. They asked what type of services is important to this county and how to improve on the services provided by CSU and what the County like to see happen.

PAYROLL: General fund checks in the amount of \$340,020.70, District Attorney fund check #55331 in the amount of \$28,346.50, Treasurer fund check #55332 in the amount of \$256,123.58, Road department fund checks in the amount of \$78,967.17, Treasurer fund check #22166 in the amount of \$64,056.44; and Landfill fund checks in the amount of \$16,320.13, Treasurer fund check #6155 in the amount of \$13,976.15 were approved for payment.

WIC: Comm. Rule signed task order #3 between Department of Public Health and Environment and Board of County Commissioners for the benefit and use of the Montezuma County Public Health Agency. (See attached)

RESOLUTION 6-2009: Comm. Koppenhafer moved to approve Resolution 6-2009 supporting the appointment of at least two more Article III judges for the United States District Court, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Approval was given for a public hearing to be held on June 22, 2009 for a request to adopt the updated Montezuma County road map. (See attached)

COMMUNITY DEVELOPMENT ACTION PLAN 2009: Comm. Koppenhafer moved to sign the Montezuma – Community Development Action Plan 2009, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: No correspondence was submitted:

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

MEETING ADJOURNED. 12:00 noon

County Clerk

6/01/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 15, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 15, 2009 at the Montezuma County Annex in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, June 1, 2009, and continuation on Tuesday June 2, 2009 were read. Comm. Koppenhafer moved to approve the minutes of June 1 and 2, 2009, as presented, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree said Road 18 has been bladed. He talked about the purchase of needed oil and discussed fuel prices. He said the 4 way stop sign has been installed at the intersection of Road L and 23. He talked about problems on the Webber Canyon Road and signage on Road 20.5. He stated most of the Mag Chloride program has been done.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of May, 2009. (See attached).

SENIOR NUTRITION: Sue Fletcher and Mary Holiday presented the annual contract with Area Agency on Aging (AAA). Comm. Koppenhafer moved to sign the contract with AAA for senior transportation, seconded by Comm. Chappell and carried. (See attached)

Comm. Koppenhafer moved to sign the contract between the San Juan Basin Area Agency on Aging for nutrition services for Montezuma County, seconded by Comm. Chappell and carried. (See attached)

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Lori Higgins and Lou Ann Everett were present.

SPECIAL EVENTS LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a special events liquor license for the Cortez Center DBA Cortez Cultural Center for an event to be held on August 8, 2009 at McPhee

Camp Ground. She questioned the approval from the forest service (landowner) since the event is at the campground on forest service ground. Deputy Neely will get written approval from the Landowner before proceeding with the license. She presented a special events liquor license for the **VFW 5231 (Sugar Pine Rally)** that will be held over the Labor Day weekend. The event will be posted but no public hearing will be held. Comm. Koppenhafer moved to approve the special events liquor license for the VFW 5231 for September 3rd through the 6th for the Sugar Pine Ranch Rally, seconded by Comm. Chappell and carried.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of May, 2009. (See attached) She discussed a memorandum of understanding with the City of Cortez and the Landfill formalizing the paper recycling program. Jay Harrington represented the City of Cortez. Comm. Chappell moved to sign the memorandum of understanding between the City of Cortez and Montezuma County with regard to the receiving, baling, storage, and sale of the City cardboard and mixed paper at the landfill, seconded by Comm. Koppenhafer. (See attached) Manager Barton explained how the UPS (useful public service) work program at the Landfill is handled.

RECOVERY ACT JUSTICE ASSISTANCE GRANT: Wanda Martin with the Sheriff's Department presented the recovery act justice assistance grant application. The Sheriff's office will be applying for the training portion of the grant. She said there is no match required for this grant. Comm. Koppenhafer moved to approve the application for the federal assistance for the Montezuma County Sheriff's Office in the amount of \$22,117.00 for operation simunitions, seconded by Comm. Chappell and carried. (See attached)

CITY OF CORTEZ: City Manager, Jay Harrington along with Russ Machen and Jacobs Engineering representatives Steve Doak and Steve Domino met to discuss airport planning. Mr. Machen discussed a resolution for consideration concerning airport planning and the County land use code. Manager Harrington said this is for updating the airport layout plan. **Steve Doak with Jacobs Engineering** explained the project for the airport master plan. He compared resolution P17-78 with the draft resolution presented for consideration. He pointed out the airport is the Cortez Municipal Airport with the County being the landowners. Comm. Chappell moved to refer to the Planning Commission for their review and recommendation of the compatible land uses around the Cortez Municipal Airport, seconded by Comm. Koppenhafer and carried. (see attached)

LUNCH: 12:00 noon

PLANNING: Margaret Clauson with the Planning Department met to request the scheduling of public hearings for **BILL BARRETT CORP.** Consecutive public hearings have been scheduled for the following on July 13, 2009 beginning at 1:30 p.m.

HIGH IMPACT PERMIT and Special Use Permit Applications requests for the construction of 4 new 4.59 acre well pads; horizontal drilling of up to 4 natural gas wells per pad; well completion and testing, as submitted by Bill Barrett Corp., Agent Don Hamilton. The property is owned by James C. Fisher and located at 23300 Road Z, Lewis.

The next application is for the purpose of installing production equipment on the Fisher Well Pads at 23300 Road Z, Lewis as submitted by Williams Field Services Co. LLC, Don Hamilton and Andrea Walton agents. Comm. Koppenhafer moved to set July 13, 2009 beginning at 1:30 p.m. for the construction of 4 new 4.59 acre gas wells per pad and production facilities if the wells are productive and to set July 13, 2009 as the public hearing for the purpose of installing production equipment on the Fisher Well Pads on property located at 23300 Road Z, Lewis as submitted by Williams Field Services Co. LLC, seconded by Comm. Chappell and carried.

Comm. Koppenhafer moved to hold a public hearing on July 13, 2009 at 2:30 p.m. for the purpose of conducting a seismic 3-D survey known as the Sandstone Canyon 3D as submitted by Bill Barrett Corp., seconded by Comm. Chappell and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for the following zoning requests on property owned by the Estate of Zane and Dorothy Frazier and located at 25451 Road N, Cortez. The roll was called, the public notice was read and the proceedings were taped for the record. The requests were presented for review and determination of an AR3-9, AR10-34, and AR 35+ zoning request for the following property owners who wish to obtain acreage from the aforementioned property, to become a part of their existing acreage. No new lots will be created. Margaret Clauson gave an overview of the application. Ronald Tryon and Sam Frazier explained the request further. (1) Property owned by Ronald Tryon, located at 25300 Road N, Cortez created by Resolution No. P-69-82 consisting of 5 acres more or less. Mr. Tryon wishes to purchase 5 acres of the Frazier property to become a part of the 5 acre tract creating a 10 acre tract. (2) Ronald Tryon owns a 3 acre tract created by resolution no. P-9-76. (3) Property owned by Lane and Sharon Kim located at 25570 Road N. The Kim's wish to purchase 12.34 acres to become a part of their existing 59 acres creating a 71 acre tract. And (4) the remaining acreage owned by the Estate of Zane and Dorothy Frazier will consist of 43 acres. Comm. Rule opened the hearing to public comment. Hearing no public comment, that portion of the hearing was close. After hearing all the evidence presented, Comm. Koppenhafer moved to (1) amend resolution no. P-69-82 to add 5 acres to create a 10 acre tract and be zoned AR10-34, seconded by Comm. Chappell and carried.

(2) Comm. Koppenhafer moved to zone a 3 acre tract created by resolution P-9-76 as AR3-9 and correct the legal description, seconded by Comm. Chappell and carried. (3) Comm. Koppenhafer moved to approve the change of property located on 25570 Road N and owned by Lane and Sharon Kim, consisting of approximately 59 acres and to purchase 12.34 acres creating a 71 acre parcel with AR35+ zoning, seconded by Comm. Chappell and carried. (4) Comm. Koppenhafer moved to zone the remaining 43 acre tract owned by the Estate of Zane and Dorothy Frazier as AR35+, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

RESOLUTIONS: The following resolutions were signed;

Resolution P-09 -76 amended (Ronald Tryon)

Resolution P-69-82 amended (Ronald Tryon)

Resolution P-09-09 (Lane and Sharon Kim)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit and a special use permit application for the construction of pipeline segments for well connections and well-site production equipment associated with the exploration wells that have been previously approved by the County as submitted by Williams Field Services, Don Hamilton Agent. The proposed pipelines are located along County Road 21 and Z in Lewis. The roll was called, the public hearing was read and the proceedings were taped for the record. Margaret Clauson gave an overview of the application. Don Hamilton, Andrea Walton and Jeff Baumer with Williams explained the applications further. Comm. Rule opened the hearing to public comment. Hearing no public comments, that portion of the hearing was closed. After hearing all the evidence presented, Comm. Chappell moved to approve the high impact permit and special use permit for the construction of pipeline segments for well connections and well-site production equipment associated with exploration wells that have been previously approved by the County, as submitted by Williams Field Services. The proposed pipelines are located along County Road 21 and Z in Lewis and will parallel existing County Roads 21, AA, and BB. The wells are located on the Charles McAfee property for wells 3H and

16H, contingent upon a road survey being done, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule 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 historic used for Trading Post, Horse Boarding, RV spaces and mobile home rentals on property located at 30795 Hwy. 184, Dolores, consisting of 56 acres, more or less. The roll was called, the public notice was read and the proceedings were taped for the record. Margaret Clauson gave an overview of the application. Dennis and Peggy Plumb explained more about the application. Mrs. Plumb said the name has been changed from Lost Canyon Trading Post to Tee Pee RV and Trading Post. Comm. Rule opened the hearing to public comment. **Ruth Davis** complained about noisy renters, excessive traffic and trouble with the property owner. **John Bishop** spoke as to the septic systems permits. **Kevin Vaughn** talked about easements and he questioned the history of said property since 2002. **Shirley Tourjee** talked about traffic speeds and noise caused by traffic. **Eddie Bumguardner** talked about quality of life, tax values and traffic. He said the area needs cleaned up. **Ruth Davis** mentioned problems with a second easement and livestock on the properties. **John Bishop** discussed property boundaries and fencing. **Kevin Vaughn** talked about the RV spaces stating he has not seen any evidence of RV spaces since 2002. Hearing no further public comments, Comm. Rule closed that portion of the hearing. Mrs. Plumb responded to the public comments. She was asked if she had evidence of doing business of renting RV spaces and the trading post. Ms. Plumb said she has no evidence of doing business of renting RV spaces to establish historic use with her today. Comm. Koppenhafer moved to deny the historic use determination on property located at 30795 Hwy 184 due to lack of evidence and the applicants may reapply at a later date. Seconded by Comm. Chappell and carried. (See attached)

2008-CV 34 (SIN VACAS) FINDINGS: The roll was called and the proceeding was taped for the record. On remand from the District Court the Board makes the following Findings based upon volumes A, B C, and D of the record of the March 10, 2008 hearing. See Findings attached hereto and made a part hereof. Comm. Koppenhafer made a motion to approve said Findings and to submit said Findings to District Court, seconded by Comm. Chappell and carried.

AFTER THE FACT EXEMPTION: Margaret Clauson with the Planning Department presented an after-the-fact exemption for **David Jay and Eileen Cynthia McVicker**. The property consists of 2.61 acres and located at 29625 Road M, Cortez. The McVicker's wish to bring the tract into compliance through an after-the-fact exemption and request the Board to sign resolution P-10-09. Comm. Koppenhafer moved to approve the after-the-fact exemption and Resolution P-10-09 on the McVicker property located at 29625 Road M, Cortez a tract consisting of 2.61 acres, seconded by Comm. Chappell and carried. (See attached)

VETERAN'S AFFAIRS: Comm. Koppenhafer moved to sign the County Veterans Service Officer's monthly report and certification of pay for May, 2009 seconded by Comm. Chappell and carried. (See attached).

CORRESPONDENCE: The following correspondence was read and noted:

Letter to Jean A. Behr, Director of San Juan Area Agency on Aging, withdrawing the proposal submitted by our Public Health Agency. (See attached)

Letter from Louis Szabo (See attached)

Letter from Division of Property Taxation in reference to pending applications for property tax exemption. (See attached)

Colorado Board of Health Agenda and update. (See attached)

Update letter from CSU Extension. (See attached)

Attorney Slough left the meeting at 9:20 a.m.

ROAD: Road Supervisor Dean Roundtree discussed concerns on a road in Mountain View Subdivision. He said we offer a 400 ft. of chip seal. He suggested the Subdivision Association pay for Mag Chloride for the road. Dean said they would start Patching next week, and Chip Sealing is scheduled for August.

PROPERTY and LIABILITY INSURANCE BID: Bentley Colbert Wolcott Insurance Services Inc. presented an Insurance Proposal from **Trident Insurance Services**. Also present **Amber Kingery Administration**. Comm. Koppenhafer moved to accept the bid from Trident Insurance Services presented by Wolcott Insurance Services Inc. for Property and Liability Insurance for Montezuma County, to include the terrorism coverage, effective 07/01/2009 through 07/01/2010, seconded by Comm. Chappell. Motion carried. (See attached)

Attorney Slough rejoined the meeting at 11:10 a.m.

Loretta Murphy Maps Specialist presented a quitclaim deed on behalf of **Vic Hodges**. Comm. Chappell moved to approve a Quitclaim Deed between The County of Montezuma, Board of County Commissioners and **Hodges Land & Cattle Co.** as presented, seconded by Comm. Koppenhafer, motion carried. (See attached)

STANLEY and PATRICIA MORRIS: Presented an Easement for approval to the Commissioners. Comm. Koppenhafer moved to approve the **EASEMENT** for **Stanley M. and Patricia A Morris**, legal address 27075 Rd. H.6 Cortez, Co. 81321. a non-exclusive temporary construction easement as well as a permanent easement ten feet in width for the construction of a water line as well as the rights to maintain, operate, use and repair the same, seconded by Comm. Chappell, motion carried. (See attached)

LUNCH 12:00 Attorney Slough left the meeting for the remainder of the day

PLANNING: Planning Director Susan Carver presented the board the findings for the completed subdivision known as **OAKVIEW OVERLOOK**, as well as the findings for Planning **RESOLUTION P-07-09** property owned by **Schuster Revocable Trust**. Comm. Koppenhafer moved to approve the Findings for the **Oakview Overlook** 3-Lot Moderate Development on 9 acres, more or less. Owners **Everett Ranches, Inc.** Agent: **Larry Everett** located 12736 Road 40, Mancos, Co. seconded by Comm. Chappell, motion carried. (See attached) Comm. Chappell moved to approve the findings for **Resolution P-07-09 Robert Schuster Revocable Trust, Robert and Diane Schuster Trustees**, 9 acres located at 6092 Road G Cortez Co. which was created by Road G bisecting a 185 acre, more or less, separate from the remaining acreage, along with AR3-9 Zoning, seconded by Comm. Koppenhafer, motion carried. (See attached)

1. Director Carver presented a request for a variance to the Montezuma County Road and Bridge Standards, requesting a variance to the surface width of an interior road to a proposed Cluster Incentive Planned Unit Development on property located at 33190 Road M, #G, Mancos, CO. Said request is to vary the surface width from 24' to 18', as submitted by Reed E. Bayles & Son, A Utah Partnership.

Comm. Koppenhafer moved to approve the Findings of the Reed E. Bayles & Son, A Utah Partnership, Agent **Steven Cochran** property located at 33190 Road M with a variance to the Montezuma County Road and Bridge Standards from 24 ft. to 18 ft wide. Seconded by Comm. Chappell, motion carried. (See attached)

2. Director Carver presented 3 High Impact Permit Applications and Special Use Permit Applications for the purpose of constructing 3 well pads with the potential for 4 wells per pad, and if the wells are deemed to be productive the installation of production facilities located on properties located at 21118 Road 22, Lewis, CO and 22866 Road X, Lewis, CO as presented by Bill Barrett Corporation; and a High Impact Permit Application and Special Use Application for the purpose of well-connect pipeline for the wells proposed by Bill

Barrett Corp., as submitted by Williams Field Services Company. Said pipeline will utilize Roads 25, X, 22 and 23. Planning Director Carver recommended that the applications be forwarded to the Planning Commission for review as Threshold Standards may be exceeded. Comm. Chappell moved to send these proposals for High Impact Permits for **ROSE 2-29, Rose 16-20, Mathies 16-19**, up to 12 pads and ties to the Planning Commission. Seconded by Comm. Koppenhafer, motion carried. (See attached)

3. Scheduling of a public hearing for an AR3-9 zoning request and preliminary plat review for a proposed 2-Lot moderate development on property located at 24499 Road G.1, Cortez, CO, as submitted by Clarence and Shirley Williams, Agent Maness and Associates. Said hearing was scheduled for July 13, 2009, at 3:30 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a request to adopt the updated Montezuma County Road Map. The roll was called, the public hearing notice was read and the proceedings were taped for the record. Others present were: **Doug Roth, GIS Specialist, Loretta Murphy, Maps Specialist, Susan Carver, Planning Director, Jim Burton, Addressing Technician and Dean Roundtree, Road and Bridge Supervisor.** Doug Roth presented the updated Road map. Comm. Rule opened the hearing to public comment. Hearing no public comments, that portion of the hearing was closed. Comm. Koppenhafer moved to accept the Official 2009 Montezuma County Road Map as presented, seconded by Comm. Chappell, motion carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Letter from the Department of the Interior/ Secretary of the Interior regarding the PILT Program. (See attached)

MOTION TO ADJOURN was made by Comm. Chappell seconded by Comm. Kopenhafer and carried.

MEETING ADJOURNED. 3:30 p.m.

County Clerk 6/22/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 29, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 29, 2009 at the Montezuma County Annex in Cortez, Colorado, there were present:

Larrie D. Rule, Chairman
Steve Chappell, Vice-Chairman
Gerald W. Koppenhafer, 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 Rule** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, June 22, 2009 were read. Comm. Chappell moved to approve the minutes of June 22, 2009, seconded by Comm. Koppenhafer. Motion carried.

ROAD: Road Supervisor Dean Roundtree reported they had started the Patching for the county roads. Some cold patching has been done. Dean presented quotes for the purchase of a Motor Grader. Comm. Koppenhafer moved to appropriate up to \$370,000.00 from the Capital account for the purchase of two Motor Graders for the Montezuma County Road Department, Comm. Chappell seconded, motion carried. (See attached)

Sheriff Gerald Wallace discussed the posted speed limit on Road G. He recommended that the speed limit be raised from 40 mph to 50 mph. Comm. Chappell moved to adjust the speed limit to 50 mph from Highway 491, 2 miles west on County Road G, and posted accordingly, Comm. Koppenhafer seconded, motion carried.

2008 AUDIT: Chris Majors with **Majors and Haley** presented the 2008 audit. Comm. Chappell moved to accept the accounts report for the 2008 audit dated December 31, 2008 prepared by Majors and Haley, seconded by Comm. Koppenhafer and carried.

FAIRGROUNDS UPDATE: Lee Ann Milligan presented the Commissioners an update on the fencing finances from the **Agriculture Expo**. **Administrator Harrison** requested the invoices to accompany the update. Lee Ann will bring these next week.

LIQUOR LICENSE RENEWALS: Tammy Neely Chief Deputy Clerk presented a liquor license modification of premises for **EAGLE CLAW**. Comm. Koppenhafer moved to approve the modification of change at the **Eagle Claw Trading Post and Liquor Store**. Comm. Chappell seconded, motion carried. Tammy also presented a liquor

license modification for **G WHIL LIQUORS**. Comm. Koppenhafer moved to approve the **G Whil Liquors** design change, seconded by Comm. Chappell, motion carried. Liquor License renewal applications were presented for, 1) **ECHO BASIN RANCH**, Comm. Koppenhafer moved to approve the Liquor License Renewal for **Echo Basin Ranch**. Comm. Chappell seconded, motion carried. 2) **HILL TOP LIQUORS**, Comm. Koppenhafer moved to approve the liquor license renewal for **Hill Top Liquors**, Comm. Chappell seconded, motion carried. 3) **KELLY PLACE INC.** Comm. Koppenhafer moved to approve the liquor license renewal for **Kelly Place Inc.**, Comm. Chappell seconded, motion carried. 4) **SILVER MOUNTAIN RECREATION INC.**, Comm. Koppenhafer moved to approve the **Silver Mountain Hotel and Resort** liquor license renewal, Comm. Chappell seconded, motion carried. 5) **MAC'S LIQUORS**, this application was tabled for review.

BOARD OF EQUALIZATION ABATEMENTS: It being the time set aside the following abatement hearing was conducted. The roll was called and the proceedings were taped for the record. **CANNON 10X: Assessor Mark Vanderpool** along with **Leslie Bugg** presented an abatement petition for **Cannon 10X** recommending the Commissioners approve it. Comm. Koppenhafer moved to approve the Abatement for **Cannon 10X** in the amount of \$1432.80 partial P010445, Comm. Chappell seconded, motion carried (See attached)

PERSONAL CARE AGENCY: Lori Cooper Public Health along with **Dennis Story, Lori Higgins and Lou Ann Everett from Social Services** presented for discussion the **Personal Care Agency Program**. County management recommended the program be phased out by December 31, 2009 since the Personal Care Provider Agency programs are decreasing in number and other providers are providing services that include weekends and holidays. Comm. Koppenhafer moved to phase out the Montezuma County Personal Care Agency by December 31, 2009, Comm. Chappell seconded, motion carried.

SOCIAL SERVICE Director Dennis Story presented a **Memorandum of Understanding** for the **Colorado Works Program** and the **Colorado Child Care Assistance Program** for signatures. Comm. Koppenhafer moved to sign the Memorandum of Understanding covering the period July 1, 2009 through June 30, 2010, seconded by Comm. Rule and carried. (See attached)

HEALTH DEPARTMENT: Lori Cooper presented a subcontract for signature between **Colorado Prevention Center** and **Montezuma County Health Department for Colorado Heart Healthy Solutions**. Comm. Koppenhafer moved to sign the Subcontract between **Colorado Prevention Center** and **Montezuma County Health Department for Colorado Heart Healthy Solutions** as presented, second by Comm. Chappell, motion carried. (See attached) Lori also presented two **Dentist Agreements** for signing, One an update with an increase of salary from \$75.00 per hour to \$100.00 per hour for Dentist **J. Ryan Mickelson, DDS.**, and two a new agreement for Dentist **Laura Sathre, DDS.** Comm. Chappell moved to sign the renewal agreement with Ryan Mickelson including the increase of salary and the new agreement for Laura Sathre, Comm. Chappell seconded, motion carried. (See attached)

LUNCH 12:00

ROAD IMPACT FEES: Dwayne Pierce from TischlerBise, Planning Consultants gave a presentation on Road Impact Fees. (See attached)

JIM BURTON ADDRESSING TECHNICIAN: presented a resolution to adopt the **Road Naming and Address System Standards**. Comm. Koppenhafer moved to approve **Resolution 6-2009** the **Montezuma**

County Road Naming and Address Systems Standards as presented, Comm. Chappell seconded, motion carried. (See attached)

ADMINISTRATOR ASHTON HARRISON presented for signing the **Agreement NO. 2009-1** from the **Montezuma County Law Enforcement Authority**. Comm. Chappell moved to sign the **Montezuma County Law Enforcement Authority Agreement NO. 2009-1** as presented, Comm. Koppenhafer seconded, motion carried. (See attached) A letter regarding the **Personal Care Provider Agency** from **Lori Cooper Director Montezuma County Public Health** was also presented. Comm. Koppenhafer moved that under the recommendation of Lori Cooper Montezuma County Director of the Department of Health, and due to the decision by the County Commission to eliminate the **Montezuma County Personal Care Provider Agency** by December 31st 2009, the following positions will be eliminated **Denise D'Agnese** Agency Supervisor, **Mayme Chavez** Administration Assistant, **Myrna Palmer** Personal Care Provider and **Sherri Blackmer** Billing and Payroll Assistant due to the program being phased out by December 31, 2009, Comm. Chappell seconded, motion carried. (See attached)

PAYROLL: General fund checks in the amount of \$343,578.25, District Attorney fund check #55506 in the amount of \$30,791.91, Treasurer fund check #55505 in the amount of \$256,134.32, Road department fund checks in the amount of \$79,488.63, Treasurer fund check #22234 in the amount of \$64,434.60; and Landfill fund checks in the amount of \$16,810.58, Treasurer fund check #6196 in the amount of \$14,383.23 were approved for payment.

CORRESPONDENCE: The following correspondence was read and noted:
Department of Health Care Policy and Financing Contract Routing Number 3010-9060 (See attached)
Work Status Confirmation Letter from the Colorado Department of Public Health and Environment (See attached)

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

MEETING ADJOURNED. 4:30 p.m.

County Clerk

6/29/09

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 6, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 6, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

Larrie D. Rule, Chairman
Steve Chappell, Vice-Chairman
Gerald W. Koppenhafer, 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 Rule** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, June 29, 2009 were read. Comm. Chappell moved to approve the minutes of June 29, 2009 as amended, seconded by Comm. Koppenhafer. Motion carried.

ROAD: Road Supervisor Dean Roundtree said they have not received any asphalt yet. He reported that the blade patching has been completed on the Landfill road and it is ready to chip seal. It was stated the Dolores Norwood Road is developing potholes and the Forest Service is waiting on stimulus monies to begin work. Someone asked about chip sealing Road W to the forest service road and the influx of bicycle traffic. Supervisor Roundtree will look into it. Discussed projects proposed at Mesa Verde National Park. Supervisor Roundtree said the chip seal project is scheduled to begin August 3, 2009. It was stated the patching done on Road P looks good.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of June, 2009. (See attached).

SPECIAL EVENTS LIQUOR LICENSE: Clerk's Chief Deputy Tammy Neely presented an application for a special events liquor license for the **Cortez Cultural Center for PECDF Conference**. The event is to be held at the McPhee Campground. Deputy Neely said the letter of permission from the landowner (Federal Government) has been received. Comm. Koppenhafer moved to approve a special events liquor license for the Cortez Cultural Center at the McPhee Campground pending approval of the recreation event application from the Forest Service, seconded by Comm. Chappell and carried.

