

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 3, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 3, 2011, 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

MINUTES of the regular meeting held on Monday, December 20, 2010 were read. Commissioner Koppenhafer moved to approve the minutes of December 20, 2010 as amended, seconded by Commissioner Chappell and carried.

**2011 APPOINTMENTS:** The following election of officers and appointments were made. Comm. Koppenhafer made a motion to keep the Board of County Commissioners as they existed in 2010 as follows; Chairman, Larrie D. Rule, Vice Chairman, Steve Chappell and Commissioner of Deeds, Gerald W. Koppenhafer, seconded by Comm. Chappell and carried; Comm. Chappell moved to appoint the following persons to the respective offices as existed in 2010, seconded by Comm. Koppenhafer and carried.

- 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. Term to expire Jan. 2013.
- Legal Publications; Cortez Journal, Dolores Star, and Mancos Times.

**APPOINTMENT CORTEZ CEMETERY:** Comm. Chappell moved to appoint Dick Donahoo to the Cortez Cemetery District for a term of 6 years, expiring Jan. 2017. Seconded by Comm. Koppenhafer and carried. (See attached)

**APPOINTMENT FAIRVIEW CEMETERY:** Comm. Chappell moved to appoint Dean Ives to the Fairview Cemetery District for a term of 6 years, expiring Jan. 2017, seconded by Comm. Koppenhafer and carried. (See attached)

**ROAD: Road Supervisor Dean Roundtree** discussed the plowing routes. He said things were slow getting started this morning but all in all there have been no serious problems.

**PAYROLL:** General fund checks in the amount of \$368,006.82, District Attorney fund check #58783 in the amount of \$39,029.55, Treasurer fund check #58784 in the amount of \$293,122.89, Road department fund checks in the amount of \$81,186.59, Treasurer fund check #23483 in the amount of \$68,642.85; and Landfill fund checks in the amount of \$14,962.91, Treasurer fund check #6825 in the amount of \$12,858.20 were approved for payment.

**EMERGENCY MANAGER Doug Parker** gave his monthly report. He reported on upcoming training programs. He talked about a power outage and the responses done.

**CORTEZ FIRE PROTECTION DISTRICT:** Representatives of the Cortez Fire Protection District met to request the Board's consideration to adopt the 2009 International Fire Code. Jeff Vandevoorde and Brandon Johnson presented a report concerning the reasons to adopt said code. They would like to see the Board approve the code for the Cortez Fire Protection District only. C.R.S 32-1-1002 (3)(b) was read. Mr. Vandevoorde said the department doesn't reference the State Statutes when an inspection is done they follow the 2009 International Fire Code as their guideline for commercial and industrial building. The Board will take the code under consideration. No action was taken at this time.

**SENIOR SERVICES: Sue Fletcher and Mary Holaday** with Senior Services presented the CDOT grant for signature. Comm. Koppenhafer moved to approve the contract amendment to the original contract CMS 10-HTD-08946 between CDOT and Montezuma County, seconded by Comm. Chappell and carried. (See attached)

**BOARD OF EQUALIZATION:** It being the time set aside the Board of Equalization heard an appeal from Sharon Amble, Jess Daniel Dufur and Mary Dufur on account numbers R002633, R015690, and R015692. The roll was called and the proceedings were recorded for the record. Jim Fuller with the Assessor's Office gave an overview of the appeal. Mr. Fuller stated there is a lack of agricultural use therefore the property has been classified as vacant land. Mr. Dufur said the property should be listed at agricultural. He said the property was in CRP and has been out of that status for two years. He said he harvests fire wood and fence posts from the property. After hearing all the evidence presented Comm. Koppenhafer moved to agree with the Assessor's Office classification as vacant land and to decrease the dollar value per acre by one half on accounts R002633, R015690 and R015692 seconded by Comm. Chappell and carried. (See attached)

**COMMISSIONER'S ROOM:** A layout plan for the Commissioner's room was discussed. Beau Blakeley and Bill Bedker proposed a layout for the room.

**LUNCH: 12:00**

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

**FINAL PLAT:** Planning Director Susan Carver presented a final plat for Clifford and Colette Parker, Maness and Associates, Inc, agents. Said property is located at 14471 Road 26, Dolores. The proposed single lot development application is to separate 9.11 acres from a 45 plus tract of land. Comm. Koppenhafer moved to approve the final plat and findings for the Parker single lot development, seconded by Comm. Chappell and carried. (See attached)

**GORDON A. STEVES:** An exemption request to adjust the common lot line between 16678 and 16930 Road 22, Cortez was presented. The property is owned by Gordon A. Steves, Ernest Maness of Maness and Associates, Inc., agent. The property consists of 20 acres and the request is to adjust the common lot line wherein the resulting acreage for the property located at 16678 Road 22, Cortez would be 5 acres, more or less, and the property located at 16930 Road 22, Cortez would be 90 acres, more or less. Comm. Koppenhafer moved to approve the preliminary pre-sketch plan for the Steves exemption plat, seconded by Comm. Chappell and carried. (See attached)