ORDER: Comm. Chappell moved to approve Order number 0-04-09 to transfer from the Conservation Trust Fund to the Montezuma County General Fund \$20,713.74 for operations of the County Fairgrounds from January, 2009 through May 2009, seconded by Comm. Koppenhafer and carried. (See attached)

SITE VISIT: A site visit to the Justice Center was conducted.

LUNCH: 12:00 NOON

PLANNING: Planning Director Susan Carver presented for review of land use complaints regarding alleged land use violations with trash, storage, storm water contamination, fire hazards, lighting pollution, noise and setback violations for residential structure. The complaint was received from Tim Hunter on March 18, 2009 and another complaint letter from Jim and Dian Law. The property listed in the complaint is located at 41481 Hwy. 184, Mancos. The Planning Department sent a letter to Marjorie Muniz, etal. Marjorie Muniz answered questions concerning the complaint. A public hearing has been scheduled for August 10th at 1:30 p.m. No action was taken at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining historic uses for Trading Post, Horse Boarding, RV spaces and mobile home rentals on property located at 30795 Hwy. 184, Dolores, consisting of 56 acres, more or less, and owned by Dennis and Peggy Plumb. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning Director Carver gave an overview of the application. The business name is Lost Canyon Tradin' Post. Peggy Plumb explained the uses further and presented old receipt books for review. Comm. Rule opened the hearing to public comment at this time. **Kevin Vaughn** discussed their easement and his perceived historic use since 2002 and has concerns with how his property will be affected. **Johnny Bishop** talked about RV spaces and easement access. **Ruth Davis** talked about the condition of the property and lack of RV spaces. Hearing no further public comment Comm. Rule closed that portion of the hearing. Ms. Plumb responded to questions. She stated she had not charged for the RV spaces, just the mobile home rentals and horse boarding. After hearing all the evidence presented Comm. Koppenhafer moved to grandfather the use of the property owned by Peggy and Dennis Plumb for the historic use of the trading post, horse boarding, and mobile home rentals and to limit primitive camping to ten spaces maximum, seconded by Comm. Chappell and carried. (See attached)

FINDINGS: Reviewed the findings of the Board of County Commissioners for Four Corners Recycling Systems and the Hovenweep Canyon Ranch, LLC. Director Carver presented findings of the Board of County Commissioners concerning the Four Corners Recycling Systems and Hovenweep Canyon Ranch, LLC. on the special use permit, and high impact permit. The industrial zoning request was waived at the request of the applicants. David Hall, attorney representing Hovenweep Canyon Ranch, for the record, objected to the findings. Comm. Koppenhafer moved to accept the findings on the Four Corners Recycling Systems and Hovenweep Canyon Ranch, LLC from the public hearing of June 1, 2009 as presented by the Planning Department, seconded by Comm. Rule. Comm. Chappell abstained. Motion carried. (See attached)

RESIGNATION: Planning Director Carver presented a letter of resignation from the Montezuma County Planning and Zoning Commission from Casey McClellan. The resignation is effective immediately. Comm. Koppenhafer moved to accept the letter of resignation from Casey McClellan resigning from the Planning and Zoning Commission. Seconded by Comm. Chappell and carried. (See attached)

JAMES DIETRICH informed the Board that he has contacted Steve Beverlin with the forest service and was told that a group of people is conducting testing to see why the aspen trees are dying.

CORRESPONDENCE: The following correspondence was read and noted:
09 CV 106 Four Corners Recycling Systems LLC v Board of County Commissioners (See attached)
Letter from Victor Titus Re: George & Bari-Lyn Rezabek. (See attached)

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

MEETING ADJOURNED. 3:55 p.m.

County Clerk

07-06-2009

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 13, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 13, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, July 6, 2009 were read. Comm. Chappell moved to approve the minutes of July 6, 2009 as presented, seconded by Comm. Koppenhafer. Motion carried.

ROAD: Road Supervisor Dean Roundtree reported the Department is working on the Goodman Point road getting the road ready for chip seal. Several people attended the meeting concerning the condition of Road V between Roads 20 and 19. (See sign in sheet). Jim Garlinghouse and others stated the road is in bad shape and needs attention. Leon Baker said one of the problems is lack of maintenance and would like to have fixed what is there already. Supervisor Roundtree said the road is narrow and the shoulders are weak, he said the Department could blade patch which would help in the short term. He said the use of hot mix on the road would probably be the best. He said he will work on cost scenarios to see what can be done. Someone from the County will get back to the residents on this matter.

Supervisor Roundtree discussed the contract with CDOT in regards to furnishing chips in return for cold and or hot mix.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the Month of June, 2009. (See attached). Manager Barton reported that the grant reimbursement of \$15,000.00 for the lean-to addition to the maintenance shop was received and deposited. She gave a power point presentation concerning the ten year performance review from July 1, 1999 through June 30, 2009.

BOARD OF EQUALIZATION ABATEMENT: It being the time set aside an abatement hearing was conducted on Animas Equity Inc., concerning parcel number R00478. The roll was called and the proceedings were taped for the record. Assessor Mark Vanderpool said the nursing home facility was erroneously classified as commercial for several years. He said the correct classification should be residential. The Assessor recommended an abatement

refund for tax year 2007 of \$20,342.74 and for tax year 2008 a refund of \$20,512. 08. Comm. Chappell moved to approve the abatement for Animas Equity, Inc. on account number R00478 for tax years 2007 and 2008, seconded by Comm. Koppenhafer and carried. (See attached)

ASSESSOR VANDERPOOL met to discuss tax appeals his office has either adjusted or denied for the 2009 appeal year. He then talked about the oil and gas values.

SHERRI BLACKMER met concerning her position with the personal care provider agency and issues with Director Lori Cooper. She wanted to make the Board aware of things that she felt are going on at the Health Department that needs to be addressed.

JAMES DIETRICH presented a letter to Steven K. Beverlin, Manager, Dolores Public Lands Office concerning the Rico/West Dolores Travel Management Plan. Comm. Chappell moved to sign the letter in reference to the Rico/West Dolores Travel Management Plan, seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 12:00 Noon

PUBLIC HEARING: Public hearings are held consecutively for the following:

BILL BARRETT CORP. 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 submitted by Bill Barrett Corp., Don Hamilton, agent. The application is for the construction of 4 new 4.59 acre, more or less, well pads; horizontal drilling of up to 4 natural gas wells per pad; well completion and testing. The roll was called, the public notice was read and the proceedings were taped for the record. The property is owned by James C. Fisher located at 23300 Road Z, Lewis, Co. Director Susan Carver gave an overview of the applications. Agent Don Hamilton explained the applications in detail. A prospective 13 month plan was submitted. (See attached). Comm. Rule opened the hearing to public comment at this time. **Ray Weir** discussed truck traffic and noise. **Virginia Purvis** has concerns with increased truck traffic, road conditions and noise caused by the pumps. **Jim Fisher** talked about the CRP and easement on Road 23 Hearing no further public comment, Comm. Rule closed that portion of this hearing. Don Hamilton responded to the comments that were made. Comm. Rule opened the hearing back up to public comment. **Ray Weir** stated he is getting fed up with the truck traffic and said something different needs to be done. Comm. Rule closed the public comment portion again. After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit and special use permit for the construction of 4 new 4.59 acre well pads, horizontal drilling of up to 4 natural gas wells per pad; well completion and testing located at 23300 Road Z, Lewis Co. Seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed the hearing at this time

WILLIAMS FIELD SERVICES CO. LLC: 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 submitted by Williams Field Services Co. LLC., Don Hamilton and Andrea Walton, agents. The application is for the purpose of installing production equipment on the Fisher well pads located on property owned by James C. Fisher located at 23300 Road Z, Lewis, Co. Director Carver gave an overview of the application while Don Hamilton and Jeff Baumer explained their intentions further. Comm. Rule opened the hearing to public comment at this time. **Ward Landis** spoke. Hearing no further public comment Comm. Rule closed that portion of the hearing at this time. Hearing all the evidence presented Comm. Chappell moved to approve the high impact permit application and special use permit application for the purpose of installing production equipment on the Fisher Well Pads and the construction of a well-connect pipeline associated with the 4 exploration wells previously permitted. Seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed the hearing at this time.

BILL BARRETT CORP: 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 for the purpose of conducting a seismic 3-D

survey known as the Sandstone Canyon 3D as submitted by Bill Barrett Corp., Miles Corey, agent. The roll was called, the public notice was read and the proceedings were taped for the record. Director Carver gave an overview of the applications. Miles Corey and Mike FitzMaurice explained the applications in detail and answered Commissioner's questions. Comm. Rule opened the hearing up to public comment at this time. **Eddie Oliver** said he is a tenant farmer and said a lot of trash was left behind along with other debris from the previous survey. **Kate Greaves** said she had no problems with the organization. **Alice Wise** was upset with the project in regard to her land and is against the project on her land. **Valeria Maez** said she has no complaint with the company and said an outstanding job was done on their place. **Jim Fisher** has no single complaint with the company and the survey work that was done. **Darwyne Cline** asked about surface rights and said he was threatened over the phone by an agent and said he does not want anyone on his property. **Eddie Oliver** said he was also threatened by an agent. **Eric Hogue** asked questions concerning surface right agreements and what is the smallest area they will survey and asked about the setbacks for the charges. **Jerry Koskie** said this company has been considerate and said the track drills are minimal. He said the surveys could be beneficial to the landowner as well. **M. B. McAfee** said the company did everything they said they would do. She said there was a neighborhood meeting held at her house concerning the seismic survey. Ms. McAfee would like to see if the Board could help educate the public on these types of things. **Don Pixlar** owns land in Pleasant View and said he has heard good reports about the company. Hearing no further public comments at this time, Comm. Rule closed that portion of the hearing. Mr. FitzMaurice responded to the questions raised during the public comment portion. He also said they could hold public meetings in the future. Comm. Rule opened the hearing to public comment again. **Louise Sandberg** with Bill Barrett Corp. addressed Mr. Oliver's comments. She said she walked the area and looked for trash and holes that were not plugged. **Eddie Oliver** said there were three holes not covered. **M. B. McAfee** talked about getting the message out before the hearings. She discussed the cost of the project. **Jim Fisher** addressed things found through the seismic survey on his property. **Eric Hogue** asked about surface agreements and if they are grandfathered in since new legislation went into effect. It was stated the new legislation does not apply to seismic. **Ward Landis** asked about agreements with the well sites. He was told this hearing does not pertain to the well sites. Asked what the State of Colorado requires to plug holes. **Don Pixlar**. Comm. Rule closed the public comment portion again. Director Carver said the hearings are published by public notice in the newspapers. Miles Corey discussed how the landowner and tenant are properly informed. Director Carver showed the Board a seismic use agreement. Mr. Corey will deal with the accusations of any threats that were mentioned earlier in the hearing. After hearing all the evidence presented Comm. Koppenhafer moved to approve the Sandstone Canyon 3-D high impact permit and special use permit for the seismic study in the area pending all surface rights agreements and future public meetings being held, seconded by Comm. Chappell and carried. Comm. Rule closed the hearing at this time.

CLARENCE AND SHIRLEY WILLIAMS: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 and AR10-34 zoning request for a proposed 2 lot minor development on 31 acres more or less. The roll was called, the public notice was read, and the proceedings were taped for the record. The property is owned by Clarence and Shirley Williams, Maness and Associates, agents. The property is located at 24499 Road G.1, Cortez, Co. Planning Director Carver gave an overview of the application. Agent Ernie Maness with Maness and Associates presented further information on the project. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment Comm. Rule closed that portion. After hearing all the evidence presented Comm. Koppenhafer moved to approve the AR3-9 zoning on lot 2 of the Clarence Williams 2 lot minor development and to approve a variance to the length and width criteria for both lots 1 and 2 and to approve the preliminary design of the plat, seconded by Comm. Chappell and carried.

PLANNING: Planning manager Susan Carver presented the following planning items for review and determination.

DAVID AND KAREN BLAINE: A request to amend the **Bement Single Lot Development**, Robert and Thelma Bement Trust, Matt Bement Executer. The Bement's wish to convey 1.14 acres to become a part of the 6.55 acre tract owned by the Blaine's. The property is located at 10256 Road 39, Mancos. The remaining Bement property will exceed 35 acres. Director Carver explained the amendment. Comm. Koppenhafer moved to approve the amended plat of the Bement Single Lot Development, seconded by Comm. Chappell and carried. (See attached)

REQUESTS: The following requests were presented to be forwarded to the Planning Commission for review.

- (1) **BILL BARRETT CORP:** A high impact permit, special use permit application for the construction of a new 5 acre well pad known as Rose 16-20; horizontal drilling of up to 4 natural gas wells; and a 16" or less buried steel pipeline corridor as submitted by Bill Barrett Corp, Don Hamilton, agent. The property is located at 22600 Road X, owned by Roscoe Rose.
- (2) **BILL BARRETT CORP:** A high impact permit, special use permit application for the construction of a new 5 acre will pad known as Rose 2-29; horizontal drilling of up to 4 natural gas wells; and a 16" or less buried steel pipeline corridor as submitted by Bill Barrett Corp, Don Hamilton, agent. The property is located at 22600 Road X, owned by Roscoe Rose.
- (3) **BILL BARRETT CORP:** A high impact permit, special use permit application for the construction of a new 5 acre will pad known as Mathies 16-19; horizontal drilling of up to 4 natural gas wells; and a 16" or less buried steel pipeline corridor as submitted by Bill Barrett Corp, Don Hamilton, agent. The property is located at 21118 Road 22 and owned by Stanley W. Mathies, et al.
- (4) **WILLIAMS FIELD SERVICES:** A high impact permit and special use permit application for the purpose of installing production equipment on the Mathies and Rose well pads located on property owned by Stanley W. Mathies etal, located at 21118 Road 22 and property owned by Roscoe Rose located at 22600 Road X. The construction is for well-connect pipelines if the above referenced properties are deemed to be productive.

Comm. Koppenhafer moved to forward the high impact permits and special use permits for the construction of 3 well pads on 5 acres more or less and the tie in lines for 2 on the Rose property and 1 on the Mathies property to the Planning Commission, seconded by Comm. Chappell and carried. (See attached)

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

MEETING ADJOURNED. 5:15 p.m.

County Clerk

07-13-2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 20, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 20, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, July 13, 2009 were read. Comm. Koppenhafer moved to approve the minutes of July 13, 2009 as corrected, seconded by Comm. Chappell. Motion carried.

ROAD: Doug Bedker met with the Board to discuss issues with Roads G.1, Road 24.1, and Road 24.3 and presented a petition from residents living on said roads. He stated the roads are in desperate need of maintenance and he said some signs are missing and need to be replaced. He would like to see some regular maintenance done. Mr. Bedker said the roads have a lot of heavy equipment and truck usage. Supervisor Roundtree said they are checking what signs are gone and needing to be replaced and will look into what needs to be done concerning the roads. (See attached) Supervisor Roundtree updated the Board on the progress concerning Road 23. He talked about correspondence from Mr. Dunn. Dean will inquire if Mr. Dunn might be willing to sell the 2.12 acres and how much he would want for it. (See attached) Supervisor Roundtree said he drove Road V and discussed what could be done to improve the road and possible costs involved. He talked about the condition of the Dolores-Norwood road.

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a renewal for a retail liquor license for **Mac's Liquor**. Deputy Neely said there has been a violation reported from the State. Comm. Koppenhafer moved to approve the retail liquor license for Mac's Liquor, Boyd Rodgers owner contingent upon him meeting the stipulation and agreement order with the State of Colorado, seconded by Comm. Chappell and carried. (See attached)

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted, Director Dennis Story, Lori Higgins and Lou Ann Everett were present. A letter was presented from Southwest

Colorado Mental Health Center, Inc, concerning the Montezuma County Department of Social Services' continued support and commitment in the amount of \$25,000.00 for operation of the Acute Treatment Unit for year 2009. (See attached)

JAMES DIETRICH and Pam Wilson gave a fire wise update. They presented a letter from Susan Bryson, Executive Director, San Juan Mountains Association, requesting a grant for \$18,650 of Montezuma County's Title III monies. (See attached) Comm. Koppenhafer moved to give Title III grant money in the amount of \$18,650.00 to the San Juan Mountain Association to form a fire wise chapter in Montezuma County and to hire a part-time contractor for the San Juan Mountain Association and said monies to be used for those stated purposes. Seconded by Comm. Chappell and carried.

BOARD OF EQUALIZATION: It being the time set aside the Montezuma County Board of County Commissioners convened at 10:30 a.m. on Monday July 20, 2009 to sit as the Board of Equalization. The roll was called, the public notice was read and the proceedings were taped for the record. The following appeals were heard: **JAMES P., JR. AND LYNN A. PRICE:** Trustees Price Family Revoc. Trust. Account number R010688. James P. and Lynn Price, Jr. appeared to appeal the Assessor's valuation on account number R010688 for tax year 2009 by the Assessor's Office. Appraiser Cynthia Claytor gave an overview of the assessment. **Lynn Price** discussed the appeal and presented recent realtor sales for comparison. After hearing all the evidence presented, Comm. Chappell moved to agree with the Assessor's assessment on property located at 628 Apple Drive account number R010688, seconded by Comm. Koppenhafer and carried. (See attached)

BRUCE A. LIVENGOOD: Account number R003576. Bruce Livengood appeared to appeal the "Notice of Determination" for tax year 2009 by the Assessor's Office. The roll was called. Appraiser Scott Davis gave an overview of the appeal. Bruce Livengood explained his protest further. After hearing all the evidence presented Comm. Koppenhafer moved to adjust the assessed value to \$111,760.00 for Bruce Livengood at 27484 Road R, Dolores, account number R003576, seconded by Comm. Chappell. Comm. Koppenhafer and Comm. Chappell voted aye, Comm. Rule voted nay. Motion carried with a vote of 2 aye to 1 nay. (See attached). Board of Equalization was recessed until July 27, 2009 at 9:05 a.m.

LETTER OF RESIGNATION: A letter of resignation was accepted from Jonathan Callender resigning from the Montezuma County Economic Development Association. (See attached)

LETTER OF COMMENDATION: A letter of commendation for Susan Carver and James Dietrich was received from Jon Callender, Chairman, Montezuma County Planning and Zoning Commission, commending them on their hard work in the organization, support and implementation of the comprehensive plan evaluation. (See attached) A letter was signed by Comm. Rule commending them and Mr. Callender's leadership and efforts as well. (See attached)

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 and/or industrial zoning request and pre-sketch plan for a proposed 2 lot minor general planned unit development to be called the MVI-EEA Business Park. The roll was called, the public notice was read, and the proceedings were recorded for the record. The property is owned by Keith A. Cole and consists of 40 acres located at 11401 Road 24, Cortez, and property owned by Montezuma Valley Irrigation Co. (MVI) consisting of 3 acres located at 11501 Hwy 491, Cortez. Planning Director Susan Carver gave an overview of the request. She explained this hearing is for the zoning request and pre-sketch plan only. **Neil Stephens, Scott Ehmke and Barry Spear** with Empire Electric Assoc. and **Jim Siscoe** with Montezuma Valley Irrigation were present. Scott Ehmke with Empire Electric explained the request and application further. Jim Siscoe stated the MVI Board is supportive of

this endeavor especially the highway access and zoning. Empire Electric attorney Barry Spear spoke about the findings and facts from the Planning Commission and the Commission's decision. Scott Ehmke reviewed the latest submittals with the Board. Director Carver spoke as to an e-mail received from James Horn, Traffic Resident Engineer with CDOT. He talked about the area chosen and why. The Board asked a question concerning the water issue and the move to the location and its ability to serve the community. Comm. Rule opened the hearing to public comment at this time. **Jimmy Porter** talked about commercial property being near his properties. He said they all have been good neighbors. **Shawn Wells** passed out maps of other neighbors in the area and stated he is an immediate neighbor to the proposed GPUD. He talked about the definitions of commercial and industrial uses in the land use code. **Glen Wells** said he has 4 properties this would affect. He said the properties are all agricultural. He spoke to highway access and traffic issues. **Danny Wilkin** agrees with the points made by Shawn and Glen Wells. He is against the industrial zoning. **Keith Cole** discussed his reasons for selling to Empire Electric. He talked about being approached by the Wells and said it was only for a few acres at that time. He spoke in support of the project. **Rob Pope** addressed comments made and said he thinks Empire Electric has been very up front with their intentions. He said EEA is a good neighbor. He feels the rules need to be adhered to and asked the Board to approve the zoning. **Bob Clayton** spoke in favor of EEA and their project. **Pam Suckla** expressed her thoughts of EEA being a good neighbor and how they fill a lot of restrictions. She asked the Board to give a lot of consideration to this decision. **Barbara Jeter** said she is speaking on behalf of her father, **Dale Jeter** and spoke in support of the project. She said MVI has been a good neighbor and feels EEA will also be a good neighbor. **Jerry Koskie** said there is nothing for MVI to gain and is glad the project is not in his area. Asked how many employees they have and how much traffic that would cause and how many vehicles EEA has and how that would impact the traffic. He said it would remove irrigated agricultural land and is spot zoning and the access is not adequate. **Greg Kemp** asked for a clarification in the public notice in regard to commercial/industrial zoning. He said the proposed project does fit the industrial zoning. He said if the land is zoned as commercial, EEA could not expand the use. **Danny Wilkin** commented about water issues with fire protection and water flow. He said the neighbors are not new to the area and they are concerned to what happens to the area. Hearing no further public comment Comm. Rule closed that portion of the hearing. A ten minutes recess was called. The hearing was called to order. Attorney Barry Spear spoke about working and implementing the land use code. He said which zone is chosen is up to the Board. He talked about spot zoning and read a definition of spot zoning. He said this request is not considered spot zoning and complies with the zoning requirements of the land use code. Mr. Ehmke talked about the application and the public comment made by Shawn Wagner made at the Planning Commission hearing. He presented photos of the area and a map. He spoke about the traffic and discussions he has had with CDOT. He talked about fire protection, future expansion and said all they are asking for now is zoning. Neil Stephens answered questions brought up during the public comment portion. Mr. Ehmke addressed and passed out proposed building plans. Talked about employee and truck traffic, and landscaping and water issues. It was stated the Coles wish to keep the remaining land in agricultural and they have enough irrigation water for those purposes. Comm. Rule opened the hearing back up to public comment. **Shawn Wells** made a comment on the map passed out by EEA and said some properties are not commercial. **Danny Wilkin** read from the land use code about industrial uses. **Jerry Giacomo** said the project would be industrial and not commercial and questioned if this is the right location. He said he has not seen a traffic impact study yet. **Jon Callender** talked about what the Planning Commission struggled with and said they had issues with the site being used as industrial and other compatibility issues. Hearing no further public comment, that portion was closed. Administrator Harrison addressed GPUD zoning. Mr. Ehmke talked about the maps, elevation for towers, traffic issues, and GPUD developments. It was stated the majority of the property around the parcel in question is currently unzoned. After hearing all the evidence presented and comments made Comm. Koppenhafer moved to approve the industrial zoning request for MVI/EEA Business Park on 43 acres and 4 acres for MVI and that all required permits, high impact permit and access permits being obtained and all the plans by submitted EEA in their application being met. Seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

SHERIFF WALLACE, Undersheriff Dave Hart, and Viki Worcester met to discuss the detention center operations. Sheriff Wallace said there have been issues with detention personnel. Viki Worcester talked about concerns she has with the operations of the center. Some of her concerns were the inability of the supervisors to properly supervise the deputies due to work overload.

LETTERS: Letters to Congressman Michael Bennett, Congressman Mark Udall, and Representative John Salazar concerning S.787 the clean water restoration act were signed. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Letter from CSHSRA (Colorado State High School Rodeo) in reference to submitting a proposal to host the CSHSRA State Finals. (See attached)

Letter from City of Cortez in reference to public hearing for annexation of property within the city limits, commonly referred to as the Flaugh Enclave. (See attached)

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

MEETING ADJOURNED. 5:30 p.m.

County Clerk

07-20-2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 27, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 27, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

Larrie D. Rule, Chairman
Steve Chappell, Vice-Chairman
Gerald W. Koppenhafer, 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 Rule** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, July 20, 2009 were read. Comm. Chappell moved to approve the minutes of July 20, 2009 as corrected, seconded by Comm. Koppenhafer. Motion carried.

LETTER OF SUPPORT: Comm. Chappell moved to sign a letter of support for the City of Cortez supporting their grant application, seconded by Comm. Koppenhafer and carried. The City is applying for a grant concerning the Cortez Transportation Enhancement Project – 7th Street. (See attached)

ORDER NUMBER 0-05-09: Comm. Koppenhafer moved to approve order number 0-05-09 to transfer from the Wildfire Reserve Account to the General Fund \$18,650.00 to establish a Montezuma County chapter of the Firewise Council, seconded by Comm. Chappell and carried. (See attached)

SWRETAC: Comm. Chappell moved to appoint the following to the Southwest Regional Emergency and Trauma Advisory Council: Becky Oliver, ED manager/TNC-SWMH (replaces Liz Sellers, term to expire 6/2012), Mark Turpen, ED Physician (term to expire 6/2012), John Trocheck, Director Ute Mountain Public Safety, (term expires 6/2011), and one new replacement Matt Lindsay, EMT-P (replaces Jim Marett and term to expire 6/2012), seconded by Comm. Koppenhafer and carried. (See attached)

BOARD OF EQUALIZATION was reconvened at 9:00 a.m.

The following appeals were heard: The roll was called and the proceedings were taped for the record.

MARY DICKERSON appeared to appeal the Assessor's valuation of her property located at 14908 Road 35.3, Mancos, Co. Appraiser Cynthia Claytor gave an overview of the appeal and gave comparables. Mary Dickerson explained her appeal further. After hearing all the evidence presented Comm. Koppenhafer moved to

accept the Assessor's Office valuation of \$305,900.00 on parcel number 5361-332-200-025 account number R004048, seconded by Comm. Chappell and carried. (See attached)

STEVEN R. AND MISCELLE C. ALLISON: Steven & Miscelle Allison appeared to appeal the 2009 tax year Assessor's valuation on account number R000932. Appraiser Claytor gave an overview of the appeal stating the applicant is appealing the valuation. and classification stating they are requesting agricultural. Steve & Miscelle Allison explained the appeal further. It was stated the agricultural classification does not apply at this time. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's Office adjustment of \$155,560.00 on parcel number 5651-164-001-32, account number R000932, seconded by Comm. Koppenhafer and carried. (See attached)

ROGER J. AND JOYCE L. LAWRENCE: An appeal on account number R003662 was received from Roger J. & Joyce L. Lawrence appealing the Assessor's valuation for tax year 2009. Appraiser Claytor gave an overview of the appeal. Roger Lawrence explained his appeal in detail. Assessor Vanderpool explained the overall sales ratio. After hearing and reviewing all the evidence presented Comm. Chappell moved for an adjustment to \$325,000.00 for Roger and Joyce Lawrence, parcel number 5359-321-020-03, account number R003662, seconded by Comm. Koppenhafer and carried.

RONALD ALLAN AND MARY ANN WOODROW appeared to appeal the Assessor's valuation for tax year 2009 on account number R000399. Appraiser Scott Davis gave an overview of the appeal. Ronald Woodrow discussed his appeal. After hearing and reviewing all the evidence presented Comm. Chappell moved to adjust the assessed value to \$580,000.00 on parcel number 5331-063-000-11, account number R000399 for Ronald and Mary Ann Woodrow, seconded by Comm. Koppenhafer. Comm. Chappell and Comm. Koppenhafer voted aye and Comm. Rule voted nay. Motion carried by a 2 to 1 vote. (See attached)

LUNCH: 12:15 p.m.

JOE JAMES appeared to appeal the Assessor's valuation of his property for tax year 2009 on account number R010208. Appraiser Claytor discussed the appeal. Mr. James talked about the valuation further stating he feels it is too high. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's Office valuation of \$67,440 on parcel number 5611-264-270-02, account number R010208 for Joe James, seconded by Comm. Koppenhafer and carried. (See attached)

RICHARD SIMS met to appeal his property valuation for tax year 2009 on his property located at 18972 Road 25.8. Appraiser Claytor gave an overview of the appeal and property. Mr. and Mrs. Sims discussed their appeal further stating they purchased the property for \$281,500.00. Mr. Sims asked about the mailing of the Notice of Determination. Appraiser Claytor informed the Board that the Notice of Determination was mailed on June 30, 2009. They said they never received the Notice of Determination in the mail and Mrs. Sims said they have problems receiving their mail although the address listed is correct. Assessor Vanderpool quoted from the statutes saying his office has complied with the law. After hearing and reviewing all the evidence presented, Comm. Chappell moved to agree with the Assessor's Office adjusted value of \$278,256.00 on parcel number 5357-111-010-01, account number R001859 for Richard Sims, seconded by Comm. Koppenhafer and carried. (See attached)

NORMAN AND KRISTINE BOWIE: An appeal was received from Norman and Kristine Bowie on account number R003430. They are appealing the Assessor's valuation on their property for tax year 2009. Appraiser Claytor reviewed the appeal. Kristine Bowie spoke to her appeal further. After hearing all the evidence presented Comm. Koppenhafer moved to accept the Assessor's valuation on property owned by Norman and Kristine Bowie on parcel number 5359-222-03-006 account number R003430, seconded by Comm. Chappell and carried. (See attached)

The meeting was recessed until Tuesday, July 28, 2009 at 9:30 a.m.

JULY 28, 2009

BOARD OF EQUALIZATION reconvened at 9:30 a.m., Tuesday July 28, 2009

The following appeals were heard: The roll was called and the proceedings were taped for the record.

JOHN F. AND MARGARET Q. CAMPONOVO appeared before the Board of Equalization to appeal the Assessor's valuation for tax year 2009 on account number R005897. Appraiser Cynthia Claytor gave an overview of the appeal. John and Margaret Camponovo discussed their valuation further. After hearing all the evidence presented Comm. Koppenhafer moved to accept the Assessor's valuation of \$408,610.00, on parcel number 5609-033-010-24, account number R005897 for John and Margaret Camponovo, seconded by Comm. Chappell and carried. (See attached)

DON HIGMAN sent an appeal of the Assessor's valuation of his home, account number R004934 for tax year 2009. Appraiser Claytor gave an overview of the appeal. Don Higman was on a conference call to discuss his property valuation. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's adjusted valuation of \$189,510.00 for Don Higman on parcel number 5605-283-110-10 account number R004934, seconded by Comm. Koppenhafer and carried. (See attached)

TIMOTHY E. AND JO ANNA MILLER An appeal was received from Timothy E. and Jo Anna Miller on account number R002503 for tax year 2009 appealing the Assessor's valuation of their property. Appraiser Scott Davis gave the overview on the property. Jo Anna Miller discussed the appeal further. She asked about the agricultural land increase. It was explained that agricultural land is assessed by a different valuation process. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's adjusted valuation of \$169,380.00 for property owned by Timothy and Jo Anna Miller, account number R002503, seconded by Comm. Koppenhafer and carried. (See attached)

WILLIAM H. AND MADELYN S. DEAN appeared to appeal the Assessor's valuation for tax year 2009 on account numbers R003860 and R003854. Appraiser Scott Davis gave an overview of the appeal received from Mr. & Mrs. Dean. Madelyn and William Dean discussed their valuation appeal in detail. After hearing all the evidence presented Comm. Koppenhafer moved to adjust the 120 acre parcel to dry graze, type 18-7A at \$12.00 an acre for account number R003854, seconded by Comm. Chappell and carried. Account number R003860 was discussed at this time. Comm. Chappell moved to agree with the Assessor's adjusted value of \$239,900.00 on account number R003860 and R003859, seconded by Comm. Koppenhafer and carried. (See attached)

DOWNEY AND MURRAY LLC, POWELL PROFESSIONAL PARTNERSHIP, AND F & F HOLDINGS. An appeal on account numbers R004845, R009599, and R002747 in the above referenced names was received to appeal the Assessor's valuation on said properties for tax year 2009. Assessor Vanderpool stated the attorney for the above mentioned holdings agree with the Assessor's valuations and adjusted recommendations. Comm. Chappell moved to agree with the Assessor's recommendation on Account number R009599 of \$397,710.00 on property located at 35 S. Beech, Cortez, Co., seconded by Comm. Koppenhafer and carried. Comm. Koppenhafer moved to agree with the Assessor's valuation of \$1,142,240.00 on Account number R002747 on the property at 1000 Railroad Ave, Dolores, Co. seconded by Comm. Chappell and carried. Comm. Chappell moved to agree with the Assessor's recommended adjustment to \$650,000.00 on account number R004845 located at 209 N. Walnut St., Mancos, Co. seconded by Comm. Koppenhafer and carried. (See attached)

Lunch 12:20 p.m.

LAWRENCE M. AND ALEXANDRA B. TRADLENER: An appeal was received from Lawrence M. and Alexandra B. Tradlener on account number R01146 for tax year 2009 regarding the Assessor's valuation of their property. Appraiser Scott Davis gave an overview of the appeal. He stated the Assessor's Office has adjusted the valuation to \$95,470.00. Appraiser Davis said the property is vacant. Lawrence Tradlener discussed his appeal. Mr. Tradlener agrees with the new valuation. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's new adjusted value of \$95,470.00 on account number R01146, seconded by Comm. Koppenhafer and carried. (See attached)

The Board of Equalization hearings was recessed until August 3, 2009 beginning at 10:30 a.m.

County Clerk

07-27-2009

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 3, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 3, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, July 27, 2009 and Tuesday, July 28, 2009 were read. Comm. Chappell moved to approve the minutes of July 27, and 28, 2009 as presented, seconded by Comm. Koppenhafer. Motion carried.

PAYROLL: General fund checks in the amount of \$341,838.77, District Attorney fund check #55697 in the amount of \$31,042.74, Treasurer fund check #55698 in the amount of \$258,756.31, Road department fund checks in the amount of \$80,020.13, Treasurer fund check #22305 in the amount of \$64,482.11; and Landfill fund checks in the amount of \$16,319.56, Treasurer fund check #6238 in the amount of \$14,045.70 were approved for payment

JIM FISHER and Roberta Williams, representing the **Arriola Cemetery District** met to request assistance with the building of a road in the cemetery. He explained the project and asked for gravel. Mr. Fisher will work with Road Supervisor Dean Roundtree concerning the availability.

RESOLUTION 7-2009: Comm. Chappell moved to approve Resolution 7-2009 to hold the Coordinated Election of 2009 by mail ballot, seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING: Planning Director Susan Carver requested the Board to forward to the Planning Commission a high impact permit application for their review for the purpose for Empire Electric to construct an operations center and communication tower on tract B of the proposed 2 lot minor general planned unit development MVI-EEA Business park, consisting of 40 acres. The property is owned by Keith A. Cole, Nathan Barton, agent for Empire Electric and located at 11401 Road 24. Director Carver said the threshold standard to be exceeded is traffic. She explained the tower could be lowered and will no exceed the standard. Comm. Chappell moved to

forward the high impact permit application to the Planning Commission for their review for the construction of an operations center and communication tower on tract B of the proposed 2 lot minor general planned unit development MVI-EEA Business park, consisting of 40 acres and to review the traffic threshold and various other matters. Motion seconded by Comm. Koppenhafer and carried. (See attached)

BOARD OF EQUALIZATION was reconvened at 10:30 a.m.

It being the time set aside the following Board of Equalization appeals was heard:

DANIEL VALENCIA AND BUNNY KENNEDY: An appeal of the 2009 tax year valuation was received from Daniel Valencia and Bunny Kennedy on account number R004887. Appraiser Claytor gave an overview of the appeal. Bunny Kennedy explained their appeal to the Board. After hearing the evidence presented Comm. Chappell moved to agree with the Assessor's recommended valuation of \$189,850.00 on account number R004887 for Daniel Valencia & Bunny Kennedy, seconded by Comm. Koppenhafer and carried. (See attached)

MICHAEL G. MAXWELL sent an appeal of the assessed valuation on account number R003771 on his home located at 14300 Road 32.1, Mancos, Co. for tax year 2009. Appraiser Scott Davis discussed the appeal for Michael G. Maxwell. He said the Assessor's value was lowered to \$351,230.00. Assessor Vanderpool referred to letters written by Mr. Maxwell and talked about a conversation he had where Assessor Vanderpool explained the process in detail. After hearing all the evidence presented Comm. Koppenhafer moved to accept the Assessor's adjusted value of \$351,230.00 on account number R003771 for Michael G. Maxwell, seconded by Comm. Chappell and carried. (See attached)

WILLIAM R. AND SANDRA M. LUCKY: An appeal was received from William R. and Sandra M. Lucky concerning the valuation of their property for tax year 2009 on account number R002924. Appraiser Cynthia Claytor explained the Assessor's recommended valuation and the comparable sales. Mr. Lucky discussed the appeal questioning the valuation increasing 33% in one year. After hearing all the evidence presented Comm. Koppenhafer moved to accept the Assessor's 2009 adjusted valuation of \$168,810.00 on account number R002924 for William R. and Sandra M. Lucky, seconded by Comm. Chappell and carried. (See attached)

LUNCH 12:00 Noon

MATTHEW B. AND AMBER ROBERTS: An appeal on account number R013207 for tax year 2009 was received from Matthew and Amber Roberts. Appraiser Cynthia Claytor gave the overview of the appeal for Matthew Roberts on account number R013207 located at 620 Apple Drive. Matthew Roberts talked about his appeal. He asked how the Assessor's Office adjusts the comparables. After hearing the evidence presented Comm. Chappell moved to agree with the Assessor's recommended valuation of \$290,860.00 for tax year 2009 on account number R013207 for Matthew and Amber Roberts, seconded by Comm. Koppenhafer and carried. (See attached)

MARLO COTA appeared to appeal the Assessor's valuation on account number R003364 for tax year 2009. Appraiser Cynthia Claytor explained the appeal stating it is a residential parcel. Mr. Cota talked about the appeal and stated he is appealing the lot value. After hearing the evidence presented Comm. Koppenhafer moved to accept the Assessor's adjusted value for 2009 of \$276,740.00 for Marlo Cota on account number R003364, seconded by Comm. Chappell and carried. (See attached)

CRESTON AND CULA GARNER: An appeal of the Assessor's valuation on account number R009140 for tax year 2009 was received. Appraiser Cynthia Claytor gave an overview of the appeal received from Creston and Cula Garner. She said this is a residential parcel located at 608 N. Washington. The parcel was assessed at \$176,650.00 and adjusted to \$151,310.00. Mr. Garner said he calculated his value of 135,414.00 incorrectly and should be around \$139,602.00. After hearing the evidence presented Comm. Chappell moved to agree with

the Assessor's Office adjusted value of \$151,310.00 on account number R009140 for Creston and Cula Garner, seconded by Comm. Koppenhafer and carried. (See attached)

RICHEL ENTERPRISES, INC. Appeals in regards to the valuations/classifications were received on accounts R000491, R000492, and R000493 for tax year 2009 from Richet Enterprises, Inc. Appraiser Scott Davis gave the Board an overview of the appeal on the above referenced accounts. He said the property is valued as vacant land. Appraiser Davis stated out of 44.72 acres approximately 11 acres could be used for growing hay. Rich L. Tibbits talked about the appeals further. He said one could not farm more than around 7 or so acres and it is irrigated. After hearing the evidence presented Comm. Koppenhafer moved to classify account numbers R000491, R000492, and R000493 as agricultural and not vacant land for Richet Enterprises inc. seconded by Comm. Chappell and carried. A letter from the Assessor's Office setting the values for agricultural land will be attached to this record. (See attached)

THOMAS AND CAROLE MONTGOMERY: An appeal of the Assessor's valuation for tax year 2009 on account number R003652 from Thomas and Carole Montgomery was received. Appraiser Cynthia Claytor explained the appeal. She said the Montgomery's are only protesting the land assessment. Appraiser Claytor said the mobile home is on a separate account and is not being protested. Mr. and Mrs. Montgomery were not present. After hearing the evidence presented Comm. Chappell moved to agree with the Assessor's adjusted value of \$156,070.00 on account number R003652 for Thomas and Carole Montgomery. Seconded by Comm. Koppenhafer and carried. (See attached)

SEAN McCALL AND CARLA BORELLI sent an appeal concerning their 2009 tax year valuation on account number R005094. Appraiser Scott Davis discussed the appeal received from Sean McCall and Carla Borelli. He said the property is residential in Mancos. Mr. McCall or Ms. Borelli was not present. The taxpayer states they sold the property as of June 30, 2009 for \$176,500.00. This date is out of the data collection period. After hearing the evidence presented Comm. Koppenhafer moved to agree with the Assessor's suggested value of \$214,800.00 on account number R005094 for Sean McCall and Carla Borelli, seconded by Comm. Chappell and carried. (See attached)

LAWRENCE AND DEBRA BERGER: An appeal from Lawrence and Debra Berger was received appealing their property valuation for tax year 2009 on account number R010104. Appraiser Cynthia Claytor gave an overview of the appeal on Lawrence and Debra Berger. She said this is residential property located at 317 S. Madison. Lawrence and Debra Berger talked about their appeal stating the house is 57 years old and they feel they could not sell this property for the assessed value of \$100,460.00. They said the house has no foundation and the wiring is old. After hearing the evidence presented Comm. Chappell moved to set the valuation of the property owned by Lawrence and Debra Berger, account number R010104 to \$95,000.00, seconded by Comm. Koppenhafer and carried. (See attached)

TREASURER'S REPORT for the month of June, 2009 was received. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Law Suit 09-CV 106 Defendant Board's Answer concerning Four Corners Recycling Systems (See attached)

Thank you letter from San Juan Basin Area Agency on Aging. (See attached)

The Board of Equalization portion was recessed until August 17, 2009 at 10:30 a.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 10, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 10, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, August 3, 2009 were read. Comm. Koppenhafer moved to approve the minutes of August 3, 2009 as presented, seconded by Comm. Chappell. Motion carried.

ROAD: Road Supervisor Dean Roundtree reported the Department has been hauling a lot of water. The Dolores-Norwood road is getting rough, also portions of Road 24 are rough. Supervisor Roundtree said the Department is having trouble with the oil plugging the screens and two loads were returned, and said they are about half done. He said the price of the oil went from \$450.00 to \$500.00.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of July, 2009. (See attached).

LETTER OF SUPPORT: Dean Palmquist representing the City of Cortez met to request a letter of support concerning a grant application for the renovation of the outdoor swimming pool. Mr. Palmquist said the pool improvement's is to be a three phase project. The first phase is to install a splash pad to replace the kiddie pool. He said the second phase would be to improve the decking on the south side and the third phase is to improve the buildings. Comm. Chappell moved to sign the letter of support for the Cortez Municipal Pool renovation project grant application, seconded by Comm. Koppenhafer and carried. (See attached)

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of July 2009 (See attached)

FOUR CORNERS RECYCLING representatives **Eric Freels and Ashton Hargrove** met to update the Board on the Four Corners Recycling Initiative. A final evaluation report was presented. They talked about the future plans and involvement by the area schools, businesses and other entities. (See attached)

COUNTY TECHNICAL SERVICES: **Jon Wagner** with County Technical Services gave an insurance update and loss analysis on the county workers' compensation pool. He presented a loss ratio report as of December 31, 2008. He talked about loss prevention training and presented charts representing claims from 2004 through 2008. (See attached)

CHFA: **Scott Aker** manager with the Colorado Housing and Finance Authority discussed the mortgage credit certificates. He talked about the private activity bond allocation for Montezuma County. He said they are a non profit agency. He would like to partner with the County again this year. (See attached)

LUNCH: 12:10 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing a land use code complaint alleging violations of the Montezuma County Land Use Code. The roll was called, the public notice was read and the proceedings were taped for the record. The complaint alleges violations of the land use code in regards to threshold standard no. 4 - building setbacks; no. 8 - outdoor storage and or fabrication areas; no. 14 - storm water control and site drainage; no. 15 - solid waste-garbage, refuse, sludge and other discarded material; no. 22 - fire and explosive hazards; no. 24 - lighting; and no. 25 - noise. The property is located at 41481 Hwy. 184, Mancos, owned Marjorie Muniz et al. Planning Director Susan Carver gave an overview of the complaint. Marjorie Muniz's daughter Monique was on a conference call. Monique spoke on behalf of her mother. She stated they have discussed the matter with the renters who are trying to remove old vehicles and clean up the property. The property is rented to Manuel Baltier who was present. Director Carver talked about the noise and lighting complaints. Comm. Rule opened the hearing to public comment at this time. **Tim Hunter** said he filed the original complaint letter. He said it all started with an easement problem in the beginning because he is considering putting in a subdivision. He said a lot of the trash has been cleaned up. He said the noise goes on all hours of the night. **Jim Law** said he concurs with Mr. Hunter's comments and discussed the cars and the property being used as a business. **Greg Kemp** said the property appearance has improved but there is still a lot of tires stacked and he talked about a drainage problem. **Manuel Baltier** said he does repair vehicles and talked about the drainage problem. He said he has a lot of tires there but is trying to get rid of them. He stated the light is simply a mercury light and feels it does not bother anyone. Hearing no further public comment Comm. Rule closed that portion of the hearing. Mr. Hunter stated the road is on his property but the Muniz's dispute that comment. The tenant is repairing vehicles at the location but the property owners are unaware of this business being done. Director Carver said the property is currently zoned ARES and that the property is not part of any subdivision and there is no evidence of any prior businesses being conducted at that location. The landowner said the property was used as a residential rental previous to Mr. Baltier moving in. In order for Mr. Baltier to operate a commercial business on the property it would require to be zoned as commercial and a high impact permit application must be applied for. Monique said they would do what needs to be done to clear the matter up. Comm. Rule opened the hearing to public comment again. **Mr. Baltier** said he is not running a commercial business there but is fixing cars for people. He indicated he does not take money for repairing the vehicles. **Greg Kemp** pointed out that the owner needs to consider getting the easement established in the event the property were to be sold. Hearing no further public comment, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to have all commercial activity cease on this property until the proper zoning is established and a high impact permit applied for before any business can be done or leave the property as residential, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Director Susan Carver presented for review and determination of an AR35+ zoning request on two properties owned by Reed E. Bayles and Son, Steven Cochran agent, and the Estate of Reed E. Bayles, Mark D. Bayles, Personal Representative. The property consists of 106 acres more or less and located at 12225 Road 33, Mancos, Co. The application was presented for review and determination of a 3 lot minor cluster incentive planned unit development submitted by Reed E. Bayles and Son, Steven Cochran, agent. This application consists of 106 acres wherein they are splitting off 39 acres to be developed into the proposed CIPUD with the remaining acreage to be in excess of 35 acres. The property is located at 33190 Road M, Mancos, Co. Comm. Koppenhafer moved to approve AR35+ zoning on two tracts of land owned by Reed E. Bayless and Son located at 12225 Road 33 owned by Mark and Kay Bayless and to approve the final plat of the Bayless Cluster Incentive Planned Unit Development for Reed E. Bayless Estate, Mark Bayless personal representative, seconded by Comm. Chappell and carried. (See attached)

ANTHONY AND NATALIE J. SUNDERMEIER, agent Monty Shed. Don Hamilton spoke on Monty Shed's behalf in requesting a change in land use on property located at 12400 Hwy. 491, Cortez, Co. This change will not result in an increase of historic use of the property which consists of 8 acres. Director Carver stated there will be no expansion of use at this time. It was stated if the grandfathered use is expanded in the future the zoning and high impact permit process would apply. Comm. Koppenhafer moved to determine the use of the property owned by Anthony and Natalie J. Sundermeier located at 12400 Hwy. 491, Cortez will not be changed by leasing the property to Bill Barrett Corp. Williams Field Services and it will not exceed the historic use. Seconded by Comm. Chappell and carried. (See attached)

FINDINGS: The following findings were presented;

- (1) **WILLIAMS FIELD SERVICES COMPANY, LLC.** High impact permit and special use permit for the purpose of constructing a pipeline well connect segment; and the construction and operation of wellsite production equipment associated with exploration wells previously approved by the County to Bill Barrett Corp. The pipeline permitted is on the north side of Road AA, west of Road 21. (HIP 594)
- (2) **BILL BARRETT CORP., Don Hamilton, agent.** 4 high impact permits and special use permits for the purpose of the construction of 3 new road approaches; construction of 4 new 5 acre well pads and the horizontal drilling of up to 4 natural gas wells per pad on property located at 23300 Road Z, Lewis, Co (HIP 595, 596, 597, 598).
- (3) **BILL BARRETT CORP., Miles Corey, agent.** High impact permit and special use permit applications for the purpose of conducting a 3D geophysical seismic survey project known as the Sandstone Canyon 3D. (HIP 601)
- (4) **WILLIAMS FIELD SERVICES CO. Don Hamilton, agent.** High impact permit and special use permit for the purpose of the installation of production equipment on the Fisher Well Pads permitted to Bill Barrett Corp. and the construction of tie-in line to be located on the south side of Road Z east of Road 23. (HIP 593)
- (5) **WILLIAMS FIELD SERVICES CO. Don Hamilton, agent.** High impact permit and special use permit for the purpose of installing production equipment on the Fisher Well Pads previously permitted to Bill Barrett Corp. and known as the Fisher Wells. (HIP 599)

Comm. Chappell moved to approve the findings on the following high impact permits and special use permits numbers 593, 594, 595, 596, 597, 598, 599, and 601, seconded by Comm. Koppenhafer and carried. (See attached)

ZONING REQUEST: Director Carver presented for review and determination of an AR 10-34 zoning request and final plat for a proposed 2 lot minor development for **Ronald and Ginger Leonard**. The property is located at 18499 Road 20, Lewis, Co. known as Dawson Draw Subdivision. Comm. Koppenhafer moved to approve the zoning of AR 10-34 for Lot 1 and Lot 2 of the Dawson Draw Subdivision located at 18499 Road 20, Lewis, Co. and to approve the final plat, seconded by Comm. Chappell and carried. (See attached)

GARY T. AND TERESA GRIFFIN and KENNETH AND KAREN THOMSEN: An exemption request was received from Gary T. and Teresa Griffin on property located at 19226 Road 22, Lewis consisting of 50 acres, whereby they wish to convey 35 acres to Kenneth and Karen Thomsen on property located at 19200 Road 22, Lewis creating an 85 acre parcel for the Thomsen's and a 15 acre parcel for the Griffin's. The applicants are requesting an exemption from the subdivision process as no new lot shall be created. Comm. Chappell moved to give preliminary approval for an exemption to the land use code on property belonging to Gary and Teresa Griffin to convey a 20.16 acre parcel to Kenneth and Karen Thomsen creating an 85 acre parcel zoned AR 35+ and the remaining property owned by Gary and Teresa Griffin will go through the zoning process, seconded by Comm. Koppenhafer and carried.

AFTER THE FACT EXEMPTION has been requested from **Connell and Terry Marsden, Bob Barnhart, agent**. The property is located at 36960 Road P.2, Mancos, Co. A variance to the right of way width is also requested. Comm. Chappell moved to approve the after-the-fact exemption (**P-12-09**) for Connell and Terry Marsden located at 36960 Road P.2, Mancos in order to bring the parcel of less than 3 acres into compliance and to approve a variance to the right of way width to 15', seconded by Comm. Koppenhafer and carried. (See attached)

HART FAMILY: A request to amend a common lot line was presented on a 2 lot minor development consisting of 37 acres, Richard and Helen Lee, applicants. The property is located at 13812 and 13708 Road 28, Dolores, Co. Richard and Helen Lee wish to amend Lot A by adding more acreage from 8.5 acres to 12.7 acres and lot B would have an acreage change of 28.5 acres + to 24.3 acres. Comm. Koppenhafer moved to amend the Hart Family Tracts to amend lot A by adding more acreage from 8.5 acres to 12.7 acres and zone lot A as AR 3-9 and amend lot B to be 24.3 acres, seconded by Comm. Chappell and carried. (See attached)

REQUEST TO schedule public hearings on the following:

- (1) **Paul and Lillian Bostrom** is requesting an AR3-9 and AR35+ zoning on property located at 23866 Road L., Cortez.
- (2) **Lewis Arriola Community Center** is requesting commercial zoning or a special use permit on property located at 21176 Road S, Cortez.
- (3) **Stanley W. Mathies property;** A high impact permit and special use permit application for the purpose of constructing a well pad and drilling of up to 4 natural gas wells on property located at 21118 Road 22, Lewis.
- (4) **Roscoe Rose** request for 2 high impact permits and special use permits for the purpose of constructing two well pads and drilling of up to 4 natural gas wells per pad. The property is located at 22600 Road X, Lewis.