**DEAN F. DIETZENBACH:** Director Carver presented for review and determination a final plat for a proposed 3 lot minor subdivision on property owned by Dean F. Dietzenbach , Maness and Associates, agents. Said property is located at 7759 Road 38, Mancos and consists of 59 acres more or less. Comm. Chappell moved to approve the amended plat and findings of the Dietzenbach property in Mancos, seconded by Comm. Koppenhafer and carried. (See attached)

**DONALD AND REBECCA H. BRUNK:** Director Carver presented a request to amend Planning Resolution P-06-88. Property owned by the Brunk's is located at 3110 Hwy. 160-491 and consists of 7.8 acres and property owned by Judith A. Wolfe and located at 3106 Hwy. 160-491 consisting of 13.8 acres, more or less. 7.8 acres, more or less, was sold to the Brunk's from a 21 acre, more or less, tract of land owned by Ms. Wolfe without county approval and is currently non-compliant with land development regulations. Brunk's 7.8 acres, more or less, will be made a part of their existing 29 acre, more or less, tract of land that is adjacent to the 7.8 acres. It was explained that no new tract shall be created. In addition, Judith Wolfe owns a tract of land located at 3106 Hwy. 160-491, wherein she is requesting to adjust the common lot line between the two properties. Comm. Chappell moved to approve the amendment to the existing resolution P-06-88 on the Judith Wolfe property and to approve resolution P-01-11 for the Brunk property to amend the lot line. Seconded by Comm. Koppenhafer and carried. (See attached)

**LETTERS OF RESIGNATION** were presented for consideration from Bob Clayton, Dewayne Findley, Chris Majors and Darin Goodall whereby they are wishing to resign from the Montezuma County Public Lands Coordinating Commission. Comm. Chappell moved to accept resignations from Bob Clayton, Dewayne Findley, Chris Majors and Darin Goodall from the Montezuma County Public Lands Coordinating Commission, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Chappell moved to appoint Dennis Atwater to the Montezuma County Public Lands Coordinating Commission. The motion was seconded by Comm. Koppenhafer and carried.

**Comm. Chappell** moved to sign a letter to the San Juan National Forest Compliance with EPA Clean Water Act, Elizabeth Fagan. Seconded by Comm. Koppenhafer and carried. (See attached)

**Comm. Koppenhafer** moved to approve a contract to update the community wildfire protection plan, seconded by Comm. Chappell and carried. (See attached)

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

Letter from Colorado Department of Public Safety regarding CDOT hazardous materials routing partnership. (See attached)

Letter from CDPHE in reference to a notice of Non-Compliance with solid waste regulations Lot 1 Dawson Draw Subdivision. (See attached)

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

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

---

Clerk      January 3, 2011

---

Chairman

**MONTEZUMA COUNTY, COLORADO**  
**January 10, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 10, 2011 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 ABSENT  
Ashton N. Harrison, County Administrator  
Carol Tullis, County Clerk

**MINUTES** of the regular meeting held on Monday, January 3, 2011 were read. Commissioner Chappell moved to approve the minutes of January 3, 2010 as presented, seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** gave an update on the status of a portion of Road 18. Supervisor Roundtree discussed the estimated costs. He said the project will go out for bids. It was stated the road will be built to County standards. Morgan Allsup asked what the County will be able to do. It was stated the County could furnish the gravel. When asked how the landowners would split the costs, it was stated that the landowners would split the costs equally among themselves. County Administrator Harrison said when more information is received from the landowners concerning a payment plan a public hearing will be scheduled. Supervisor Roundtree talked about what the Department was doing regarding plowing of snow.

**BRANDON JOHNSON** with the Cortez Fire District informed the Board of issues at the Baymont Inn and Suites where the elevator shut down. The Department also received a call that the fire alarm was going off and they responded. They found flooding on the second floor due to a water leak. The decision was made to close the Inn. He said they will not allow the Inn to reopen until all issues are resolved.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of December 31, 2010. (See attached).

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of December, 2010 and her annual report. Manager Barton talked about holiday and weather impacts at the Landfill. (See attached)

**GERALD WALLACE:** Sheriff Gerald Wallace presented a placque of appreciation to the Board. Dave Hart also expressed his appreciation to the Board. Marcia Boon expressed her appreciation to Sheriff Wallace for his service.

**TREASURER SHERRY DYESS** presented an updated list of depository institutions. Comm. Chappell moved to designate the following institutions a public depositories for the deposit of public funds of Montezuma County; United Stated Treasury, Citizens State Bank of Cortez, Dolores State Bank, Mancos Valley Bank, Vectra Bank Colorado, First National Bank of Cortez. 1<sup>st</sup> Southwest Bank, Wells Fargo, Colo-

Trust Pool, C-Safe Pool, and UMB Corporate Trust, seconded by Comm. Koppenhafer and carried. (See attached)

**RESIGNATION LETTER:** James Dietrich presented a resignation letter from Scott Williams where he is resigning from the Montezuma County Public Lands Coordinating Commission. Comm. Chappell moved to accept the resignation of Scott Williams from the Public Lands Coordinating Commission, seconded by Comm. Koppenhafer and carried.