Comm. Koppenhafer moved to set a public hearing for review and determination of AR3-9 and AR35+ zoning request for (1) **Paul and Lillian Bostrom**, for August 24, 2009 at 2:00 p.m. (2) To set a public hearing for review and determination for commercial zoning or a special use permit on property located at 21176 Road S for **Lewis Arriola Community Center** for August 24, 2009 at 2:30 p.m. (3) To set public hearings for a high impact permit and special use permit application for the purpose of constructing a well pad and drilling for up to

4 natural gas wells on property located at 21118 Road 22 owned by **Stanley W, Mathies** for August 24, 2009 at 3:00 p.m. (4) To set for public hearing a request for 2 high impact permit and special use permit for the purpose of constructing 2 well pads and drilling of up to 4 natural gas wells per pad on property owned by **Roscoe Rose**, located at 22600 Road X, Lewis for August 24, 2009 at 3:00 p.m., seconded by Comm. Chappell and carried.

EMPIRE ELECTRIC: Findings of Fact for the industrial zoning request was presented for review and determination as submitted by Empire Electric and Montezuma Valley Irrigation the properties located at 11401 Road 24 and 11501 Hwy 491, Cortez. The industrial zoning was approved by the Board of County Commissioners during a public hearing held on July 20, 2009. Comm. Chappell moved to accept the findings of fact for the industrial zoning request submitted by Empire Electric Association and Montezuma Valley Irrigation on properties located at 11401 Road 24 and 11501 Hwy. 491, Cortez, seconded by Comm. Koppenhafer and carried. (See attached)

NOLAND INC.A request by the Planning Department to forward a high impact permit and special use permit on Noland Inc for the purpose of operating a mobile hotmix asphalt plant on property located at 40325 Hwy 160, Mancos. This request is interim in nature and applicants are asking for the permits for operations from March, 2010 through September, 2010. Project Manager representing **Ledcor CMI, Inc**, Brian Hines was present. Comm. Koppenhafer moved to forward the request for a high impact permit and special use permit application for Noland Inc., Ledcor CMI, agent to the Planning Commission for review due to significant impacts for a hot mix plant located at 40325 Hwy. 160, Mancos, seconded by Comm. Chappell and carried. (See attached)

NOTICE has been received of Kinder Morgan's CO₂'s intentions to re-enter existing wells to increase production by horizontal recompletion. They will be re-entering 5 wells, 2 on private property (Well YA-4 – Esther Wilson, owner, and Well YE-6, owned by Daniel Porter) and 3 on BLM ground (Well YD-1, Well SC-3, and HE-3). Agent, Bob Clayton explained Kinder Morgan's intentions in detail. Comm. Koppenhafer moved to approve the re-entering and horizontal drilling for the previously permitted wells of Kinder Morgan for Well YA-4, Well YE-6, Well YD-1, Well SC-3 and Well HE-3, seconded by Comm. Chappell and carried. (See attached).

FINAL PLAT was presented for review and determination for the amendment of a common lot line of the Gatzke 3 lot moderate development wherein the applicants, Andrew and Wendy Gatzke are requesting to amend the common lot line of lot 2 and lot 1B. The properties are located at 12760 and 12750 Road 23, Cortez. No new lot is being proposed. Comm. Chappell moved to approve the amendment to the common lot line on lot 2 and lot 1B on properties located at 12760 and 12750 Road 23 of the Gatzke 3 lot moderate development, seconded by Comm. Koppenhafer and carried. (See attached)

TOUR: The Board conducted a tour of the 1st National Bank facility.

CORRESPONDENCE: The following correspondence was read and noted; Stimulus contracts, grants and loans in Montezuma County. (See attached)

THE MEETING was adjourned at the completion of the tour.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 17, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 17, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, August 10, 2009 were read. Comm. Chappell moved to approve the minutes of August 10, 2009 as presented, seconded by Comm. Koppenhafer. Motion carried.

ROAD: Road Supervisor Dean Roundtree reported on quotes for materials needed to do various road maintenance and discussed portions of Road N and Road V needing work. **Loretta Murphy** said she has received a request from Mesa Verde Foundation to vacate a road. She said the road is listed as H.5 and a deed to the road has been found to June A. Hall. Loretta said the road is not a maintained road and is not a through road. The Board wishes to discuss the situation with the Foundation before making any decision. Administrator Harrison discussed a gate across a portion of county road M in the Goodman Point Water District. A letter stating a gate cannot be across a county road will be sent to the person who has gated the road.

VETERAN'S AFFAIRS: Comm. Koppenhafer moved to sign the County Veterans Service Officer's monthly report and certification of pay for July, 2009 seconded by Comm. Chappell and carried. (See attached).

EMPLOYEE COMPLAINT: The complainant did not appear.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Lori Higgins and Lou Ann Everett were present.

LEAF GRANT: Wanda Martin presented a leaf grant application for funding of overtime work for the DUI check points. Comm. Koppenhafer moved to approve the application for the Leaf project for the Montezuma County Sheriff's Office for 2010, seconded by Comm. Chappell and carried. (See attached)

BOARD OF EQUALIZATION was reconvened at 10:30 a.m.

The following appeals were heard: The roll was called and the proceedings were taped for the record.

TODD JAY AND MONICA W. PLEWE: An appeal was received from Todd Jay and Monica W. Plewe on account number R010666. They are appealing the 2009 tax year property valuation on the residence at 624 Detroit Ave. Appraiser Cynthia Claytor gave an overview of the appeal saying the property is listed as residential and said the assessed value is listed at \$291,940.00. Appraiser Claytor said the petitioner's estimated value is at \$220,000.00. Monica Plewe discussed the appeal in detail. Assessor Vanderpool talked about the assessment process. After hearing all the evidence presented Comm. Chappell moved to adjust the value to \$280,879.00 or approximately 94.00 a square foot, seconded by Comm. Koppenhafer. Comm. Chappell and Comm. Koppenhafer voted aye, Comm. Rule voted nay. The vote was 2 for 1 against, motion carried. (See attached)

FIRE BAN: Resolution 8-2009 was presented cancelling the suspension of the ban on open fires and the use of fireworks. Comm. Koppenhafer moved to sign Resolution 8-2009 cancelling the suspension of the ban on open fires and the use of fireworks, seconded by Comm. Chappell and carried. (See attached).

BOARD OF EQUALIZATION CONTINUED:

JOEYS: Dolores River Investors filed an appeal concerning the personal property on account number P010574 in the name of Joeys. Dolores River Investors representative Carol A. Stepe stated Dolores River Investors only owns the freezer and 2 refrigerators and nothing else in the store. She further states it was sold to Joeys. Jessica Stockton with the Assessor's Office reviewed the appeal. Carol Stepe talked about the appeal saying Dolores River Investors owns the real property, two walk in coolers and the freezer. Joey's has taken most of the personal property. Ms. Stepe feels the owner of Joey's should be responsible for the personal property taxes. After hearing all the evidence presented Comm. Koppenhafer moved to bill the personal property on the detail list for the 24x10 cooler, the freezer and the 20x10 cooler to Dolores River Investors and to bill the remaining personal property listed on the personal property detail list to Joey's Steakhouse. Seconded by Comm. Chappell and carried. (See attached)

BLM RESOURCE MANAGEMENT PLAN: LouAnn Jacobson and Heather Musklow with the BLM met to update the Board on the BLM Resource Management Plan. LouAnn Jacobson talked about the Canyon of the Ancients National Monument concerning their proposed resource management plan – final environmental impact statement. Some of the issues she discussed were the switch of the term settlement communities to settlement clusters. She talked about grazing issues. She said about 80% of the Monument is leased for fluid minerals development and discussed future potential of these mineral leases. Recreational issues were brought up like shooting, climbing and mountain biking and how to manage such activities. The transportation routes were talked about. She said the word road was changed to the word route and how a route is defined. (See attached)

LUNCH: 12:30 p.m.

BOARD OF EQUALIZATION CONTINUED:

DANIEL L. BJORKMAN TRUST; DAN AND KATHI BJORKMAN: Appeals on account numbers R004373, R004517, R012866, R013699, R013700 and M000631 was received appealing the Assessor's Office 2009 property valuations. Appraiser Scott Davis presented the Assessor's Office overview of the appeal. He said the appeal is concerning the agricultural classification but he said the office has not heard anything back from the State on the appeals. Appraiser Davis said if the State deems the property agricultural he will go along with that decision. The only new account that is being appealed is M000631 which concerns a 28x70 mobile home located on the property. Daniel Bjorkman asked if the Board was aware of the evidence that was presented to the State to establish their case proving their agricultural nature. The Board stated they were not, only the County Attorney was aware of the evidence presented. Dan Bjorkman stated they continue to be a dude ranch. He presented a power point. Comm. Koppenhafer stated he would like to see receipts for the horseback riding. Mr. & Mrs. Bjorkman said they could get receipts to the Board. Comm. Chappell moved to continue this hearing for Dan and Kathi Bjorkman on all accounts except M000631 until Monday, August 24, 2009. Seconded by Comm. Koppenhafer and carried. The Board reviewed account number M000631. Kathi Bjorkman explained the mobile home issue. She said the double wide cannot be moved. They are appealing the assessed value of \$32,690.00. They estimate the value to be \$21,000.00. This mobile home is used for staff housing. After hearing the evidence presented Comm. Chappell moved to adjust the value of the mobile home on account number M000631 to \$28,000.00. Seconded by Comm. Koppenhafer and carried.

QUESTAR: Holland and Hart, Robyn A. Kashiwa filed appeals on accounts P100001, E100082, E100083, P100084, E100085, E100086, E100087, P100089, E100090, E100092, E100094, E100095, E100096, E100097, P100098, E100099, E100100, E100225, E1000226, P100330, P100331, and E100332 on behalf of Questar Exploration and Production Co. The appeals are concerning the Assessor's personal property valuations for tax year 2009. Assessor Mark Vanderpool gave an overview for these appeals for personal property tax year 2009. **Jerry Wisdom with Visual Lease Services** spoke as to the personal property located during various tours of the facilities. An e-mail was received from Robyn Kashiwa stating that Questar will not be attending the hearing. After hearing the evidence presented Comm. Koppenhafer moved to accept the Assessor's summary of values for Questar Exploration and Production Company for P100001, E100082, E100083, P100084, E100085, E100086, E100087, P100089, E100090, E100092, E100094, E100095, E100096, E100097, P100098, E100099, E100100, E100225, E1000226, P100330, P100331, and E100332 of the 2009 actual values presented, seconded by Comm. Chappell and carried. (See attached)

JESUS AND RENE J. FARIAS, JR are appealing their 2009 tax year valuation on account number R005978 on their property located at 27799 Road N. Appraiser Cynthia Claytor gave an overview of the appeal. She said the Assessor's Office adjusted the value at \$397,950.00, down from \$400,990.00. She stated the petitioner actually purchased the property for \$450,000.00. The petitioners were not present. After hearing the evidence presented, Comm. Chappell moved to agree with the Assessor's adjusted value of \$397,950.00 on account number R005978, seconded by Comm. Koppenhafer and carried. (See attached)

Board of Equalization was continued until August 24, 2009

NOMINATION LETTER: A letter nominating to the Colorado State University Extension Agency nominating Jan Sennhenn for the Alton Socfield award was presented. Comm. Chappell moved to sign the letter nominating Jan Sennhenn for the Alton Scofield Award, seconded by Comm. Koppenhafer and carried. (See attached)

Comm. Chappell moved to approve \$15,180.00 for the U. S. Department of Animal Control and to enter into the Wild Life Control Services agreement. Seconded by Comm. Koppenhafer and carried. (See attached)

POLICY CHANGES: Changes to the Montezuma County employee policy were discussed. The proposed changes concerns worker's comp. leave and time sheets for part time employees. Comm. Koppenhafer moved to approve the employee policy changes concerning worker's comp leave and the time sheets for part-time employees effective immediately, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: There was no correspondence noted.

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

MEETING ADJOURNED 4:40 p.m.

County Clerk

August 17, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 24, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 24, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

Larrie D. Rule, Chairman
Steve Chappell, Vice-Chairman
Gerald W. Koppenhafer, 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 Chappell** at 9:00 a.m. Recited the Pledge of Allegiance. **Comm. Rule** was absent until 2:20 p.m.

MINUTES of the regular meeting held on Monday, August 17, 2009 were read. Comm. Koppenhafer moved to approve the minutes of August 17, 2009 as corrected, seconded by Comm. Rule. Motion carried.

ROAD: Road Supervisor Dean Roundtree presented an agreement with CDOT. Comm. Koppenhafer moved to accept the agreement with the State of Colorado Department of Transportation to trade Type II cover coat chips for 700 tons of MC-800 cold asphalt mix, seconded by Comm. Chappell and carried. Comm. Rule was absent. (See attached) Discussed road V stating the Department will do some patching for now. He said there was a meeting set to discuss the condition Dolores- Norwood Road. He said the water trucks are out working on the roads today. Representatives from Mesa Verde National Park, Larry Wiese and Allan Loy met to discuss Road H.5. Mr. Wiese invited the Board to conduct a walk through concerning their new projects. He talked about the plans for the Park entrance. The construction of the entrance facility could begin in March or April, 2010. (See attached) Allan Loy discussed the right of way on Road H.5 (NW1/4 of S.33, T36N, R14W, N.M.P.M.) and asked if there are any plans for continued use of said ROW. He said there is now no use of the ROW. It was stated the property is owned by Mesa Verde Foundation on the North and Mesa Verde National Park on the South. The Board would like to see a letter or something from Mesa Verde Foundation stating their wishes concerning the road. A public hearing to vacate/abandon the road has been set for October 19, 2:00 p.m. A letter to Darwin Roe was presented requesting he remove a gate and relocate the fence from the ROW on a portion of Road M by September 18, 2009. If the gate is not removed by the deadline the Road Department is instructed to remove it. Comm. Koppenhafer moved to send a letter to notify Darwin Roe to remove the gate on Road M and relocate the fence from the 60' ROW, seconded by Comm. Chappell and carried. Comm. Rule was absent. (See attached)

MEMORANDUM OF UNDERSTANDING between Montezuma County and the Towns of Dolores and Mancos was presented for consideration. Comm. Koppenhafer moved to enter into a Memorandum of

Understand between the Towns of Dolores and Mancos to enhance their GIS capabilities in the region, seconded by Comm. Chappell and carried. (See attached)

HEALTH DIRECTOR LORI COOPER presented the Emergency Preparedness Grant in the amount of \$35,000.00 for approval. She said this is a continuation grant and is up from last year because of the H1N1 concerns. Comm. Koppenhafer moved to sign the contract between the Montezuma County Health Department and the Colorado State Department of Public Health and Environment for emergency preparedness waiver number 154, seconded by Comm. Chappell and carried. (See attached)

LANEY GIBBES along with Nancy Thomas, Jay Harrington and Dennis Story updated the Board on the emergency shelter. Ms. Gibbes discussed the work of the Bridge Emergency Shelter and said they are their own agency now and no longer under CARS. She presented an MOU for the use of the facility. She said the community support of the shelter is amazing. She presented the financial status balance sheet. The group discussed the tribal involvement with the facility. Comm. Koppenhafer moved to sign the memorandum of understanding between Montezuma County and the Bridge Emergency Shelter for the space and utilities for the facility located at 608 N. Mildred Road for the year 2009-2010 operations of the Bridge Emergency Shelter, seconded by Comm. Chappell and carried. (See attached)

PRIVATE ACTIVITIES BOND: Assignment of the County's 2009 allocation to the Colorado Housing and Finance Authority was presented. Comm. Koppenhafer moved to approve **Resolution 9-2009**, a resolution pursuant to the Colorado Private Activity bond ceiling allocation act authorizing Montezuma County's allocation to the Colorado Housing and Finance Authority, seconded by Comm. Chappell and carried. (See attached) **ASSIGNMENT OF ALLOCATION:** Comm. Koppenhafer moved to sign the assignment of allocation between Montezuma County and the Colorado Housing and Finance Authority, seconded by Comm. Chappell and carried. (See attached)

SHERIFF Gerald Wallace gave an update in regards to the Jail. Under Sheriff Dave Hart and Viki Worcester discussed intercom problems saying the control panels have gone down and talked about various other problems in the jail facility. Comm. Koppenhafer moved to approve an expenditure of up to \$120,000.00 to replace the control panel system at the Montezuma County Jail, seconded by Comm. Chappell and carried.

ASSESSOR MARK VANDERPOOL discussed the audit results pertaining to oil and gas. He talked about a letter received from Wildrose Audit Division concerning the 2009 property assessment study preliminary report. The letter regards the valuation of oil and gas production equipment under the category of Natural Resources. Assessor Vanderpool wrote a reply letter objecting to the audit division's recommendation to the State Board of Equalization related to the non-use of the BELS and valuation grids prepared and published by the Division of Property Taxation. (See attached)

ORDER NUMBER 0- 6-09 was presented to transfer \$1,638,603. 00 from the General Fund to the Unallocated Reserve Fund. Comm. Koppenhafer moved to transfer from the General Fund to the unallocated reserve fund in the amount of \$1,638,603.00 seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer moved to rename the unallocated reserve fund to be Fiscal Emergency Reserve Fund, seconded by Comm. Chappell and carried. It was noted that the Fiscal Emergency Reserve Fund is not to be confused with the County's Emergency Reserve Fund that's set aside for Tabor compliance purposes.

CLARA ORMISTION FUND REQUEST: Nila Tortoriello with Social Services presented a request from Laura Spencer-Wagner for funds from the Clara Ormiston Fund for cancer treatment. Ms. Tortoriello said the request for funding from the Trust is for chemotherapy medication. The request is \$3600.00 made payable to Southwest Oncology for the cost of the medication. Comm. Koppenhafer moved to approve **Order number 0-07-09** for the expenditure of \$3600.00 made payable to Southwest Oncology for the chemotherapy treatments for Laura Spencer- Wagner, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:05 p.m.

PLANNING; Planning Director Susan Carver presented the following planning items.

STEVEN AND DEBORAH ANDERSON: The final plat was presented for Steven and Deborah Anderson for a 3 lot moderate development known as Heaven Sent Acres, on 20 acres located at 21625 and 15450 Road Y, Yellow Jacket, Co. Director Carver gave an overview of the request. **Elliott Anderson** spoke on behalf of the request. Comm. Koppenhafer moved to accept the final plat of the Heaven Sent 3 lot moderate development, seconded by Comm. Chappell and carried. (See attached)

CODY HILL AND TIFFANY BOONE: A request to amend the common lot line of lots 2 and 3 on property owned by Cody Hill and Tiffany Boone located at 12807 Road 25 consisting of 3 acres, known as lot 3 of the 3 lot moderate development and on property owned by Bob and Nancy Hill located at 12797 Road 25, consisting of 6 acres known as lot 2 of the Hill 3 lot moderate development. Nancy Hill spoke about the application. Comm. Koppenhafer moved to give preliminary approval for lot 2 and lot 3 boundary line adjustment for the Hill 3 lot moderate development, 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 an AR3-9 zoning request and sketch plan for a proposed single lot minor development on 3 acres, more or less and AR35+ zoning on the remaining 75 acres +. The property is owned by Paul and Lillian Bostrom, located at 23866 Road L, Cortez. The roll was called, the public notice was read and the proceedings were taped for the record. Director Carver gave an overview of the application. Paul Bostrom spoke about the request in detail. Comm. Rule 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. Koppenhafer moved to approve the AR3-9 zoning request on a single lot development and AR35+ on the remaining 75 acres for Paul and Lillian Bostrom located at 23866 Road L, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this public hearing at this time.

PRELIMINARY PLAN was presented for review and determination for a single lot development consisting of 3 acres more or less owned by Paul and Lillian Bostrom and located at 23866 Road L, Cortez. Comm. Chappell moved to approve the preliminary plan for a single lot development on property located at 23866 Road L and owned by Paul and Lillian Bostrom, seconded by Comm. Koppenhafer 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 or a special use permit application on property owned by **Lewis Arriola Community Center** located at 21176 Road S, Cortez and consists of 8 acres more or less. The roll was called, the public notice was read and the proceedings were taped for the record. Director Carver presented the application to the Board. Chan Chaffin representing Lewis Arriola Community Center discussed the application further. He said the Center needs more parking and are purchasing 3 acres from Dianna and Ray Knuppel. Mr. Chaffin stated they are requesting the property being properly zoned or granted a special use permit. Comm. Rule opened the hearing to public comment at this time. **Don Lancon** spoke as to the use of the Center and thought a special use permit would be the best solution. Hearing no further public comment Comm. Rule closed that portion of the hearing. After hearing all the evidence presented Comm. Koppenhafer moved to approve an exemption for 3 acres located west of the Lewis Arriola Community Center from the Ray Knuppel property to be added to the 5 acres and to leave the property unzoned. Seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing at this time.

Comm. Chappell excused himself from the meeting at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining three separate high impact permit and special use permit applications as submitted by Bill Barrett Corp. for the purpose of constructing 3 new 5 acre well pads; horizontal drilling of up to 4 natural gas wells per pad; well completion and testing; if the wells are deemed to be productive, production facilities would be installed on the disturbed portion of the well pads. The roll was called, the public notice was read and the proceedings were taped for the record. The proposed well pad is known as 16-19-38-16 to be located on property owned by Stanley Mathies, et al; located at 21118 Road 22, Lewis. The application includes 2 proposed well pads known as 2-29-38-16 and 16-20-38-16 located on property owned by Roscoe Rose and located at 22600 Road X, Lewis. Director Carver gave an overview of the applications. Agent, Don Hamilton spoke on behalf of Bill Barrett Corp and discussed the applications in detail. He introduced Jim Felton and Monte Shed. Comm. Rule opened the hearing to public comment at this time. **M.B. McAfee** asked how they are getting to Road X. It was stated they use Road 25. **Wayne Goodall** said there is a lot of traffic going on 23 and would like to see intersection changes on Road 23 and Hwy. 184. Comm. Koppenhafer said they have permission from the landowner to change Road 23 at that intersection. He said Bill Barrett has been a "good neighbor". **M.B. McAfee** hopes the disturbances are planted back once the work is completed. Monte Shed responded to that comment. Comm. Rule closed the public comment portion. After hearing all the evidence presented, Comm. Koppenhafer moved to approve a high impact permit and special use permit for 3 new 5 acre well pads, one on property owned by Stanley Mathies located at 21118 Road 22, Lewis and 2 on the Roscoe Rose property located at 22600 Road X, Lewis. Seconded by Comm. Rule and carried. (See attached) Comm. Rule closed this hearing at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a request for a high impact permit and special use permit for the purpose of installing production equipment on the disturbed portion of well pad known as 16-19-38-16 owned by Stanley W. Mathies, et al located at 21118 Road 22, Lewis and on disturbed portion of well pads known as 2-29-38-16 and 16-20-38-16 owned by Roscoe Rose located at 22600 Road X, Lewis. The roll was called, the public notice was read and the proceedings were taped for the record. The application concerns construction of a well-connect pipeline associated with exploration wells that have been concurrently applied for by Bill Barrett Corp. as submitted by Williams Field Services Co., LLV, Don Hamilton and Andrea Walton, agents. Director Carver gave the overview of the applications. **Jeff Baumer and Don Hamilton** explained the applications in detail. Comm. Rule opened the hearing to public comment. **M.B. McAfee** asked why the permits were approved before having all the surface agreements signed and in the file. It was explained it was contingent upon those signatures and agreements being on file prior to construction being started. Hearing no further comments from the public, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve the high impact permit and special use permit for the purpose of installing production equipment and connection equipment up to a 16" line on well 16-19-38-16 on property owned by Stanley Mathies and 2 well pads on the Rose property 16-20-38-16 and 2-29-38-16 owned by Roscoe Rose, seconded by Comm. Rule and carried. (See attached) Comm. Rule closed the hearing.

FINDINGS: Director Carver presented the following findings for approval.

REED E. BAYLES AND SON: An AR35+ request for Reed E Bayles and Son, Steven Cochran agent, and **The Estate of Reed E. Bayles**, Mark Bayles, personal representative. The property is located at 12225 Road 33, Mancos consisting of 106 acres more or less and property located at 33100 Road M #G, Mancos consisting of 38 acres more or less. Comm. Koppenhafer moved to accept the findings of the Board of County Commissioners for Reed E. Bayles and Son located at 12225 Road 33, Mancos, seconded by Comm. Rule and carried. (See attached)

RONALD AND GINGER LEONARD: An AR10-34 zoning request and final plat for a 2 lot minor development known as the Dawson Draw Subdivision as requested by Ronald and Ginger Leonard located at 18499 Road 20, Lewis, consisting of 45 acres more or less. Comm. Koppenhafer moved to accept the findings of the Board of County Commissioners for Dawson Draw Subdivision located at 18499 Road 20, Lewis seconded by Comm. Rule and carried. (See attached)

NORTHWEST PIPELINE submitted a notice of their intent to install and construct a new receipt meter station at the existing Pleasant View Compressor Station located at 24970 Road 18, Yellow Jacket, Co. Director Carver explained the notice. She stated the meter will be mobile on skids and felt no threshold standards will be exceeded. Director Carver said she felt it would not exceed the existing use. **Stephen Knubel** explained their intent. Comm. Koppenhafer moved that they are in receipt of the notice from Northwest Pipeline of the intent to install and construct a new receipt meter station at the existing Pleasant View Compressor station and determined that no thresholds standards will be exceeded and the historic use will not change at this time and requires no further action at this time, seconded by Comm. Rule and carried. (See attached)

Board of Equalization was continued to September 14, 2009.

CORRESPONDENCE: The following correspondence was read and noted;
A law suit was received regarding the Empire Electric/Montezuma Valley Irrigation zoning. (See attached)

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

MEETING ADJOURNED 4:50 p.m.

County Clerk

August 24, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 14, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 14, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, August 24, 2009 were read. Comm. Koppenhafer moved to approve the minutes of August 24, 2009 as corrected, seconded by Comm. Chappell. Motion carried.

Breakfast at the Cortez Recreational Center with County, Cortez City Council, Dolores and Mancos Town Boards, and Tribal Council members was held at 7:00 a.m.

ROAD: Road Supervisor Dean Roundtree informed the Board concerning the employee situation for the Department. He said they had all the cold mix from CDOT. He talked about the road west of the Roundup then discussed work done on the McElmo Road. The Department has been hauling a lot of water and doing blade work on various roads. Supervisor Roundtree informed the Board of a letter that will be sent to a landowner concerning a driveway located at 6512 Road G. It was stated that said driveway is not in compliance with the County Road and Bridge Standards. (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of August, 2009. (See attached).

BOB CLAYTON with Kinder Morgan informed the Board of the protest they have filed with the BLM in response to the BLM's proposed management plan concerning their fluid mineral operations in the Canyon of the Ancients National Monument. He said there will be several from Kinder Morgan attending a meeting and asked if any or all of the Commissioners would be able to attend said meeting that is to be held in Denver on Thursday, September 17, 2009. The Commissioners will attend the meeting of Thursday, September 17, 2009 in Denver, Co.

VETERAN'S AFFAIRS: Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for August, 2009 seconded by Comm. Koppenhafer and carried. (See attached).

ORDER #0-08-09: Comm. Chappell moved to approve Order #0-08-09 in the amount of \$60,180.00 be transferred from the Capital fund to the General Fund, seconded by Comm. Koppenhafer and carried. This is for matching funds for the fence grant at the detention center. (See attached)

PAYROLL: General fund checks in the amount of \$346,620.80 District Attorney fund check #55922 in the amount of \$29,551.51, Treasurer fund check #55921 in the amount of \$254,461.36, Road department fund checks in the amount of \$76,884.07, Treasurer fund check #22373 in the amount of \$63,829.88; and Landfill fund checks in the amount of \$16,296.69, Treasurer fund check #6273 in the amount of \$14,002.43 were approved for payment.

BOARD OF EQUALIZATION was reconvened at 10:00 a.m.

DANIEL BJORKMAN: The Board of Equalization hearing for Daniel L. Bjorkman on account numbers R004373, R004517, R0012866, R013699, and R013700 was reconvened. The Board had requested receipts from their horseback riding activities before making any decisions. Mr. Bjorkman called in for the hearing. The roll was called and the proceedings were taped for the record. Assessor Vanderpool discussed the appeal and asked Mr. Bjorkman about the hay cuttings. He said this was the first year he has actually cut hay himself. Assessor Vanderpool asked about the use of Perry Lewis' horses for the horseback rides. Mr. Bjorkman said from 1998 to 2001 they had Rimrock and others augment his horses. Mr. Bjorkman stated that all the land is used either for haying, grazing, pasturing, or horseback riding. Assessor Vanderpool said that at least 10 acres of the 82 acre parcel of account number R004373 should be commercial as that is where the restaurant, RV spaces and rental cabins are located. Assessor Vanderpool said the question is what the primary purpose of the land is and if the property has been in compliance for agricultural use for two years or more. After hearing all the evidence presented Comm. Koppenhafer moved to classify all the property as agricultural with the exception of 10 acres of account number R004373 be classified as commercial, seconded by Comm. Chappell and carried. (see attached) Comm. Rule closed the hearing at this time.

ABATEMENT PETITION from **P & M PETROLEUM** for account number 0100080 (Clark Federal #1) was received. Assessor Vanderpool recommended approval of abatement for tax year 2008 in the amount of \$7,010.72 stating the well was actually plugged on April 3, 2007 and all equipment was removed and that no oil was produced from the well from 2004 to 2008. The roll was called and the proceedings were taped for the record. Assessor Vanderpool recommended approval of the abatement. The petitioners were not present. Comm. Chappell moved to agree with the Assessor's recommendation on Account number R0100080 with the correction of the assessed valuation for tax year 2008 of zero, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed the hearing.

SENIOR EXEMPTION PETITION was received from Kenneth Erickson. A denial for tax year 2009 was presented to the Board on account number R014579. The denial letter states that Mr. Erickson was not the continuous owner of record of the property from January 1, 1999 to present. Mr. Erickson stated in his appeal that he and his wife were told by their doctor to move three and a half years ago on account of their health. The roll was called and the proceedings were taped for the record. The petitioner was not present. The criteria for the senior exemption program was explained. The Assessor recommended the denial be upheld. Comm.

Chappell moved to approve the denial of the exemption on account number R014579 for reasons of law, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed this hearing at this time.

D L R: Bill Valdez and Shawn Donohoe, representatives from DLR Company met before the Board expressing an interest in designing any future Courthouse. They met to offer their services for any future building or remodeling of the court facilities, and discussed what the Board's vision for any facility remodels might be. The Board talked about future possibilities. The representatives said they could look at the floor plans, see what the needs might be, and do test fits to see what would be feasible with possible costs.

LETTER OF SUPPORT: County Administrator Harrison presented a letter of support for Southwest Center for Independence concerning a pending grant application. Comm. Chappell moved to sign the letter of support for Southwest Center for Independence as they apply for the Resident Opportunity and Self Sufficiency Grant, seconded by Comm. Koppenhafer and carried. (See attached)

REQUEST: A request was received from St. Margaret Mary Catholic Church for the use of the County Annex for Oktoberfest to serve beer and wine on October 10, 2009. Comm. Koppenhafer moved to approve the request from St Margaret Mary Catholic Church for the use of the County Annex on October 10, 2009 for Oktoberfest to serve beer and wine pending all necessary permits and insurance requirements be in place, seconded by Comm. Chappell and carried.

TREASURER'S REPORT: Comm. Koppenhafer moved to accept the Treasurer's Report of scheduled receipts and disbursements for the 6 month period of 1-1-09 to 6-30-09 as presented, seconded by Comm. Chappell and carried. (See attached)

AGREEMENT: Comm. Koppenhafer moved to sign the corporative agreement between Montezuma County and U.S. Department of Agricultural Animal and Plant Health Inspection Service Wildlife Services (APHIS-WS), seconded by Comm. Chappell and carried. (See attached)

AGREEMENT: Comm. Koppenhafer moved to sign an Intergovernmental agreement between the City of Cortez and Montezuma County regarding the building located at 309 N. Broadway, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:20 p.m.

LANDFILL site visit was conducted at this time.

CORRESPONDENCE: The following correspondence was read and noted;
Letter from DOLA in regards to LGGF #09-649 Montezuma County Sheriff's GPS interface. (See attached)
Colorado Board of Health agenda September 16, 2009.(See attached)
Final Determination Community Connections, Inc. and Montezuma County Sheriffs Posse (See attached)
Letter from State of Colorado CDPHE of their agreement concerning Lori Cooper's qualifications and her ability to perform the duties of Agency Director. (See attached)
Minutes for Dolores Water Conservancy District regular meeting dated 7/9/09. (See attached)
Order requiring certification of record for case number 09-CV-133. (See attached)

The Meeting was continued until Thursday, September 17, 2009 at 1:00 p.m. in Denver, Colorado for a meeting with the Deputy Director of Colorado State of Natural Resources.

The meeting was adjourned at the completion of the meeting.

County Clerk

September 14, 2009

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 21, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 21, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, September 14, 2009 were read. Comm. Koppenhafer moved to approve the minutes of September 14, 2009 as presented, seconded by Comm. Chappell. Motion carried.

ROAD: Road Supervisor Dean Roundtree discussed a portion of Road 30. He indicated the Road is a red signed road that is shown as a graded and drained county road and he said there is a locked gate across the road at Road W. The owners of record will be contacted. He informed the Board that a portion of Road S between Road 23 and 24 would be closed to do culvert work. A discussion was held concerning the County purchasing the culverts for Montezuma Valley Irrigation. He said the County currently furnishes the culverts, MVI installs the culverts and the County does the road patching.

Commissioner Koppenhafer excused himself from the meeting at this time.

ACCOUNTS PAYABLE: General Fund # 55919-56089 in the amount of \$209,863.22, Road Fund # 22372-22450 in the amount of \$666,893.60, and Landfill # 6275-6308 in the amount of \$23,979.17 for the month of August, 2009 were approved for payment.

ORDER 0-09-09 was presented to transfer from the Conservation Trust Fund to the Montezuma County General fund \$1,125.00 for Marianne Mate's salary for the McPhee Breakwater Project. Comm. Chappell moved to approve order 0-09-09 to transfer \$1,125.00 from the Conservation Trust Fund to the General Fund to pay Marianne Mate's salary for the McPhee Breakwater Project, seconded by Comm. Rule and carried. (See attached)

FIRE CODE: The Board was asked to appoint a fire code Adoption and Revision Commission. Comm. Chappell moved to appoint the area Fire Chiefs from each department to the Adoption and Revision Committee, seconded by Comm. Rule and carried.

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

Comm. Chappell moved to approve the serving of alcohol at the County Annex on October 22, 2009 by the Chamber of Commerce for their Business to Business meeting, subject to the issuance of the proper license by the City of Cortez. Seconded by Comm. Rule and carried.

HEALTH DIRECTOR LORI COOPER and Opal Stryker met to update the Board concerning the Personal Care Provider Agency and H1N1 flu. Ms. Stryker said the agency has 33 clients, down from 51. It was stated that 26 of the providers are family members and the remaining clients are cared for by the personal providers. Lori Cooper updated the Board concerning the H1N1 flu virus. She said the first vaccine could be in the form of a nasal spray.

SHERRIE BLACKMER called to reschedule her meeting with the Board.

EMERGENCY MANAGER: Doug Parker was introduced to the Board as the newly hired Emergency Manager for Montezuma County. He thanked the Board for the opportunity to serve as the emergency manager. He said his background is in law enforcement. He said he plans to meet with the community leaders and different entities to talk about their needs as well as any training needs that may be necessary.

FIRE BAN REMOVAL: Sheriff Gerald Wallace met to ask the Board for a resolution suspending the open fire ban. Comm. Chappell moved to approve **Resolution number 10-2009** suspending the ban on open fires and the use of fireworks in Montezuma County, seconded by Comm. Rule and carried. (See attached)

Sheriff Wallace informed the Board they have received the funding grant for staffing at the jail. Comm. Chappell moved to sign the recipient of funding grant under the Rural Law Enforcement Recovery Act, seconded by Comm. Rule and carried. (See attached)

LETTERS addressed to **Governor Bill Ritter, Rep. Scott Tipton and Mike King**, Deputy Director of the **Colorado Department of Natural Resources** were presented. Comm. Chappell moved to sign letters addressed to Governor Bill Ritter, Representative Scott Tipton and Mike King concerning the Canyon of the Ancients National Monument proposed Resource Management Plan (RMP) in western Montezuma County seconded by Comm. Rule and carried. (See attached)

FAIRGROUNDS Manager LeeAnn Milligan discussed the agreement with the County and Ag Expo regarding the costs and services involved with the fencing at the Fairgrounds. The Board stated the County had agreed to purchase the fencing materials. **LATER;** Comm. Chappell moved to sign the user agreement between Montezuma County and the Four States Ag Expo for 2009 and the agreed amount to be paid by Four States Ag-Expo of \$5,215.98 for the scheduled event, seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 12:00 noon

Comm. Koppenhafer returned to the meeting at this time.

PLANNING: The following findings and permits of already approved subdivisions, High Impact Permits and Special Use Permits was presented for review and determination:

VARIANCE CORRECTION: Comm. Koppenhafer moved to sign the variance correction on Edwin and Jennifer Wood correcting the legal description to Block 2, Lot 3 of Ranchland Hill Subdivision, seconded by Comm. Chappell and carried. (See attached)

FINDINGS for HEAVEN SENT, a 3 lot moderate development on 20 acres owned by Steven and Deborah Anderson was presented. Comm. Koppenhafer moved to sign the findings for Heaven Sent 3 lot moderate development, seconded by Comm. Chappell and carried. (See attached)

FINDINGS for High Impact Permit number 606 and Special Use Permit for Bill Barrett Corporation, applicant and Stanley W. Mathies, etal owners of property located at 21118 Road 22, Lewis, Co. was presented Comm. Chappell moved to approve the findings for high impact permit number 606 and special use permit for the purpose of the construction of one new county road approach; construction of a well pad with a footprint of 5 acres that may contain up to 4 wells; and if a well is deemed to be productive, certain well site facilities on property owned by Stanley Mathies known as Mathies 16-19, seconded by Comm. Koppenhafer and carried. (See attached)

FINDINGS for High Impact numbers 607 and 608 and Special Use Permit for Bill Barrett Corporation, applicants was submitted. The property is located at 22600 Road X, Lewis. Co., and owned by Roscoe Rose. Comm. Koppenhafer moved to approve the findings and high impact permit number 607 and special use permit for Bill Barrett Corp. LLC on property owned by Roscoe Rose for 4 natural gas well pads known as the Rose 2-29, seconded by Comm. Chappell and carried. (See attached) **Comm. Koppenhafer** moved to approve the findings and high impact permit number 608 and special use permit for Bill Barrett Corp. LLC on property owned by Roscoe Rose for up to 4 natural gas wells known as the Rose 16-20, seconded by Comm. Chappell and carried. (See attached)

FINDINGS for High Impact number 609 and Special Use Permit was presented. The applicant is Williams Field Services LLC. The permits were for natural gas pipeline installation of production facilities located on the Mathies and Rose properties. The purpose is for the installation of production equipment on the Rose and Mathies well pads, permit numbers, 606, 607, and 608 and for the construction of well connect pipeline segments. Comm. Chappell moved to approve the findings and high impact permit number 609 and special use permit on the Stanley Mathies property located at 21118 Road 22, and the Roscoe Rose property located at 22600 Road X, Lewis for the purpose of installing production equipment previously permitted to Bill Barrett Corp under high impact permit numbers 606, 607, and 608 with pipelines located in Sections; 20, 29, and 21, Ttownship 38N, Range 16W, N.M.P.M , seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING Director Susan Carver informed the Board of a scheduled public hearing on the proposed Land Use Code Amendments for 1:30 in the afternoon of October 26, 2009.

PUBLIC HEARING: It being the time set aside a public hearing is held for reviewing and determining a recommended Road Impact Fee Schedule as prepared by **TischlerBise**, a fiscal, economic and planning consultant firm. The roll was called, the public notice was read and the hearing was taped for the record. **Dwayne Guthrie** with TischlerBise gave a power point presentation explaining the report. Comm. Rule opened the hearing to public comment at this time. **Cap Allen** said some sort of mechanism should be in place to monitor the building of new homes or development and asked if the fee would be by how many bedrooms there are. **Melissa Matthew** discussed the septic permit applications and those septic systems that have not yet been installed. **Danny Wilkin** asked about the proposed fees for residential and about existing permits and lots. He asked when the fees would be adopted. **Melissa Matthews** spoke about how this would affect unsold lots and roads already constructed. **Jerry Giacomo** asked how the fees are distributed and if it is locale specific. **Greg Kemp** stated that the proposed system does not take into account the simplicity of the fee collection and

collecting the fees upfront before any actual construction begins. **Danny Wilkin** stated he would like to see a practice developed to let the developer know how the impact fees they pay are used. **Cap Allen** talked about the implementation and talked about the septic systems and the ability to locate the people who have not completed the process. **Danny Wilkin** talked about the mileage amounts and why not bring single family residences impact costs lower. Hearing no further public comment, Comm. Rule closed that portion. **Linda Workman** talked about additional homes on properties. Comm. Chappell moved to continue this hearing until November 2, 2009 at 1:30 p.m., seconded by Comm. Koppenhafer and carried. (See attached)

JAMES E. LARUE, AKA Larue Family Investments, LLC: A request was presented to review and determine to amend Lot 4 of the Fairgrounds PUD consisting of 3.12 acres located at 29385 Road J.25, Cortez.. The request is to combine a parcel of land consisting of 2.8 acres thereby creating a 5.9 acre parcel as Lot 4. An addendum for review of high impact permit number 588 was presented. Susan Hart with Maness and Associates explained the addendum. Comm. Chappell moved to give preliminary approval to James LaRue's request to add 2.8 acres to Lot 4 to his existing lot on High Impact Permit number 588, seconded by Comm. Koppenhafer and carried. (See attached)

CODY HILL AND TIFFANY BOONE: Cody Hill and Tiffany Boone owners of property located at 12807 Road 25, Cortez and Bob and Nancy Hill owners of property located at 12797 Road 25, Cortez are requesting the Board to approve a common lot line between two parcels within the Hill Moderate Subdivision, a 3 Lot Moderate Subdivision. It was stated no new lot would be created. Comm. Koppenhafer moved to grant preliminary approval to vary the size of lot 3 of the Hill Moderate Subdivision to below 3 acres due to the fact a pond was used to create the lot and is un-useable property, seconded by Comm. Chappell and carried.

CHUCK AND BETSY DOOLEN are making a request to remove a single wide mobile home and add a modular home to property located at 26202 Road L, Cortez. Director Carver said a high impact permit is in place for the commercial use on the property under permit no. 198. She further stated that the sanitation requirement for the modular home will be met per the County Health Department. It was stated the modular home would increase the original site plan footprint and are therefore amending the site plan. Comm. Chappell moved to amend the site plan for Diesel Technology by amending High impact permit number 198 and change the name on high impact permit number 198 from Larrie Rule and Pat DeGagne to Chuck and Betsy Doolen, seconded by Comm. Koppenhafer and carried.

HART FAMILY: A request to review and determine a common lot line amendment within the Hart Family 2 lot minor development consisting of 37 acres was presented. The properties are located at 13812 and 13708 Road 28, Dolores and owned by Richard and Helen Lee. Comm. Koppenhafer moved to approve the amended final plat for the Hart Family Tracts a minor subdivision, seconded by Comm. Chappell and carried.

RICHARD VUKELICH: A request was presented for review and determination to amend the common lot line between lot 1 and lot 2 of the 2 lot Herrington Minor Development located at 21555 Road F, Cortez. Comm. Koppenhafer moved to approve the Herrington minor development amended plat increasing the size of lot 2 to 4.5 net acres, seconded by Comm. Chappell and carried.

LAND USE CODE COMPLAINT: A land use complaint was received concerning a change of land use on property located at 21600 Road F, owned by Rick and Rita Harrington. It was stated there is operations of a towing and storage yard which constitutes a change of use. A letter will be sent to Mr. and Mrs. Harrington in regards to the complaint. (See attached)

KEN BANKS: Existing uses on property located at 27688 US Hwy. 160 was presented for review along with a request for a variance to the setback requirements for auxiliary structures from the 25 foot setback to a 10 foot setback. Applicant, Ken Banks would like to build a lean-to/vehicle shelter on the northwest side of the property. However, Director Carver stated that the setback requirements cannot be met due to the shape of the

tract and a canal. Director Carver said the property is currently unzoned. She said a mobile home was on the property when Mr. Banks purchased the property and has since been removed. The existing high impact permit number 436 is in the name of Good Time Sports, Ty Hawkins, applicant and he would like to change the name on the existing permit from Good Time Sports to Shooters World, Ken Banks applicant. Mr. Banks said he is expecting letters from Jim Siscoe of Montezuma Valley Irrigation and his neighbor stating they don't have any objections to his proposed plans. Comm. Koppenhafer moved to approve a variance from the setback regulations from 25 feet to 10 feet because of the location of the septic system and the location of the buildings to the canal and to change the name from Good Times Sports to Ken Banks, Shooters World on high impact permit number 436, seconded by Comm. Chappell and carried.

CORRESPONDENCE: The following correspondence was read and noted;
Letter to Skanska USA Civil West concerning historical uses on property located at 22419 Road G, Cortez was marked as received on 9/15/09 by Shad Peabody. (See attached)
Notice of 2010 preliminary budget workshop of the Southwestern Water Conservation District. (See attached)

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

MEETING ADJOURNED 5:20 P.M.

County Clerk

September 21, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 28, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 28, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

Larrie D. Rule, Chairman - ABSENT
Steve Chappell, Vice-Chairman
Gerald W. Koppenhafer, 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 Chappell** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, September 21, 2009 were read. Comm. Koppenhafer moved to approve the minutes of September 21, 2009 as corrected, seconded by Comm. Chappell. Motion carried.

GRANDPARENT GUARDIANSHIP: Comm. Koppenhafer moved to approve the Grandparent Guardianship Policy number 010-CWP effective October 5, 2009, seconded by Comm. Chappell and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree discussed the employee situation. Supervisor Roundtree said he met with Jimmy Porter concerning a problem with an irrigation pipe. Dean indicated that the pipe may be too short and needs to be extended. Supervisor Roundtree informed the Board of a meeting with CDOT on September 29, 2009 in regards to Road 23. Signage concerning the road work on Road S informing the public of the road closure has been in place. There has been some cold patch road work done on Road V. It was stated that a lot of trucks are using a portion of Road Y in Yellow Jacket. Supervisor Roundtree will check into the signage concerning truck traffic on that road to see if they may need replaced. Gravel is being spread on portions of Road 24.

ORDER 09-11-09: Comm. Koppenhafer moved to approve Order 09-10-09 to transfer from the Emergency Telephone Fund to the Road and Bridge Fund one half salary and fringe benefits for the addressing analyst in the amount of \$18,858.00 for 2009, seconded by Comm. Chappell and carried. (See attached)

ORDER 09-11-09 Comm. Koppenhafer moved to approve Order 09-11-09 to transfer from the Road and Bridge Fund to the General Fund one half salary and fringe benefits for the GIS Specialist in the amount of \$29,037.00 for 2009, seconded by Comm. Chappell and carried. (See attached)

ORDER 09-12-09: Comm. Koppenhafer moved to approve Order 09-12-09 to transfer from the Law Enforcement Authority Fund to the General Fund the amount of \$344,819.00, seconded by Comm. Chappell and carried. (See attached)

UTE MOUNTAIN ROUNDUP; Slim McWilliams, Chuck Forth, Rob and Bob Yates representing the Ute Mountain Roundup gave a recap of this year's roundup. Mr. McWilliams said the income was up but the attendance was down. It was stated that all the bills and debt was paid and \$5,000.00 was set aside for future upgrades to the facility. A proposal was made to the Board for the right to sell and install signs to sponsors to be placed on parts of the arena. He said the signs would be a permanent metal type sign that would be placed along the return pen and around the chutes. It was stated that no sign advertising tobacco or alcohol would be allowed. The Board granted permission for the Ute Mountain Roundup to install signs at the outdoor arena and the Ute Mountain Roundup will be responsible for the signs including the collection of all fees for the signs and remit \$200.00 per sign to the County.

FEE SCHEDULE: Comm. Koppenhafer moved to approve the new rate schedule for the Montezuma County Fairgrounds as of September 28, 2009, seconded by Comm. Chappell and carried. (See attached)

LIQUOR LICENSE: Clerk's Deputy Judy Follman presented a retail liquor license renewal for Dawson Lake Store. She said there have no problems reported with the facility. Comm. Koppenhafer moved to approve the malt and spirituous retail liquor license renewal for the Dawson Lake Store , seconded by Comm. Chappell and carried.

ENERGY AND MINERAL IMPACT ASSISTANCE GRANT: Comm Koppenhafer moved to approve the Energy and Mineral impact assistance program grant contract encumbrance number F10S6596 between DOLA and the Board of County Commissioners, County of Montezuma, seconded by Comm. Chappell and carried. (See attached)

HEALTH DEPARTMENT: Comm. Koppenhafer moved to approve the amendment between Montezuma County Health Department and the Department of Public Health and Environment routing number 10-5236, seconded by Comm. Chappell and carried. (See attached)

AGREEMENT: Comm. Koppenhafer moved to sign the dental hygienist agreement between Montezuma County Health Department dba Montezuma County Smile Makers Dental Program and Maria Louise Hustafa, RDH, seconded by Comm. Chappell and carried. (See attached)

A DISCUSSION was held regarding the scheduling of a public hearing to consider amending the County's current vicious dog resolution.. Sheriff Wallace and Undersheriff Hart talked about the care and control of dogs and other animals in the County and defining what care and control is. They talked about enforcement issues and personnel as well as expenses at the animal shelter. A public hearing will be scheduled.

WANDA MARTIN with the Sheriff's Office presented a contract agreement for the purchase and installation of a security control panel at the detention center for signature. Comm. Koppenhafer moved to approve the contract between Montezuma County Sheriff's Office and Comtec LLC for the purchase and installation of equipment at the Montezuma County Jail, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:15 P.M.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR10-34 zoning request for a tract of land consisting of 22 acres created by an exemption process. The roll was called, the public notice was read and the proceedings were taped for the record. The property is owned by Gary T. & Teresa Liles-Griffin located at 19226 Road 22, Lewis, Co. Margaret Clauson with the Planning Department gave an overview of the request. Gary Griffin explained the application in detail. The Griffins wish to convey 35 acres more or less to Kenneth and Karen Thomsen thereby creating an 85 acre parcel for the Thomsen's and a 15 acre parcel for the Griffins. The Griffins are requesting an exemption from the subdivision process as no new lot shall be created. Comm. Chappell 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. Koppenhafer moved to approve Resolution P-13-09 providing an exemption for Gary T and Teresa Liles-Griffin creating a parcel of 22.5 acres and to approve AR10-34 zoning for that parcel, seconded by Comm. Chappell and carried. (See attached)

CODY HILL AND TIFFANY BOONE. Margaret Clauson with the Planning Department presented for review and determination, a final plat to amend a common lot line between lot 2 and lot 3 of the Amended 3 lot Hill Moderate Development on property located at 12807 Road 25, owned by Cody Hill and Tiffany Boone and property owned by Bob and Nancy Hill located at 12797 Road 25, Cortez, Co. They are also requesting a variance. Comm. Koppenhafer moved to approve the second amended plat of the Hill 3-lot moderate development with the addition to the final plat of number 7, a variance to the minimum lot size was approved with conditions for said approval by the Board of County Commissioners on September 2, 2009, seconded by Comm. Chappell and carried.

SHERIFF WALLACE AND ATTORNEY MICHAEL GREEN met with the Board reporting concerns they have with a Judge's order in regards to placing a person in the home detention program.

FAIR BOARD: Comm. Koppenhafer moved to appoint Luann Meyer to a four year term on the Montezuma County Fair Board, seconded by Comm. Chappell and carried. (See attached)

LETTER OF SUPPORT: Comm. Koppenhafer moved to sign a letter of support of the Community Radio Project Inc.'s efforts at purchasing and rehabilitating the Montezuma Valley National Bank Building at #2-8 Main Street, Cortez, Co. Seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted;
Letter from City of Cortez in reference to a public hearing for annexation of property.(See attached)

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

MEETING ADJOURNED 3:30 P.M.

County Clerk

September 28, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 5, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 5, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, September 28, 2009 were read. Comm. Chappell moved to approve the minutes of September 28, 2009 as corrected, seconded by Comm. Koppenhafer. Motion carried.

ROAD: Road Supervisor Dean Roundtree updated the Board on the meeting with CDOT regarding Road 23. He said the meeting went well. He stated he talked to Mike Higman with Montezuma Valley Irrigation. Mr. Higman said he talked to Jim Siscoe concerning the Garrett Ridge Ditch. They want the County to haul dirt to the project. Supervisor Roundtree will talk to Mr. Higman again. County Administrator Harrison said he would like to implement a hiring freeze at the Road Department and will revisit the situation sometime in January. Supervisor Roundtree talked about the road work being done on Road S. Dean informed the Board about the road grants stating all grants are completed at this time. Dean talked about the stockpile of gravel and said they should be able to go through the winter pretty well. Cecil Monger asked if the county could gravel a small portion of Road F.4. It is listed as a red signed road. The road is in a plated subdivision and the County does not furnish gravel, sell gravel or do any work on subdivision roads.

PAYROLL: General fund checks in the amount of \$368,073.02, District Attorney fund check #56095 in the amount of \$30,392.01, Treasurer fund check #56096 in the amount of \$266,889.55, Road department fund checks in the amount of \$79,141.94, Treasurer fund check #22375 in the amount of \$64,528.08; and Landfill fund checks in the amount of \$16,247.64, Treasurer fund check #6274 in the amount of \$14,059.17 were approved for payment.

LIQUOR LICENSE; Clerk's Deputy Tammy Neely presented liquor license renewals for the following:

Log Cabin liquor. A liquor license renewal was presented for a retail liquor license. Comm. Koppenhafer moved to approve the retail liquor license renewal for Log Cabin Liquors, seconded by Comm. Chappell and carried.

Maverick Country Store: A renewal for a 3.2 beer license was presented. Comm. Koppenhafer moved to approve the renewal of a 3.2 beer license for Maverick Incorporated. Seconded by Comm. Chappell and carried.

SPECIAL EVENT LIQUOR LICENSE for United Way of Southwest Colorado to be held at the Four Seasons Nursery was discussed. The event is scheduled to be held December 3rd. Deputy Neely said the premise needs to be posted and she will bring the application back on October 26th.

COMPREHENSIVE LAND USE PLAN A summary presentation of the focus group meetings regarding the comprehensive land use plan was discussed. Planning Director Susan Carver along with Jon Callendar and Andy Logan with the Planning Commission talked about the comprehensive plan review workshops conducted by the Planning Commission over a five month period from May to September, 2009. Mr. Callendar said there was light attendance at the workshops but the input was good. The Planning Commission recommends that the Plan not be revised or rewritten. Instead the Plan should be updated. He said there were four immediate additional actions to bring the Plan and Code into congruence: one being enforcement of the land use code, second concerning zoning districts, third to create a strategic plan for natural resource development and lastly to include a requirement for analysis of cumulative impacts in the land use code. (See attached) They discussed a process on handling land use complaints between the complaining party, the land owner, the Planning Commission and the Board. Zoning was talked about. The Planning Department and Planning Commission will look into preparing a plan focused on zoning the County. The Board thanked the Planning Commission and Planning Department in their efforts in holding the meetings and all the work done concerning the comprehensive land use plan.

MONTEZUMA COUNTY PARTNERS: Brian Kelley with Montezuma County Partners met to discuss supportive services for runaway and homeless youth and grant monies distributed among 6 counties throughout the State. He talked about fund raising programs. He talked about a Green Light Project to try to make the community aware of the runaway and homeless youth and to support those youth. He asked about a representative from the County on a subcommittee concerning this project. The Board said he should talk to Dennis Story with Social Services to act as the County representative. (See attached)

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 high impact permit and special use permit application request for the purpose of constructing and operating a temporary/interim portable hot mix asphalt plant. The roll was called, the public notice was read and the proceedings were taped for the record. The applications were submitted by Noland, Inc. Tom Shover and Eric Prytherch agents with Ledcor CMI Inc. The property is located at 38251 Hwy. 160, Mancos. Co. Planning Director Susan Carver gave an overview of the applications. Eric Prytherch with Ledcor CMI Inc. presented a power point presentation in regards to the applications. He explained the company's make up and what their values are and how they approach any job they are involved with. He talked about their plans for the operation in detail. **Andy Logan** Planning Commission member discussed the Planning Commission's motion concerning the requested permits. Comm. Rule opened the hearing to public comment at this time. **Jim Burton** said he is not opposed to the operation but has concerns with traffic. He would like to see proper mitigation given to the traffic. **John Fleitz** also has concerns with traffic. **Tom Vaughan** passed out a letter (see attachment A).

Thanked the Board and read said letter with his concerns. **Jim Law** said he has no problem with the plant if Ledcor runs the operation like they say they will. He would like for the County to have a baseline in the beginning. He also wanted to know where the crushing operations will be located. **Dick Perry** talked about protecting the air quality. He would also like for the Company to set up a fund maintained by the Commissioners for proper monitoring with penalties. **Sara Staber** first read a letter from Betsy Harrison expressing Ms. Harrison's concerns about air quality and truck traffic. (see attachment C) Ms. Staber spoke on her own behalf talking about the health and safety issues and air quality and would like to see a third party monitoring done.(see attachment D) **Greg Kemp** read a letter from Patricia Burk (See attachment B) Mr. Kemp talked about the dust mitigation that has been done by Ledcor and said they have done an outstanding job. He said the application is incomplete concerning the air quality reports. He said the environment in the Mancos Valley is unique. **Dave Sipe** spoke about reviews and controls. He talked about traffic, health and safety issues. **Sylvia Fleitz** asked about what type of asphalt is being discussed. What emissions are they monitoring. She is also concerned about the traffic. **Jerry Giacomo** talked about third party monitoring as well. Hearing no further public comment, Comm. Rule closed that portion of the hearing. A five minute break was taken. Meeting resumed. Mr. Prytherch responded to the questions raised during the public comment portion. He said the company doesn't really deal with third party monitoring but they do everything they can to control clean air. He talked about traffic issues. In answer to maximum truck traffic, he stated it would still be around 22 trucks and commented about the hours of operation. Comm. Koppenhafer said they may have someone there representing the County when the air monitoring is being done and will show up at other times throughout the operation. Mr. Prytherch responded to Commissioner question's as well. Comm. Rule opened the hearing back up to public comment. **John Fleitz** still has traffic concerns with maximum truck traffic. **Jim Law** said there is a contract between Ledcor and Sky Ute concerning the gravel. **Greg Kemp** would like to suggest the Board not make any decision today until the sub contractors have an opportunity to address their positions. He asked what the California monitoring standards are. **Tom Vaughan** talked about the traffic in regards to Sky Ute. **Sara Staber** spoke about how all the permits are interrelated. **Nancy Segal** talked about the completion of the applications. Comm. Rule closed the public comment portion again. Comm. Koppenhafer moved to continue this public hearing until October 19, 2009 at 4:00 p.m., seconded by Comm. Chappell and carried. Comm. Rule continued this hearing until October 19, 2009 at 4:00 p.m.

PLANNING: Planning Director Susan Carver presented for review a land use code complaint regarding an alleged violation of permit requirements for a commercial business. A response letter to the complaint has been filed by Rick Herrington. Mr. Herrington's letter states he does not use the property for commercial purposes. A public hearing will be scheduled for November 2, 2009 at 3:00 p.m. concerning the alleged violation.

FINAL PLAT: Director Carver presented for review and determination of a final plat for an exemption request from Gary and Teresa Griffin on property located at 19226 Road 22, Lewis, Co. The Griffins are selling 22 acres to the neighbors. Comm. Chappell moved to approve the exemption plat for the Griffin property (P-13-09), seconded by Comm. Koppenhafer and carried.

CASEY AND LORRIE BLACKMER: A request was received from Casey and Lorrie Blackmer to amend the platted access points to lots 1 through 4 of the Star View Tracts-A Cluster Incentive Planned Unit Development. The property is located at the intersection of Road BB and Road 18. Comm. Chappell moved to approve the first amended plat to the Star View Tracts, a cluster incentive planned unit development, seconded by Comm. Koppenhafer and carried.

Comm. Koppenhafer moved to approve the scope of work on the H1N1 in the amount of \$85,322.00 for phase II and III, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted;
No correspondence presented.

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

MEETING ADJOURNED 5: 00 P.M.

County Clerk

October 5, 2009

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 12, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 12, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, October 5, 2009 were read. Comm. Koppenhafer moved to approve the minutes of October 5, 2009 as presented, seconded by Comm. Chappell. Motion carried.

TOM WEAVER AND DAN SELZER asked the Board for a letter of support concerning Fort Lewis College's efforts in procuring a master lease on the State Trust Land located south of Hesperus. The current lease for the Colorado State University will terminate on June 30, 2010. Comm. Chappell moved to sign a letter of support for Fort Lewis College to obtain a lease from the State Land Board. Seconded by Comm. Koppenhafer and carried. (See attached)

THE FOLLOWING BUDGET PRESENTATIONS WERE PRESENTED:

SHERIFF'S OFFICE AND JAIL: Sheriff Gerald Wallace and Undersheriff Dave Hart presented their budget requests for the Sheriff's Department and discussed the needs for the upcoming year. They talked about salary ranges through out the State and how they are having difficulty in recruiting officers. They talked about the funds from the Law Enforcement Authority.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of September, 2009. Manager Barton along with **Tim Bates** discussed the 2010 budget for the Landfill and possible expenses that might occur next year..

ASSESSOR'S OFFICE: Assessor Mark Vanderpool presented his budget request for 2010. He talked about payroll increases and would like to have his part-time employee become a full time employee to serve as an appraisal and administration clerk. He would like to be more aggressive in the field.

DISTRICT ATTORNEY'S OFFICE: District Attorney Jim Wilson discussed the District Attorney's Office budget for 2010. He talked about the number of jury trials which requires an increase in the time it takes for

trail preparation. He stated the need to add a county court deputy. He talked about the work load on the support staff and how he would like to increase the salaries.

TERMINATION APPEAL: The employee appealing his termination when asked if he wanted a closed or open meeting he stated he did not care, therefore the meeting was an open meeting. Administrator Harrison discussed the hiring of David Sanchez in the maintenance department. Mr. Sanchez is appealing his termination. It was stated Mr. Sanchez was given a 90 day grace period in order to obtain his drivers license when he was hired. A valid driver's license is a requirement of the position held by Mr. Sanchez. Mr. Sanchez has pled guilty to a DUI citation. The County motor vehicle insurance does not cover drivers who have received such violations Mr. Sanchez discussed his termination and said he would like to keep his job. He said he has applied for his own insurance which is required and he said he is applying for a red license that would allow him to drive to work. Comm. Chappell moved to uphold the termination by the department head, seconded by Comm. Koppenhafer and carried.

LUNCH: 12:04 p.m.

COUNTY CLERK AND RECORDER AND ELECTIONS: County Clerk Carol Tullis presented the budget for the Clerk and Recorder's Office and the Elections Department for budget year 2010. She said the work load in all departments keeps increasing and the staff is extremely busy and requested a payroll increase. Her main concern and need at this time is more space.

TREASURER'S OFFICE AND PUBLIC TRUSTEE: Treasurer Dyess is unable to attend as she is out of the office at a conference. County Administrator Harrison gave the overview of her budget requests. One request is the ability to hire a part-time employee for her office.

COMPUTER SERVICES: Rob Peterka gave a brief history of how the IT department has evolved. He asked the Board for an additional IT technician due to the increased computer needs for all departments and gave an overview of other requests.

PUBLIC HEALTH AGENCY: Health Department Director Lori Cooper discussed the budget increases she is requesting for the 2010 budget cycle and asked for a cost of living increase for her employees. She said her budget is stable at this point. County Administrator and Director Cooper discussed how the WIC program is funded and the County's involvement in that program.

James Dietrich updated the Board in regards to the Governor's decision concerning the resource management plan. He presented letters thanking Rep. Ellen Roberts, Rep. Scott Tipton, and Sen. Bruce Whitehead thanking them for their support on behalf of our community in dealing with the proposed BLM Resource Management Plan for Canyons of the Ancients National Monument. Comm. Chappell moved to sign the letters to our Representatives thanking them for all the support given the Board concerning the Monument Proclamation, seconded by Comm. Koppenhafer and carried. (See attached)

SENIOR SERVICES AND TRANSIT: Sue Fletcher and Mary Holiday discussed their 2010 budget needs concerning the public transportation and senior services.

COUNTY ADMINISTRATOR Harrison gave a summary of the 2010 budget for the County.

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

MEETING ADJOURNED 5: 15 P.M.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 19, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 19, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, October 12, 2009 were read. Comm. Koppenhafer moved to approve the minutes of October 12, 2009 as presented, seconded by Comm. Chappell. Motion carried.

LETTERS: Comm. Koppenhafer moved to sign letters concerning the Canyons of the Ancients proposed resource management plan addressed to Senators Michael Bennett and Mark Udall and Representative John Salazar, seconded by Comm. Chappell and carried. (See attached)

SHERRI BLACKMER met to discuss her being put on administrative leave. She asked why she was singled out to be placed on said leave. Administrator Harrison stated she has been placed on paid administrative leave due to the decrease in work load. She mentioned other concerns she had about her position. Administrator Harrison reminded her that she was offered another part time position with the health department for the same wage and hours but she declined the offer. She asked several questions about the day to day operations and budget information in regards to the personal care provider agency. She was given a financial printout for budget year 2008. One of her concerns is for the 56 clients and 48 providers and if the care will continue through other providers. She expressed her disagreement in how the personal care provider care program was handled. Ms. Blackmer stated she was never given a County employee handbook and would like to see a copy of the drug and alcohol policy. Administrator Harrison explained the County procedures in regards to the drug and alcohol policies.

ROAD: Road Supervisor Dean Roundtree informed the Board of a call he received from Vern Harrell with the Bureau of Reclamation in regards to the County taking over control of bridges over the canals on county roads. The Board requested a letter from Bureau of Reclamation stating the identity of the bridges in question. He had a discussion with Mike Higman with Montezuma Valley Irrigation about the County hauling road to the Garrett Ridge Ditch. They discussed the Dolores-Norwood road. **Penny Wu** met to talk about the BLM proposed closing of a portion of road 22 (Mud Springs). She stated the mineral rights are owned by Darren and

Cathy Stone and she stated the BLM would like to eliminate the current access on Road 22 and move the access road north and BLM would like to build a parking lot there. She was instructed to get with the Planning Department. Ms. Wu talked about preliminary plan for the Rico/West Dolores project.

VETERAN'S AFFAIRS: Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for September, 2009 seconded by Comm. Rule and carried. (See attached).

ACCOUNTS PAYABLE: General Fund # 56091-56272 in the amount of 325,817.87, Road Fund # 22456-22522 in the amount of \$79,416.43, and Landfill # 6311-6345 in the amount of \$62,105.62 for the month of September, 2009 was approved for payment.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted; Director Dennis Story, Lori Higgins and Lou Ann Everett were present. The 2010 budget was presented for the Department of Social Services.

SPECIAL EVENTS LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented an application for a special event from Pine River Arena Association. The event is for rodeos to be held at the Fairgrounds on November 14th and 21st, 2009. Becky Cugnini appeared representing the Pine River Arena Association. Deputy Neely stated there is a 30 day window and posting for ten days is required. She said a letter from the property owner will need to be written and there needs to be an area designated for the sale/service of the alcohol. Deputy Neely will post the premises today and reschedule hearing the application for October 26, 2009.

ABATEMENT: An abatement appeal was received from Paula Stearman on account number R007249 for tax year 2008. The property is located at 12163 Hwy 145, Dolores, Co. It was stated the property was leased as residential as of 1/1/2008. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor presented the petition. She stated the property was listed as commercial and is actually being leased as residential since January 1, 2008. Comm. Chappell moved to agree with the Assessor's abatement recommendation for Paula Stearman on account number R007249, seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 12:00 noon

PLANNING: A request was received from the City of Cortez for an exemption to the high impact permitting process for the construction of a 900 sq. ft. facility on property located at 27999 Road N (City's water treatment plant), Cortez, Co. This would not result in a 10% increase in the current permitted uses. Planning Director Susan Carver gave an overview of the application. City Manager Jay Harrington and City Planner Kirsten Sackett representing the City of Cortez discussed the project in detail and gave a timeline. Comm. Chappell moved to approve the exemption from the high impact permit process for the City of Cortez for the construction of a 900 square foot facility on property located at 27999 Road N, Cortez. Seconded by Comm. Koppenhafer and carried. (See attached)

Director Carver presented e-mails from Williams Field Services and Bill Barrett Corp. concerning their activities in the area and traffic data for pipeline construction. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held to consider a resolution to vacate and abandon an unimproved portion of County Road H.5. The roll was called, the public notice was read, and the hearing was recorded for the record. It was explained that this portion is approximately one half mile long west of Road 35.5 and south of US Hwy 160. This portion of the road is located on private property and ends on said property. Loretta Murphy gave an overview of the vacation of a portion of said road for the record. Larry T. Weise, Glenna Vigil, and Allan Loy with Mesa Verde National Park met to discuss their request further. Mr. Weise stated that Mesa Verde National Park Service requests that Montezuma County vacate the unimproved portion of Road H.5 and requested that the County execute quit claims deeds, in order that the National Park Service and Mesa Verde Foundation obtain any and all interest that Montezuma County may have in said road. Mr. Loy said the last known use of the road was in 1966. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment that portion was closed. Hearing all the evidence presented Comm. Chappell moved to vacate and

abandon an unimproved portion of County Road H.5 as referenced in a deed dated May 14, 1912 recorded in The County Clerk and Recorder's Office in Book 35, Page 403 for the legal description of said property, seconded by Comm. Koppenhafer and carried. As to Mesa Verde National Park's request for quit claim deeds, none were signed at this time. Comm. Rule closed this hearing. (See attached)

Loretta Murphy, Planning Director Susan Carver and Road Supervisor Dean Roundtree discussed adopting a formal procedure of vacating a recorded public right -of- way and a one page application.

LARUE FINAL PLAT: The Larue Final Plat was presented for review. The property is located at 29385 Road J.25, Cortez and also known as Lot 4 of the Fairgrounds PUD owned by Larue Family Investments, LLC The request is to amend lot 4 and combine two properties with no new lot being created. Comm. Koppenhafer moved to sign the amended plat of the Fairgrounds Planned Unit Development, seconded by Comm. Chappell and carried.

CWIN IGA AGREEMENT/LEASE: An IGA concerning the tower and equipment located on the Ute Mountain site was presented. Comm. Koppenhafer moved to sign the intergovernmental agreement/lease between Montezuma County and the State of Colorado Governor's Office of Information Technology (OIT), seconded by Comm. Chappell and carried. (See attached)

CONTINUED PUBLIC HEARING: The continuation of the public hearing for reviewing and determining a high impact permit and a special use permit application request for the purpose of constructing and operating a temporary/interim portable hot mix asphalt plant on property located at 38251 US Hwy 160, Mancos, Co., (mining area known as the Cedar Point Pit.) The application is submitted by Noland, Inc/ Tim Shover and Eric Prytherich from Ledcor CMI, Inc are the agents. Comm. Rule re-opened the hearing to consider the Special Use Permit and High Impact Permit number 612, the roll was called and the hearing was taped for the record. An e-mail from Eric Prytherch was presented which included letters from Sky Ute Sand and Gravel LLC, copy of Air Pollution control Division construction permit final approval self-certification form and miscellaneous information concerning odor control solutions. Ledcor agent Tim Shover was asked if the company is looking at a new or used plant. He stated they are looking at the new plant options. He also explained about what the California standards are and that they exceed Colorado specifications. Air quality inspections were discussed and it was stated the Board may monitor said inspections from time to time. Mr. Shover said there will be some type of odor suppressant used. Traffic control issues were explained and traffic counts were provided to CDOT. After reviewing the findings and permit Comm. Koppenhafer moved to approve the special use permit and high impact permit number 612 for the purpose of constructing and operating a temporary/interim portable hot mix asphalt plant from March 1, 2010 to September 30, 2010 pursuant to information submitted on said special use permit and high impact permit applications and to meet all qualifications set forth in the findings presented today by the Planning Department with all stipulations eluded to in the findings for Ledcor at the Noland Pit in Mancos, Co. and adopting said findings, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

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

MEETING ADJOURNED 4:30 P.M.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 26, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 26, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

Larrie D. Rule, Chairman
Steve Chappell, Vice-Chairman
Gerald W. Koppenhafer, 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 Rule** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, October 19, 2009 were read. Comm. Koppenhafer moved to approve the minutes of October 19, 2009 as corrected, seconded by Comm. Chappell. Motion carried.

ROAD: Road Supervisor Dean Roundtree gave the commissioners an update of gravel projects on various roads within the county. **Susan Carver Planning Director and Loretta Murphy with the Mapping/GIS Department** presented a **Policy to Abandon and Vacate Public Right-Of- Way**. Comm. Chappell moved to adopt the Policy to Abandon and Vacate Public Right- Of-Way as presented, Comm. Koppenhafer second the motion, and carried. (See attached)

COLORADO DEPARTMENT OF TRANSPORTATION REGION 5 (CDOT) presented the annual report to Montezuma County. Mike McVaugh, Kerrie Neet, Kyle Lester, and Steve Parker met to review the annual CDOT report. The report included information about finances, planning, maintenance, engineering, traffic and safety. (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of September 30, 2009. (See attached).

LIQUOR LICENSE: Chief Deputy Clerk Tammy Neely presented a special event liquor license for **Pine River Arena Association**. Comm. Koppenhafer moved to approve the special events liquor license for **Pine River Arena Association** for the dates of, Nov. 14, 2009, Dec. 12, 2009, and Dec. 19, 2009. Second by Comm. Chappell, motion carried. Also presented for final approval was a special events liquor license for **United Way Southwest Colorado**. Comm. Koppenhafer moved to approve the special event liquor license for United Way Southwest Colorado for an

event dated December 3, 2009 from 5:00p.m. - 9:00p.m. to be held at Four Seasons Green House and Nursery, seconded by Comm. Chappell, motion carried. (See attached)

James Dietrich presented a letter from the County Commission to express opposition to Congresswoman DeGette's proposed **Colorado Wilderness Act of 2009**. Commissioner Chappell moved to send the letter to Representative John Salazar, Senator Mark Udall, Senator Michael F. Bennet and Congresswoman Diane DeGette as presented, seconded by Comm. Koppenhafer and carried. (See Attached) **Jim Dietrich** presented a letter addressed to **Melanie Gose, Colorado State Parks Recreational Trails Program** in support of the funding request for new maintenance equipment to be used on the **Chicken Creek Nordic Ski Area Trail System**. Comm. Chappell moved to sign the letter of support of the funding request for Chicken Creek Nordic Ski Area Trail System. Seconded by Comm. Koppenhafer, and carried. (See attached)

12:30 Commissioner Koppenhafer left the meeting for the remainder of the day

LUNCH 12:30

1:30 P.M. 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 into the record, and the hearing was recorded. **Susan Carver Planning Director** presented the following **proposed Land Use Code Amendments:**

Land Use Code Amendments, as adopted, will be added to the Land Use Code with precise language and presented to the Board of County Commissioners for review and final adoption.

NO. 1: Section (2201 through 2203). Recommendation by the Planning Commission and the Planning Department were to amend the current language and remove the Waiver Petition and Procedure from the Land Use Code. After hearing the explanation of the proposed Land Use Code Amendment and hearing no public comment, Comm. Chappell moved to approve the recommendation by the Planning Commission and Planning Office to change the proposed language in 2201 (A) as submitted and moved to keep the language in 8103.1 but add the continuation change of expansion of uses, expansion of extension of non-conforming uses and B prior to commencement of construction would be under 2201, (C) for Fees, (D) Failure to clarify to the county a commercial or industrial use or obtain a permit and (E) Public Notice Procedures. Second by Comm. Rule, and carried as per attached.

NO.2: Section (2204.3 (B)): Recommendation by the Planning Commission and the Planning Department to change the reference of 2205 to 2205.5 as this was a typing error. After hearing the explanation of the proposed Land Use Code Amendment and hearing no public comment, Comm. Chappell moved to change the reference number 2205 to read 2205.5. Second by Comm. Rule, motion carried.

NO. 3: Section (3102(A)) Recommendation from the Planning Commission and the Planning Department to change the word "menu" to "list". After hearing the explanation of the proposed Land Use Code Amendment and hearing no public comment, Comm. Chappell moved to accept the Planning Commission's and the Planning Department's recommendation to change the word from "menu" to "list". Second by Comm. Rule, motion carried.

NO. 4: Section (3102(D)) Recommendation by the Planning Commission and the Planning Department to delete this Section as it is obsolete. After hearing the explanation of the proposed Land Use Code Amendment

and hearing no public comment, Comm. Chappell moved to take the Planning Commission's and the Planning Department's recommendation to delete 3102(D) as it is obsolete. Seconded by Comm. Rule, motion carried.

NO. 5: Section (3202.1(D)) Recommendation by the Planning Commission and the Planning Department to change the wording "Site Specific Development Plan" to "Sketch Plan". After hearing the explanation of the proposed Land Use Code Amendment and hearing no public comment, Comm. Chappell moved to take the Planning Commission's and the Planning Department's recommendation to change the language in 3202.1(D) from "Site Specific Development Plan" to "Sketch Plan". Seconded by Comm. Rule, motion carried.

NO. 6: Section (3101) Recommendation by the Planning Commission and the Planning Department to delete Section 3101 as it is redundant to language in Section 3304 of the code and amends the language in 3104. After hearing the explanation of the proposed Land Use Code Amendment and hearing public comments from Dave Sipe, Danny Wilkin, Susan Underwood-Hart and Chairman to the Planning Commission Board Jon Callender, Comm. Chappell moved to eliminate 3101 of the Land Use Codes and to change the language in 3104 as recommended by the Planning Commission, and we will use the word "are" to bring them up to date. Second by Comm. Rule, and motion carried.

NO. 7: Section (3106.2 & 3106.3) Recommendation by the Planning Commission and the Planning Department to change the definition of Commercial Uses and Industrial Uses. After hearing the explanation of the proposed Land Use Code Amendment and hearing public comment from Danny Wilkin and Dave Sipe, Comm. Chappell moved to accept the Planning Commission's recommendation to change the language in 3106.2 as recommended and the language in 3106.3 as recommended with the change in what Light uses are not and add them to what Heavy uses become. Seconded by Comm. Rule, motion carried.

NO. 8: Sections (3303.4(A): 3304.4(A): 3305.4(A): 3305.4(A): and 3313.4(A)) Recommendation by the Planning Commission and the Planning Department to amend the language and add "but are not limited to". After hearing the explanation of the proposed Land Use Code Amendment and hearing no public comment as this item was not considered at this time, Comm. Chappell moved to table Land Use Code Amendment NO. 8, due to pending law suit. Seconded by Comm. Rule, motion carried.

NO. 9 Section (3314) Recommendation by the Planning Commission and the Planning Department to add the words "Industrial Development" to the Building Codes Table 1(A). After hearing the explanation of the proposed Land Use Code Amendment and hearing no public comment, Comm. Chappell moved to accept the recommendation from Planning Commission and the Planning Department to add the word "Industrial Development" to 3314, page 32 Table, Building Codes 1(A). Second by Comm. Rule, motion carried.

NO. 10 Section (4108.5 (C)(1) MPUD) Recommendation by the Planning Commission and the Planning Department to delete the section as the County does not issue Certificate of Occupancy, never has. After hearing the explanation of the proposed Land Use Code Amendment and hearing public comments from Greg Kemp, Comm. Chappell moved to delete the entire Section 4108.5 (C)(1) Operations Standards. Second by Comm. Rule, motion carried.

NO. 11 Section (5103.5(A) and 5105.3(A)) Recommendation by the Planning Commission and the Planning Department to delete the wording "the length of residential lots shall not exceed 2.5 times their width from these Sections and Add the Language as presented in Attachment "A". After hearing the explanation of the proposed

Land Use Code Amendment and hearing public comments from Dennis Atwater, it was determined that the language needed some changes. These changes will be made, and the Planning Commission will review these changes and forward their recommendations back to the Board of County Commissioner to be re-presented to the Board. This item was tabled at this time. There are additional proposed amendments to be presented to the Board for consideration but there are other scheduled agenda items so the hearing was continued. Comm. Chappell moved to continue this Public Hearing to a certain time and date of November 9, 2009, beginning at 1:30 p.m. Seconded by Comm. Rule, and motion carried.

PLANNING: Director Susan Carver presented a request from applicants **James E. & Jacqueline Snow and Brian & Cheryl Grubbs** to amend the common line between lots 10 and 9 in the **Millwood Acres Subdivision**. Properties are located at **17873 Road 39, Mancos Co.** and **17892 Road 39, Mancos Co.** Commissioner Chappell moved to approve the amended plats 8, 9, and 10 of the Millwood Subdivision as presented, seconded by Comm. Rule motion carried.

CORRESPONDENCE: Letter from **Colorado Department of Public Health and Environment** regarding Approval of the 2009 Statistical Analysis of Groundwater Data and Baseline Update Report for the Montezuma County Landfill. A letter from **Colorado Department of Public Health and Environment** regarding **Cox Conoco Tire and Automotive** solid waste disposal of tires and car wash sludge was received. Letter from **Governor's Energy Office** regarding weatherization grant funding from the **American Recovery and Reinvesting Act of 2009**.

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

MEETING ADJOURNED 4:45 P.M.

County Clerk

October 26, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 2, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 2, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, October 26, 2009 were read. Comm. Koppenhafer moved to approve the minutes of October 26, 2009 as corrected, seconded by Comm. Chappell. Motion carried.

ASSESSOR VANDERPOOL informed the Board that at the State Board of Equalization Hearing in Denver concerning the reappraisal for Montezuma County, it was the decision of the State Board of Equalization to issue an order for Montezuma County to re-appraise oil and gas personal property despite Assessor Vanderpool's efforts. He asked the Commissioners for their approval to appeal the State Board of Equalization's order in court. Comm. Chappell moved to give the authority for Attorney Bob Slough and Assessor Mark Vanderpool to take the case to the District Court in Denver to appeal the State Board of Equalization's order, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree met to update the Board on area roads. He talked about the gravel on Road S.7. Supervisor Roundtree discussed the agreement with the Forest Service regarding the Ormiston Pit. Comm. Koppenhafer moved to approve the renewal of the special use permit for the Ormiston Pit between the Mancos Dolores Ranger District of the San Juan National Forest and Montezuma County, seconded by Comm. Chappell and carried. (See attached)

EMERGENCY MANAGER Doug Parker gave an update concerning the emergency management operations in the County. He stated he has been working with the Health Department concerning the H1N1 flu virus and how the area schools attendance has been affected. He said it appears the virus is leveling off at this time.

PROCLAMATION: A proclamation proclaiming November, 2009 as American Indian Heritage Month was read. Comm. Chappell moved to proclaim November, 2009 as American Indian Heritage Month, seconded by Comm. Koppenhafer and carried. Ute Mountain Ute Tribal Chairman Ernest House accepted the proclamation on behalf of the Tribes. (See attached)

AGREEMENT: Comm. Koppenhafer moved to sign the sub grant agreement between the Department of Natural Resources, Division of Wildlife and Montezuma County concerning the access funds for the McPhee Breakwater project. Seconded by Comm. Chappell and carried. (See attached)

SOUTHWEST MEMORIAL HOSPITAL: Dan Jessup and Trudy Chittick gave the update for the quarterly and year to date operations ended September 30, 2009. They said they have been very busy and discussed how they are dealing with the flu. Mr. Jessup said the State has cut funding for the indigent care program and along with their bad debts this resulted in losses. He said they are still ahead of 2008 and overall doing well. They reported there is a new cat scan on order and should be here sometime in December. (See attached)

DISTRICT ATTORNEY JIM WILSON informed the Board about grant funding through the drug task force for personnel. The grant is to be administered by the District Attorney's Office. It is in the amount of \$76,000.00 and is a one year grant. He stated there is no cost to the County.

LAW ENFORCEMENT AUTHORITY: Sheriff Gerald Wallace and Under Sheriff Dave Hart discussed the Law Enforcement Authority budget for 2010. They talked about wages for non LEA deputies and LEA deputies, operating expenses, fuel and vehicle maintenance and repairs. (See attached)

CITY OF CORTEZ: City Manager Jay Harrington and Chris Burkett with the City of Cortez met to discuss a GoCo grant they have an opportunity to apply for and are asking the County to participate by providing some sort of cash match for a swimming pool project they wish to pursue. No decision was made at this time.

DEB BARTON Landfill Manager met to talk about the purchase of a dozer for the Landfill. Comm. Chappell moved to approve Resolution 11-2009 to authorize a loan from the Capital fund to the Landfill fund in the amount of \$278,000.00 for the purchase of a D8T dozer and to be paid back as per attached. Seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: 12:00 Noon

PUBLIC HEARING: It being the time set aside the continuation of the public hearing for the review and determining a recommended road impact fee schedule as prepared by TischlerBise, a fiscal, economic and planning consultant firm. The roll was called and the proceedings were recorded for the record. Planning Director Susan Carver presented a procedure for collecting Road Impact Fees and explained the proposals. Comm. Rule opened the hearing to public comment at this time. Danny Wilkin talked about the proposals. He asked the Board to consider how the fees might go up now and in the future. Greg Kemp talked about the \$500.00 per mile fee to the nearest U S highway. After hearing no further comments, Comm. Rule closed that portion. Comm. Rule opened public comment again. Danny Wilkin would like to see across the board fees for everyone and wants to see impact fees fair and consistent as well as affordable. Jerry Giacomo said he was pleased with the use being identified with fee schedules. He questioned the fees being applied for residential structures. He asked about the per mile fee and how it was arrived at. Comm. Rule closed the public comment

portion. After hearing all the evidence presented and comments made Comm. Koppenhafer moved to adopt the proposed impact fee schedule for single lot at \$2,750.00 per lot plus \$100.00 per mile past 1 mile and to adopt the accessory residential fees at \$1,940.00 with the \$100.00 per mile past 1 mile and to adopt the non-residential fees as presented. 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 a land use code complaint regarding an alleged operation of a towing business and storage yard on property located at 21600 Road F, Cortez, Co. The roll was called, the public notice was read and the proceedings were recorded for the record. Planning Director Carver gave an overview of the complaint and stated the property owner, Rick Herrington responded regarding the complaint. Richard Vukelich filed the complaint stating the towing and storage operation on Mr. Herrington's property is not properly zoned for said activity. Property owner Rick Herrington responded to the complaint. He said there was not a written agreement concerning a no compete clause as long as the business stays the same. Mr. Herrington asked for a waiver for temporary storage for vehicles towed and held for the State Patrol and insurance companies on a temporary and interim use. Comm. Koppenhafer moved to have Rick Herrington apply for a high impact permit and a special use permit for storage on his property within the next 30 days. 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 an AR3-9 zoning request and pre sketch plan for phase 2 of the Tularosa Properties consisting of 16 lots on 54 acres on property owned by Robert and Sharon Baxstrom located at 12210 Road 23.25, Cortez, Co. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Carver gave an overview of the application. Robert Baxstrom explained the request and pre sketch plan further. Comm. Rule opened the hearing to public comment at this time. Donald Wilson has concerns about the water table being high on the property. He asked about what engineering is done with the septic systems. Juan Contreras has concerns similar to Mr. Wilsons. He asked if the water is drinkable and is it safe. Brice Rogers has concerns with the condition of Road M and problems with his leach fields whenever he has company with the system plugging up. Hearing no further comment, Comm. Rule closed that portion. Director Carver responded to some of the concerns and gave the recommendations stated by the Planning Commission. Mr. Baxstrom stated all the septic systems will be properly engineered. They discussed irrigation issues. The hearing will be continued until November 16, 2009 at 3:30 p.m. so the Board can inspect the drainage problems. No action was taken at this time. Comm. Rule continued the hearing until November 16, 2009 at 3:30 p.m.

PLANNING: The following applications were scheduled for public hearings;

Betty Tucker on property located at 15608 Road Y, Yellow Jacket, Co. The request is for AR3-9 zoning for a single lot development. Planning Director scheduled the hearing for November 16, 2009 at 1:30 p.m.

Emily R. Lutken on property located at 12318 Road G, Cortez, Co. The request is for an AR3-9 and AR10-34 zoning for a proposed 2 lot minor development. Director Carver has scheduled this hearing for November 16, 2009 at 2:00 p.m.

Comm. Koppenhafer moved to increase the cost for colored copies from .25 cents to \$1.00 as requested by the Planning Department, seconded by Comm. Chappell and carried.

JAMES DIETRICH presented a letter to Governor Bill Ritter regarding concerns the Board has with the RMP of the Canyon of the Ancients National Monument. Comm. Chappell moved to send the letter to the Honorable Bill Ritter to encourage the guaranteed valid existing rights language be adhered to by the BLM regarding the Canyon of the Ancients National Monument. Seconded by Comm. Koppenhafer and carried. (See attached)

COUNTY ADMINISTRATOR HARRISON reviewed the Ennovate energy performance contract with the Board.

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

MEETING ADJOURNED: 5:20 P.M.

County Clerk 11/2/2009

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 9, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 9, 2009, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, October 19, 2009 and minutes of the regular meeting held on November 2, 2009 were read. Comm. Koppenhafer moved to approve the minutes of October 26, 2009 as corrected, seconded by Comm. Chappell. Motion carried. Comm. Koppenhafer moved to approve the minutes of November 2, 2009 as corrected. Comm. Chappell seconded the motion. Motion carried.

ROAD: Road Supervisor Dean Roundtree was informed of a problem with water on a portion of Road 21. Supervisor Roundtree will look at it. He stated the Department is finished crushing gravel for CDOT. He talked about pending work on Road M. County **Administrator Harrison** discussed impending initiatives that may be on the ballot that will affect counties. **Ray Patterson** representing Fairview Cemetery met to ask the County for about 117 tons of gravel for the cemetery roads. Mr. Patterson will haul the gravel. Comm. Chappell moved to allow the Road Department to furnish up to 125 tons of gravel for roads in the Fairview Cemetery, seconded by Comm. Koppenhafer and carried. **Penny Wu** presented the MOU for the McPhee Breakwater Project. She said it identified the County's match of \$50,000.00 and she said it was signed by the regional office in Denver. Comm. Koppenhafer moved to sign the challenge cost share agreement between the Montezuma County and the U.S. Forest Service San Juan National Forest for the breakwater at McPhee Reservoir , seconded by Comm. Chappell and carried. (See agreement filed in the Administration Office).

VETERAN'S AFFAIRS: Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for October, 2009 seconded by Comm. Koppenhafer and carried. (See attached).

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of October, 2009. (See attached).

TYLER TECHNOLOGIES CONTRACT: Treasurer Sherry Dyess and IT Specialist Rob Peterka met concerning the software contract with Tyler Technologies and the Treasurer and Assessor's Office. This software is for the Treasurer's Office to receive data from the Assessor's Office. Comm. Chappell moved to appropriate \$24,800.00 out of the Capital Fund for software that would allow the Treasurer's Office to get information from the CCI website through Tyler Technologies, seconded by Comm. Koppenhafer and carried. (See attached)

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of October, 2009. She presented a proposed draft of Landfill rates recommended effective as of January 2010. (See attached)

SITE VISIT: The Board conducted an onsite review of road conditions at the intersection of Road 23.25 and Road M then conducted a site visit on Road 21. **LATER:** During the field visit conducted at 23330 Road M, Commissioners Rule, Chappell, and Koppenhafer, County Administrator Harrison, Road Supervisor Roundtree, Robert Baxstrom, Don Wilson, Bryce Rogers, and Kevin McComb were present. It was decided that the Road Department will replace the existing 18" culvert with a new 24" culvert. The new installation will lower the inlet approximately 1' and the outlet approximately 5". The County will not be responsible for water on water flow on the north side of the road. **FIELD VISIT AT ROAD 21:** A site visit was conducted to look at the drainage on both sides of the road at 12780 Road 21 with Commissioners Rule, Chappell, and Koppenhafer, and Road Supervisor Roundtree being present. It was determined that the water on the west side of the road was caused from water on the east side subbing under. Nothing can be done at this time that will help the situation.

LUNCH:

CONTINUED PUBLIC HEARING: It being the time set aside the continuation of the public hearing regarding the proposed amendments to the Montezuma County Land Use Code was held. The roll was called and the proceedings were recorded for the record.

NO. 11: Director Carver presented the proposed amendments to No. 11. Comm. Rule opened the hearing to public comment on proposed amendment 5301.5 (A) and 5103.3 (A). Hearing no public comment that portion was closed. Comm. Chappell moved to approve the proposed language to the Land Use Code in 5103.5 which deals with length and width criteria and also included 5103.3(A), seconded by Comm. Koppenhafer and carried.

NO. 12: Director Carver presented land use code amendment No. 12 dealing with drainage issues. Comm. Rule opened the hearing to public comment. Jerry Giacomo made one comment. Hearing no further comments, that portion was closed. Comm. Koppenhafer moved to approve the Land Use Code No. 12 as changed for 5105.3(H)(2) considering drainage systems for developments. Seconded by Comm. Chappell and carried.

NO. 13: Director Carver presented an amendment to No. 13 to change the wording in page 3, threshold standard no. 18 and page 12; 2205.(4)(2). Comm. Rule opened the hearing to public comment, hearing no comments that portion was closed. Comm. Koppenhafer moved to approve the Land Use Code No. 13 to accept the recommended language. Seconded by Comm. Chappell and carried.

NO. 14: Director Carver presented amendment No. 14. Comm. Rule opened the hearing to public comment, hearing no public comments, that portion was closed. Comm. Chappell moved to amend No. 14 of the Land Use Code which refers to all resolutions to state as amended in 3306.2, 5103.5, 5105.3(A)(1), 5105.3(E)(a)(4), 5403.5; 5105.3(B)(1)-roads. Seconded by Comm. Koppenhafer and carried.

No. 15: No action was taken.

NO. 16 AND NO. 17: Jimmy Burton presented the amendments to No. 16 and No. 17 to the Land Use Code. Comm. Rule opened the hearing to public comment. Jerry Giacomo asked about road sign regulations as to size and numbering. Hearing no further comments that portion was closed at this time. Comm. Chappell moved to approve the amendments to No. 16 and No. 17 changing the wording as recommended, seconded by Comm. Koppenhafer and carried.

Comm. Koppenhafer moved to continue the policy for the Land Use Code enforcement until November 16, 2009 at 2:30 p.m. Seconded by Comm. Chappell and carried. Meeting was continued.

CORRESPONDENCE: The following correspondence was read and noted:

Colorado Division of Emergency Management jurisdictional Information and Signature. (See attached)
Letter to State Board of Great Outdoors Colorado in reference to the recreation grant for the Cortez Municipal Pool Renovation Project. (See attached)

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

MEETING ADJOURNED 3:20 P.M.

County Clerk

November 9, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 16, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 16, 2009, 2009 at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, November 9, 2009 were read. Comm. Chappell moved to approve the minutes of November 9, 2009 as presented, seconded by Comm. Rule. Motion carried.

LANDFILL: Landfill Manager Debby Barton presented a proposed rate schedule for the Landfill for 2010. Comm. Chappell moved to approve the Landfill rate structure increases for 2010, seconded by Comm. Rule and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree stated there is enough moisture for the Department to blade roads. It was reported that Road 16 and 21 is rough. He said he was informed that Bill Barrett Corp would be putting gravel on a portion of Road 23 and due to the fact the road is too narrow in spots the road is not being done to county specs.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted, Director Dennis Story and Lou Ann Everett were present.

ACCOUNTS PAYABLE: General Fund # 56274-56451 in the amount of \$291,447.76, Road Fund # 22527-22596 in the amount of \$73,197.86, and Landfill # 6349-6385 in the amount of \$125,301.29 for the month of October, 2009 were approved for payment.

ABATEMENT: Appraiser Cynthia Claytor presented a corrected abatement for Paula Stearman on account number R007249 for tax year 2008. Comm. Rule opened the hearing, the roll was called and the proceedings were taped for the record. An error in the abated amount occurred. Comm. Chappell moved to approve the abatement on account number R007249 of \$1,805.02, seconded by Comm. Rule and carried. (See attached)

SHERIFF'S OFFICE: Sheriff Gerald Wallace met to discuss a denial of payment for printing services for business cards. Sheriff Wallace stated the County approved print service was unable to meet his requirements of reproducing the logo and another print company was found that could do the work. Comm. Chappell moved to approve the

printing of business cards and letter head for the Sheriff's Office in the amount of \$522.20 cents, seconded by Comm. Rule and carried. He talked about how salary increases for those paid through the LEA should be handled.

LORI SHEARER representing the Cortez Family Worship Center informed the Board that the church has been designated as the distribution center for the Feed the Children program. She is requesting the use of the annex at no charge for a Feed the Children fund raiser. Comm. Chappell moved to allow the Cortez Family Worship Center, Lori Shearer representative the use of the county annex on December 4, 2009 from 3:00 p.m. to 10:00 p.m. for a Feed the Children fundraiser at no charge. Seconded by Comm. Rule and carried.

ENNOVATE: Jeff Schuster with Ennovate discussed the energy performance contract and requested changes made. It was stated the County would not use the lease purchase option but will use County funds and grant monies instead. He discussed the change concerning the monitoring of savings in the verification of energy costs being done by a third party. He also talked about the change concerning the inability of hiring of illegal aliens as stated in the statutes. Comm. Chappell moved to sign the energy performance contract with Ennovate Corporation for the upgrades to the County Courthouse and the annex behind the courthouse not to exceed \$2,185,639.00 This amount includes the \$750,000.00 grant from DOLA. Seconded by Comm. Rule and carried. (See attached)

LUNCH: The Board met for Lunch with Ken Charles from the Department of Local Affairs.

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 and sketch plan. The roll was called, the public notice was read and the hearing was taped for the record. The request is for a proposed single lot development on 5.37 acres on property owned by Betty M. Tucker located at 15608 Road Y, Yellow Jacket, Co. Planning Director Susan Carver gave an overview of the request. Betty Tucker spoke as to her intentions for the request. Comm. Rule opened the hearing up to public comment. Hearing no public comment that portion was closed. After hearing the evidence presented Comm. Chappell moved to approve the AR3-9 zoning request and sketch plan for a proposed single lot development on 5.37 acres owned by Betty M. Tucker, located at 15608 Road Y., Seconded by Comm. Rule and carried. (See attached) Comm. Chappell moved to approve the Final Plat for the single lot development on 5.37 acres more or less owned by Betty Tucker located at 15608 Road Y, Yellow Jacket, Co. Seconded by Comm. Rule and carried. Comm. Rule closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a sketch plan for a proposed 2-lot minor development on 23 acres. The roll was called, the public notice was read and the hearing was taped for the record. The property is owned by Emily R. Lutken and located at 12318 Road G, Cortez, Co. Planning Director Susan Carver presented the application. Ms. Lutken's agent, Ernie Maness of Maness and Associates discussed the application in detail. Comm. Rule opened the hearing to public comment. Hearing no public comment, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve AR3-9 zoning for lot 1 and AR10-34 on lot 2 on property owned by Emily R. Lutken located at 12318 Road G., Cortez, Co. Comm. Chappell moved to approve the preliminary sketch plan of a 2 lot minor development on property owned by Emily R. Lutken located at 12318 Road G and to approve a variance to the setbacks for the house located on lot 1, seconded by Comm. Rule and carried. Comm. Rule closed the hearing at this time. (See attached)

LETTER: Comm. Chappell moved to sign a letter to Department of Local Affairs authorizing County Administrator, Ashton Harrison to execute EIAF #5825 and any amendments pertaining thereto. Seconded by Comm. Rule and carried. (See attached)

CWIN IGA See attached the signed intergovernmental agreement/lease between Montezuma County and CWIN.

CONTINUED PUBLIC HEARING: It being the time set aside a continuance of a public hearing is held regarding the proposed amendments to the Montezuma County Land Use Code. The roll was called and the proceedings were taped for the record. Planning Director Carver gave an overview of proposed changes made since the last hearing. The changes were recommended to the Board by the Planning Commission. Comm. Chappell moved to approve the

proposed amendments to the Montezuma County Land Use Code as amended and to adopt Resolution 12-2009, seconded by Comm. Rule and carried. Comm. Rule closed the hearing at this time.(See attached)
A discussion as to changing the word building to structure in the land use code was brought up. Director Carver said the Planning Commission decided to leave the word building in the code at this time.

PLANNING: Planning Director Carver presented for review high impact permit number 531, Montezuma Rally, Inc., (Sugar Pine Ranch Rally) agents Joyce Humiston and Alan Seton. An update was provided by Director Carver as to the 2009 Rally along with a letter from Joyce Humiston. Director Carver stated she did not receive any complaints concerning the rally. Ms. Humiston said the only complaints she heard were in regards to concert noise and she said those complaints will be mitigated next year. After review and comment, Comm. Chappell moved to approve High Impact Permit number 531 for Montezuma Rally, Inc. Seconded by Comm. Rule and carried. (See attached)

CONTINUED PUBLIC HEARING: It being the time set aside a continuation of a public hearing is held for reviewing and determining an AR3-9 zoning request and pre-sketch plan for phase 2 of the Tularosa Properties. The roll was called and the proceedings were taped for the record. Phase 2 consisting of 16 lots is owned by Robert and Sharon Baxstrom and located at 12210 Road 23.25, Cortez, Co. Planning Director Carver stated the drainage issue on Road M was reviewed. Comm. Rule said the culvert on Road M will be replaced and the culvert would be lowered approximately .to accommodate the water flow. Director Carver said plat notes could be done concerning soil recommendations. It was stated a drainage plan is in the file done by Cap Allen. Comm. Chappell moved to approve the AR3-9 zoning and pre-sketch plan for phase 2 of the Tularosa Properties consisting of 16 lots on 54 acres owned by Robert and Sharon Baxstrom off of Road M, seconded by Comm. Rule and carried. Comm. Chappell moved to approve the preliminary plat for phase 2 of the Tularosa Properties consisting of 16 lots on 54 acres owned by Robert and Sharon Baxstrom, seconded by Comm. Rule and carried. Comm. Rule closed the hearing at this time.

AFTER-THE-FACT: Planning Director Carver presented an after the fact exemption P10-2009. Arnold and Patricia Meier made a request for the resolution and mylar be signed for property located at 36800 Road P.1, Mancos, Co A variance to the width of the right-of-way is also requested. Comm. Chappell moved to approve the after the fact exemption P10-2009 requested by Arnold and Patricia Meier located at 36800 Road P.1 Mancos and to include ARES zoning and a variance of a 15' right of way, seconded by Comm. Rule and carried. (See attached)

RENNY FAGAN with the Colorado Non-profit Organization informed the Board of projects the organization is working on and in assisting the County and non-profits in various avenues such as public awareness, training and resources available.

CORRESPONDENCE: The following correspondence was read and noted:
Minutes of the Dolores Water Conservancy District (See attached)
Agenda Colorado Board of Health November 18, 2009 (See attached)
Notice of annual meeting for Montezuma Valley Irrigation Co. (See attached)

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

MEETING ADJOURNED 5:10 P.M.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 23, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 23, 2009, 2009 at the Montezuma County Annex in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, November 16, 2009 were read. Comm. Chappell moved to approve the minutes of November 16, 2009 as corrected, seconded by Comm. Koppenhafer. Motion carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing a proposed amendment to Montezuma County Resolution No. 2-88. The roll was called, the public notice was read, and the proceedings were taped for the record. Said Resolution No. 2-88 regulates vicious dogs only. The draft amendment pertains to controlling dogs-at-large. However, further amendments may include, but are not limited to, humane care and treatment of dogs, controlling barking dogs, and limiting the number of dogs per household. Violations include possible fines and/or jail time. **Sheriff** Gerald Wallace stated his Office has had numerous calls concerning dogs at large. Comm. Rule opened the hearing to public comment at this time. **Jim Skvorc** said he and his wife have encountered dogs barking and dogs bearing their teeth while they were walking. **Dave Wuchert** asked about nuisance complaints where the dogs are constantly barking. He asked about who answers calls concerning wildlife. **Mr. Skvorc** asked if there are exceptions for hunting dogs, would they be considered dogs at large? He wondered about dogs that are injured. What about licensing and how would you know who the dog belongs to. What about rabid dogs? **Susan Grabbe** is a veterinarian who talked about humane care. She said she did not understand the fine structure. **Steve Reed** said he has a number of dogs mainly because he could not find a responsible owner and thinks things are getting carried away. He said if someone has an aggressive dog, the owner should be contacted. **Shannon Weaver** discussed how animals affect us. She is wondering how to report neglected animals. She said there is no where to take such animals and we need to look to the source of the problem in regards to the dogs conduct and to look at the owners. **Jodi Foran** said there is an aggressive dog in her neighborhood and she can not walk on the road for fear of this dog coming at her. She feels there needs to be an ordinance on the books and the need for an animal control officer.

Kate Dickson said she would not label certain breeds as being the only vicious type, all dogs can be problematic. **Jane Wright** spoke as to the number of dogs per household and this should not be a grandfathered clause. **Allen Higgins** said this is a livestock community and the dogs are there to help protect animals and feels there might be a higher crime rate if the dogs were not there. **Donna Colcord** said her residence is sandwiched between properties with barking dogs and said there are some dogs on chains and she feels they are not properly cared for. She said the dogs are beyond being a nuisance. **Jim Skvorc** asked about the meaning of vicious dogs. He said the term vicious dog is not in the new resolution and is in the resolution No. 2-88. He was informed No. 2-88 has already been adopted by the County. **Milda Sitton** said she is a neighbor to Donna Colcord and has a problem with the same dogs. She said there is also an odor coming from the property as well. She would like to see the owner be responsible for their dogs. **David Jackson** said he and his wife has an animal shelter and has taken in injured dogs. He said anyone in the State of Colorado are allowed 14 dogs without having a license and these dogs cannot always be on a chain. **Jim Skvorc. Dave Wuchert** asked for the Sheriff to clarify the current law. **Lois Carlson** stated the fines are unclear in the resolution. **Dave Wuchert. Greg Kemp** discussed the fine structure and wants to see the fine schedule meaningful. **Deb Jensen** said she has had numerous problems with dogs while walking. She said they also have problems with dogs running at large on their property chasing and killing wildlife. She said people should be responsible dog owners. **Shannon Weaver** stated there should be something in place to see why the dogs act aggressively and if an animal is removed from a home, there needs to be a place to put them. **Dave Jackson** talked about his facility and how the resolution could affect him. **Jerry Giacomo** said there is enough animosity and hopes the Board can put something in place to help with this problem. **Steve Reed** talked about quarantine of dogs that bite. **Jeff Carlson** talked about licensing of dogs and is concerned about dogs not getting rabies shots. He would like to see licensing for all dogs. **Shannon Weaver** asked if a name has to be given dispatch when calling in a dog complaint. **Dave Jackson** said his shelter is required to have all the dogs have rabies shot. **Robert Jensen** said dogs are considered domesticated animals and requires responsible ownership. Hearing no further public comment that portion of the hearing is closed. Sheriff Wallace discussed cases his Office has dealt with. He talked about a care and control ordinance. He said the barking dog issue is a difficult situation. Comm. Chappell talked about hounds and hunting dogs and mentioned if there are more than 14 dogs at a residence, they may need to be licensed as a shelter. He said vicious dogs needs to be under control.. Sheriff Wallace said there are two ordinances one being a dangerous dog being a state ordinance and the county ordinance addresses vicious dogs. Comm. Chappell asked the Sheriff to talk about the duties of the Agriculture Officer. He said the officer deals with water and other issues as well as dogs. Sheriff Wallace talked about dogs harassing wildlife. Comm. Rule talked about the amount of fines. He talked about owner responsibility. Attorney Slough discussed the State statutes and other resolutions already in place. Comm. Koppenhafer talked about owners being responsible for their animals. Comm. Chappell talked about the laws already in place and spoke about better enforcement. Comm. Rule opened the hearing back up to public comment. **Jerry Giacomo** would like to see what under control really means in regards to stock dogs. He talked about budget issues and suggested a volunteer animal control officer be considered. **Dave Wuchert** asked what most of the calls are, are they vicious dogs or dogs at large? **Jim Skvorc** commended the Board for being open and hearing from all sides. **Virginia Nabity** asked if it might be possible to have information available to help people concerning their responsibility in keeping animals. **Lois Carlson** talked about irresponsible owners and their lack of concern for others. She suggested the owners be charged at the shelter when the animals are retrieved. Hearing no further public comment Comm. Rule closed the public comment portion. Attorney Slough talked about working dogs addressed in the statutes. **Katrina Davis** played a recording of barking dogs and asked why she is subject to barking dogs and said this is what she deals with daily. She lives in the city limits of Mancos and wanted the Board to be aware of her problem even though she lives in the city limits. Sheriff Wallace stated the dog at

large issue needs to be addressed. He talked about subjectivity saying what is vicious to one person, may not be vicious to another. Comm. Chappell stated that the State Statutes and County resolution covers vicious dogs well and they need to look at dogs at large. Attorney Slough said the amendment would not eliminate vicious dogs because the term dog included all dogs. This hearing has been continued until January 11, 2010 at 10:00 a.m. Comm. Rule continued the hearing until January 11, 2010 at 10:00 a.m.

PLANNING: Planning Manager, Susan Carver informed the Board of a land use complaint she received concerning a residential structure that has been added on property without acquiring a septic permit. She said she has written a letter to the landowner addressing the complaint. (See attached)

BOARD OF EQUALIZATION: It being the time set aside an abatement hearing is held on a petition for abatement from Rim Operating Inc for tax years 2002 through 2007 with respect to the schedules identified in the attached list. The roll was called and the proceedings were taped for the record. Assessor Mark Vanderpool gave an overview of the appeal. Assessor Vanderpool read the account numbers of the appealed properties into the record. He recommended the Board deny the appeals. **Jerry Wisdom** with **Visual Lease Services, Allan Poe** and **Robyn Kashiwa** representing Rim Operating, Inc. were on a conference call. Mr. Wisdom explained the information VLS found in regard to omitted properties. Mr. Poe expressed opposition to the assessments and the penalty that was assessed. Comm. Chappell moved to continue this hearing until December 14, 2009, at 3:00 p.m., seconded by Comm. Koppenhafer and carried. Comm. Rule continued the hearing to December 14, 2009 at 3:00 p.m.

LETTER: Comm. Koppenhafer moved to sign a letter to the U.S Army Corp of Engineers concerning the removal of concrete rip-rap from the Dolores River, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Letter from Debi Berger concerning the proposed dog ordinance. (See attached)

Letter from Governor Bill Ritter to LouAnn Jacobson, Manager, Canyon of the Ancients National Monument concerning the Canyon of The Ancients National Monument proposed resource management plan. (See attached)

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

MEETING ADJOURNED 5:05 P.M.

County Clerk

November 23, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 7, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 7, 2009, at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, November 23, 2009 were read. Comm. Koppenhafer moved to approve the minutes of November 23, 2009 as presented, seconded by Comm .Rule. Motion carried.

PAYROLL: General fund checks in the amount of \$334,458.74, District Attorney fund check #56457 in the amount of \$27,100.64, Treasurer fund check #56456 in the amount of \$265,019.62, Road department fund checks in the amount of \$79,021.79, Treasurer fund check #22598 in the amount of \$65,305.10; and Landfill fund checks in the amount of \$16,425.40, Treasurer fund check #6388 in the amount of \$14,417.32 were approved for payment.

ORDER # 0-13-09: Comm. Koppenhafer moved to approve order number 0-13-09 to transfer \$92,807.00 from the Law Enforcement Authority Fund to the General Fund. Seconded by Comm. Rule and carried. (See attached)

ORDER # 0-14-09: Comm. Koppenhafer moved to approve order number 0-14-09 to transfer \$27,386.83 from the Conservation Trust Fund to the Montezuma County General Fund for operations of the County Fairgrounds. (2500-1212 \$8,074.92 for qualifying maintenance parts and repairs from June 2009 through December 2009) (2500-1120 \$18,761.91 for 40% of maintenance personnel salaries for 2009) (2800-1410 \$550.00 for McPhee project) Motion was seconded by Comm. Rule and carried. (See attached)

ROAD: Road Supervisor **Dean Roundtree** discussed a problem with trucks turning on Road N and 23. Supervisor Roundtree talked about the NFSR 526 – Dolores Norwood Road Rehabilitation project. (See

attached) A meeting with Bill Ivy will be scheduled. He said the Department has hauled some dirt for MVI on Road 22 and more dirt will need to be hauled.

MILTON LEWIS met to express his gratitude to the Road Department on how well they are doing. He talked about the Department's quick response to clearing the snow on a portion of the Groundhog road.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of November, 2009. (See attached).

EMERGENCY MANAGER Doug Parker gave an update. He talked about the wildfire protection plan. He mentioned he is planning communication meetings concerning emergency planning. He informed the Board that there are public information people in place in the event of emergencies. He is working on a project with the Sheriff's Office in regards to communication problem areas in the County.

WANDA MARTIN with the Sheriff's Office presented an amendment to the Gaming Grant. She said there is money left over. She is asking the grant be amended to purchase additional laptops for the vehicles. Comm. Koppenhafer moved to sign the overtime costs and upgrades to the gaming grant CLIN #09-780 between Montezuma County Sheriffs Office and the State of Colorado The motion was seconded by Comm. Rule and carried. (See attached)

SENIOR SERVICES: Mary Holaday with Senior Services presented The CDOT Transportation Contract concerning operating and administration costs for approval. Comm. Koppenhafer moved to sign the 5311 agreement CDOT transportation contract between Montezuma County and the State of Colorado seconded by Comm. Rule and carried. (See attached)

FAMILY LEADERSHIP TRAINING INSTITUTE representatives **Robby Henes and Nancy Schaufele** met to inform the Board of an initiative concerning programs in awareness and education for leadership rolls in regards to designing family leaders. They asked the Board to help in speaking to the group when the civics in democracy educational programs are done. They said the program is slated to start sometime in January, 2010.

COLLEEN WILLIAMS discussed the Colorado Rural Water Association Mancos Source Water Protection Plan. Ms. Williams gave a power point presentation concerning protection plans for safe drinking water. She said she helps communities to develop protection plans for safe drinking water. Ms. Williams discussed an action plan for 2009 and said the plan will be reviewed to see what has been accomplished thus far.

LUNCH: 12:00 noon

Comm. Koppenhafer moved to sign the letter addressed to Governor Bill Ritter regarding the proposed BLM Resource Management Plan for Canyons of the Ancients National Monument, seconded by Comm. Rule and carried. (See attached)

PLANNING: Margaret Clauson with the Planning Department presented for review a request submitted by Bill Barrett Corporation for an administrative amendment to it's existing high impact permit and special use permit number 576 for the Koskie #16H-28-38-16. They wish to expand the disturbed pad area from 4.0 acres to 4.2 acres. **James Foster and Don Hamilton** explained their intentions further. Mr. Hamilton stated they are going through some of the older permits and found they needed to upsize the fresh water pond for the fracture

operations. He said they are still within the threshold standards. No action from the Board was taken. (See attached)

BILL BARRETT CORP: High impact permit and Special Use Permit No. 582: An administrative amendment to the existing high impact and special use permit number 582 for the McAfee 3H-19-38-16 was requested to expand the disturbed pad area from 4.0 acres to 6.1 acres. Due to the fact this will create a 10% change in the permit, this request will need to go through the public hearing process. Comm. Koppenhafer moved to set for public hearing the proposed changes for high impact permit 582 to expand the fresh water facility and to expand the size of the pad for safety reasons, seconded by Comm. Rule and carried. The hearing has been set for December 28, 2009 at 2:30 p.m.

ADMINISTRATIVE AMENDMENT request from Bill Barrett Corp was received to amend its existing high impact permit and special use permit number 584 for the McAfee 16H-12-38-17 to expand the disturbed pad area from 4.0 acres to 5.9 acres. Due to the fact this will create a 10% change in the permit, this request will need to go through the public hearing process. Comm. Koppenhafer moved to set for public hearing the proposed changes for high impact permit 584 to expand the fresh water facility and to expand the size of the pad for safety reasons, seconded by Comm. Rule and carried. The public hearing was set for December 28, 2009 following the first hearing. (See attached)

LAND USE CODE COMPLAINT: Margaret Clauson with the Planning Department stated the department received another complaint concerning the Marjorie Muniz property. The complaint stated there is still business being conducted at the residence. It was stated the complaint remains open and the activity is being monitored.

PLANNING COMMISSION: A request from Andy Logan for another term on the Planning Commission was received. Mr. Logan is currently on the Planning Commission and would like to serve another term but is term limited at this point. The request is for a resolution doing away with term limits on the Planning Commission. County Administrator Harrison will look into the request.

MEMORANDUM OF UNDERSTANDING: Comm. Koppenhafer moved to renew the MOU between the Board of County Commissioners and the 4-H/FFA Stakeholders for the use of the storage building located at the Montezuma County Fairgrounds. Seconded by Comm. Rule and carried. (See attached)

EMPLOYEE HANDBOOK: County Administrator Harrison reviewed proposed amendments to the County Employee handbook. Comm. Koppenhafer moved to adopt the employee handbook as presented, seconded by Comm. Rule and carried. (See attached)

CASE NUMBER 09 CV 11041: Findings and order of the State Board of Equalization upon review of Montezuma County abstract of assessment and annual study. (See attached)

Complaint filed for case number 09 CV 11041 (See attached)

Letter from State Board of Equalization concerning the hearing scheduled December 11, 2009 (See attached)

Letter from Assessor Vanderpool to JoAnn Groff, Property Tax Administrator. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

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

MEETING ADJOURNED 3:40 P.M.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 14, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 14, 2009, at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, December 7, 2009 were read. Comm. Koppenhafer moved to approve the minutes of December 7, 2009 as presented, seconded by Comm. Rule. Motion carried.

ROAD: There was no road report today.

VETERAN'S AFFAIRS: Comm. Chappell moved to sign the County Veterans Service Officer's monthly report and certification of pay for November, 2009 seconded by Comm. Koppenhafer and carried. (See attached).

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of November, 2009 (See attached).

PUBLIC HEARING: It being the time set aside a public hearing is held to amend the 2009 budget. The roll was called, the public notice was read and the proceedings were taped for the record. County Administrator Harrison stated that no written objections were received. County Administrator Harrison along with finance director Mary Ann Sanders reviewed the amendments. County Administrator Harrison presented **Resolution 13 -2009** to amend the 2009 budget. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment Comm. Rule closed that portion of the hearing. After hearing all the evidence presented Comm. Koppenhafer moved to approve Resolution 13-2009, a resolution to amend the 2009 budget, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the public hearing.

IT BEING THE TIME set aside a public hearing is held to adopt the 2010 budget. The roll was called, the public notice was read and the proceedings were recorded for the record. County Administrator Harrison states there were no written objections received. Administrator Harrison along with finance director Mary Ann Sanders gave an

overview of the 2010 budget. Comm. Rule opened the hearing to public comment. Kimberly Benedict with the Cortez Journal and Sheriff Gerald Wallace were in attendance and had no comments, therefore hearing no public comments. Comm. Rule closed that portion of the hearing. After hearing all the evidence presented Comm. Koppenhafer moved to adopt **Resolution 14 -2009** adopting a budget for Montezuma County Colorado for the calendar year beginning on the first day of January 2010 and ending on the last day of December 2010. Seconded by Comm. Chappell and carried. (See attached) Administrator Harrison presented **Resolution 15-2009** to set the mill levies. Comm. Koppenhafer moved to adopt Resolution 15 - 2009 levying general property taxes for the year 2009 to help defray the costs of government for Montezuma County for the 2010 budget as follows; County General 10.338, Social Services 1.300, Road and Bridge 2.616 for a total county mill levy of 14.254, seconded by Comm. Chappell. (See attached). Administrator Harrison presented **Resolution 16 -2009** levying general property taxes for the year 2009 to help defray the costs of the Montezuma County Law Enforcement Authority for the 2010 budget. Comm. Chappell moved to adopt Resolution 16 -2009 levying general property taxes for the year 2009 to help defray the costs of the Law Enforcement Authority of Montezuma County, Colorado, for the 2010 budget, seconded by Comm. Koppenhafer and carried. (See attached) Administrator Harrison presented **Resolution 17-2009** to appropriate sums of money. Comm. Chappell moved to adopt Resolution 17 -2009 to appropriate sums of money. Seconded by Comm. Koppenhafer and carried (See attached) Comm. Rule closed the public hearing at this time.

LUNCH: 12:00 noon

BOARD OF EQUALIZATION: It being the time set aside an abatement hearing is held on a petition for abatement from Questar Exploration and Production Co. for tax years 2002 through 2006 with respect to the schedules identified in the attached list. The roll was called and the proceedings were taped for the record. County Assessor Mark Vanderpool and Jerry Wisdom with Visual Lease Services were present. Alan Poe and Robyn Kashiwa attorneys representing Questar and Kathy Ball from Questar were on a conference call. Assessor Vanderpool read the schedule numbers into the record and gave an overview of the appeal stating the taxpayer failed to make a full and complete disclosure of their taxable personal property. Alan Poe presented the taxpayer's case. Jerry Wisdom with Visual Lease Services explained their investigation on how the omitted property was discovered and valued. He said the property omitted was pumping oil wells and not gas wells. After hearing all the evidence presented Comm. Koppenhafer moved to agree with the Assessor's Office concerning the values of omitted properties on Questar Exploration and Production Co. for tax years 2002 through tax year 2006, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing at this time.

CONTINUATION: It being the time set aside a continuation hearing is held on the petition for abatement from Rim Operating, Inc. for tax years 2002 through 2007 with respect to the schedules identified in the attached list and read into the record in the hearing of November 23, 2009. The roll was called and the proceedings were taped for the record. County Assessor Mark Vanderpool and Jerry Wisdom with Visual Lease Services were present. Alan Poe and Robyn Kashiwa, attorneys representing Rim Operating Inc were on a conference call. Assessor Vanderpool gave an overview of the petition concerning omitted personal property for tax years 2002 through 2007. Alan Poe spoke to the appeal in detail. He talked about the penalty assessment costs. After hearing all the evidence presented Comm. Koppenhafer moved to agree with the Assessor's Office recommendation concerning the value of the omitted properties for Rim Operating, Inc. due to the fact nothing different has been received from the Taxpayer, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing at this time.

QUESTAR ORDER : The Board discussed the Order of the Board of Assessment Appeals concerning Questar Exploration and Production Company v Montezuma County Board of Equalization. (See attached) Comm. Koppenhafer moved to appeal the Order concerning Questar Exploration and Production Co. Seconded by Comm. Chappell and carried.

VLS CONTRACT: Assessor Vanderpool presented a contract between Montezuma County Assessor's Office and Visual Lease Services, Inc. Comm. Koppenhafer moved to sign the contract between the Montezuma County Assessor's Office and Visual Lease Services, Inc. Seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:
Letter was received from Sheriff Wallace later in the day concerning the 2010 LEA budget. (See attached)

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

MEETING ADJOURNED 4:15 p.m.

County Clerk

December 14, 2009

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 21, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 21, 2009, at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, December 14, 2009 were read. Comm. Chappell moved to approve the minutes of December 14, 2009 as corrected, seconded by Comm. Koppenhafer. Motion carried.

ROAD: Road Supervisor Dean Roundtree was asked if the Department would put some sand on Road 38 at the Hwy 160 entrance due to the road being to slick to stop. Mr. Hernandez who lives on Road 23 is complaining that Bill Barrett Corp. plowed snow to their well site and blocked his driveway.

HOLIDAY SCHEDULE: Amber Kingery with the Administration Office presented the 2010 Holiday Schedule for approval. Comm. Koppenhafer moved to approve the Official 2010 Holiday Schedule for Montezuma County seconded by Comm. Chappell and carried. (See attached)

ACCOUNTS PAYABLE: General Fund # 56453-56626 in the amount of \$325,304.20, Road Fund # 22601-22666 in the amount of \$91,132.72, and Landfill # 6390-6419 in the amount of \$315,781.97 for the month of November, 2009 were approved for payment.

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

FAIRGROUNDS: Fairgrounds Manager Lee Ann Milligan discussed a drainage problem around the foundation of a building at the Fairgrounds. She stated there are no changes to the current fee schedule at this time.

CERTIFICATION OF MILL LEVIES: County Administrator Harrison presented the certification of mill levies and Revenue for 2010. Comm. Koppenhafer moved to certify the mill levy and revenue for budget year 2010, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00 noon

PLANNING: Margaret Clauson with the Planning Department presented for review and determination of a request for a boundary line adjustment. The adjustment is a common lot line between 3 separate tracts of land on property owned by Roger Hazelwood, located at 12594 Road G, Cortez, property owned by the Estate of Lexi M. Bonner, located at a location to be determined on Road G, and Bernard Karwick owner of property located at 22870 Road G. Comm. Chappell moved to give permission to proceed on the boundary line adjustment for properties owned by Roger Hazelwood, the Estate of Lexi M. Bonner and Bernard Karwick, seconded by Comm. Koppenhafer and carried. (See attached)

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

MEETING ADJOURNED 1:50 p.m.

County Clerk

December 21, 2009

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 28, 2009**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 28, 2009, at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

MEETING was called to order by **Chairman Rule** at 1:30 p.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, December 21, 2009 were read. Comm. Koppenhafer moved to approve the minutes of December 21, 2009 as presented seconded by Comm. Chappell. Motion carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an industrial zoning request for an existing parcel with a warehouse used for various business operations on 2.86 acres. The property is located at 22895 Road F, Cortez and owned by Michael Kevin Hokett, Carol Click, agent. Planning Director Susan Carver gave an overview of the application. Agent Carol Click was not present. Comm. Rule opened the hearing to public comment. Hearing no comments, that portion was closed. After hearing all the evidence presented, Comm. Chappell moved to approve the industrial zoning request for Michael Kevin Hokett on property located at 22895 Road F, Cortez situated northwest of Road F, South of Road G in S.8, T35N., R16W, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed the public hearing at this time.

RESOLUTION P-22-77. Planning Director Carver presented a first amendment to Resolution P-22-77. Comm. Koppenhafer moved to approve the first amendment to resolution P-22-77 concerning a tract of land owned by Michael Kevin Hokett, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Planning Director Susan Carver presented a request to amend Resolution No. 2-2009, a Planning Commission resolution. The proposed amendment is to delete the 3 term limit. Comm. Koppenhafer moved to approve Resolution 18-2009 to replace Resolution 2-2009, seconded by Comm. Chappell and carried. (See attached)

VARIANCE: Director Carver presented a request for a setback variance for a home. The property is owned by Roger Vern and D Lea Becker located at 27434 Road P.2, Dolores. Director Carver gave an overview of the request stating the owners would like to build the house 25' from the setback rather than the 50' setback minimum. She said the reason for the setback is because the contour of the land restricts the buildable area. Comm. Koppenhafer moved to grant the variance for Roger Vern and D Lea Becker at 27424 Road P.2 from the 50' setback to a 25' setback due to the physical constraints of the property, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held regarding an amendment to an existing high impact permit and a special use permit application submitted by Bill Barrett Corp. Don Hamilton, agent. Said application is for the purpose of expansion of an approved 4 acre well pad. The request is for a 6.4 acre well pad, drilling a horizontal natural gas well, and a 12" or less buried steel pipeline corridor with well site production equipment. The property is located at 21450 Road Z, Lewis consisting of 160 acres owned by Charles W. McAfee & Company, LLLP. The roll was called, the public notice was read and the proceedings were taped for the record. Director Carver gave an overview of the applications. Don Hamilton with Bill Barrett Corp. informed the Board they need more room for a larger frac pit and pad. The landowners were present during the hearing. Comm. Rule opened the hearing to public comments at this time. **Chuck McAfee** said they have not really been in the loop with some communication from Bill Barrett Corp. where they were stating they were going back in to do more staking in and surveying. He questioned the number of wells on one pad. **M.B. McAfee** said it would be helpful if the landowner has a packet of information from the County including the maps and etc. **Chuck McAfee** also commented about information to landowners that would help them to be more knowledgeable concerning the process. Hearing no further public comment, Comm. Rule closed the public comment portion of the hearing at this time. Comm. Rule opened the hearing back up to public comment. Chuck McAfee does not remember talking about a larger well pad. He stated he is not an upset landowner. He said what ever is right for the Board is ok with him in that regard. Comm. Chappell moved to continue this public hearing until Jan. 18, 2010 for Bill Barrett Corp, Don Hamilton, agent and Charles W. McAfee & Company LLLP because of circumstances that has arisen, and he moved to publish a new public notice, seconded by Comm. Koppenhafer and carried. No action was taken at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding an amendment to an existing high impact permit and a special use permit application submitted by Bill Barrett Corp. Don Hamilton, agent. Said application is for the purpose of expansion of an approved 4 acre well pad. The request is for a 6.4 acre well pad, drilling a horizontal natural gas well, and a 12" or less buried steel pipeline corridor with well site production equipment. The property is located at 21451 Road 21, Lewis consisting of 136 acres owned by Charles W. McAfee & Company, LLLP. During the previous hearing Comm. Chappell moved to continue the hearing until Jan, 18, 2010 for Bill Barrett Corp, Don Hamilton, agent and Charles W. McAfee & Company LLLP because of circumstances that has arisen, and he moved to publish a new public notice, seconded by Comm. Koppenhafer and carried. No action was taken at this time.

CORRESPONDENCE: The following correspondence was read and noted:

CASE NUMBER 09-CV106 order denying plaintiff's Four Corners Recycling Systems, LLC v Board of County Commissioners. (See attached)

Letter from CCI affirming their commitment to work together to strengthen their human service system. (See attached)

Letter from U.S. Department of the Interior BLM. This is a copy of the Proposed Grazing Decision and Finding of No Significant Impact for environmental assessment. (See attached)

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

MEETING ADJOURNED 3:30 p.m.

County Clerk

December 28, 2009

Chairman

Online Copy