**BUREAU OF RECLAMATION LETTER:** Comm. Koppenhafer moved to sign a letter to Joe Toumey with the Bureau of Reclamation waiving the County's participation in the memorandum of agreement for the demolition and replacement of three CCC era buildings. The motion was seconded by Comm. Chappell and carried. (See attached)

**RELAY FOR LIFE: Cancelled**

**LUNCH: 11:55**

**PLANNING: Planning Director** Susan Carver gave an update regarding the Planning Commission Board. She said she has received letters of interest in remaining on the Commission from Drew Gordanier and Dennis Atwater. Andy Logan has resigned from the Planning Commission. A public notice was run in the local newspapers and letters of interest have been received from Danny Wilkin, Gala Pock, Orly Lucero, John J. Hernandez, and Bob Clayton. Comm. Chappell moved to re-appoint Drew Gordanier and Dennis Atwater to the Montezuma County Planning Commission for a term of 3 years. Seconded by Comm. Koppenhafer and carried. Interviews will be conducted for the last opening on the Commission. (See attached)

**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 (1) expansion to the existing mining area; and (2) associated aggregate mining activities as submitted by Noland Inc, Rickey Noland, Nathan Barton, agent. The roll was called, the public notice was read and the proceedings were recorded for the record. The property is located at 38253 Hwy. 160, Mancos, Co. Planning Director Susan Carver gave an overview of the permits. She stated that at the Planning Commission application review on November 18, 2010 the Commission recommended approval contingent upon the following; (1) A phone number must be made available to the public and published in a form which is accessible to the public; (2) At least, yearly monitoring by the County of complaints and responses to complaints and instances of exceeding permit standards, (3) materials, tonnage and traffic must be in compliance with CDOT permits; and (4) Board of County Commissioners will review the permit on an annual basis for compliance. Rick Noland and Nathan Barton spoke as to the applications. They talked about the acreage to be affected and said the mining acreage will not change. Mr. Barton stated that a phone number is posted at the gate that should comply with the Planning Commission's recommendations. Mr. Barton said this is not a new mining operation but is a natural progression of the activities that is being done. Comm. Rule opened the hearing to public comment at this time. **Betsy Harrison** asked about any arrangement with CDOT and how that would be handled. It was stated that any CDOT access permit is recorded in the Clerk and Recorder's Office. She was wondering how any notification to landowners would be done. Director Carver said the adjunct landowners could be notified.

**Patricia Burk** applauded the Board of this process saying the process has been a good one. She said the communication has improved. She suggested she would like to see a web site set up for a perspective of what is happening. **Greg Kemp** mentioned the issue of responsibility between the property owner or the lease holder and who should be held responsible. He talked about the screening of the operation possibly requiring a privacy fence. Hearing no further public comments, that portion was closed. Mr. Noland said that Old Castle, Four Corners Materials has a web site and the URL address can be provided. Mr. Noland addressed the question of responsibility and what he would do regarding any complaints. Comm. Rule opened the hearing up to public comment again. **Betsy Harrison** said one of the concerns is traffic. She asked how the traffic would be monitored. **Patricia Burk** talked about the agricultural use and asked if there would be any animal

grazing. Hearing no further comments, Comm. Rule closed that portion. After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit and special use permit for the purpose of an expansion to the existing mining area and associated aggregate mining activities for Noland, Inc. for the 126 acres permitted and to include a phone number be made available to the public, at least yearly monitoring by the County of complaints, materials, tonnage and traffic be in compliance with CDOT permits and yearly review of the permit by the Board of County Commissioners. Motion seconded by Comm. Koppenhafer 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 AR35+ zoning request. The roll was called, the public notice was read and the proceedings were recorded for the record. Said property is owned by Spencer and Nichole Smith and located at 27992 Road P., Dolores, Co. Also, an AR3-9 and AR10-34 zoning request on property owned by Mountain View Village located at 28050 Road P., Dolores, Co., which consists of a 4 acre, more or less, parcel and an 18 acre, more or less parcel. Said tracts were created by amended planning resolution P-28-84. Planning Director Carver informed the Board of the request. Ernest Maness with Maness and Associates is the agent. Director Carver stated no new tract would be created, just an adjustment to the common lot lines. Comm. Rule opened the hearing up to public comment. Hearing no comments, Comm. Rule closed that portion. After hearing all the evidence presented Comm. Koppenhafer moved to approve the AR35+ zoning request for Spencer and Nichole Smith on property located at 27992 Road P and AR3-9 and AR10-34 on property owned by Mountain View Village located at 28050 Road P., seconded by Comm. Chappell and carried. Comm. Rule closed this hearing at this time. (See attached)

**LAND USE CODE COMPLAINT: Planning Director Carver** discussed a land use complaint received from CDPHE regarding a compliance advisory issue for the solid wastes disposals site and facility concerning 49 Square Ventures LLC. The complaint says it appears there has been an expansion of use on the property. Comm. Koppenhafer will talk to the landowners. (See attached)

Director Carver discussed another complaint concerning non-compliance with solid waste regulations on Lot 1 Dawson Draw Subdivision owned by Mr. Ron Leonard. Comm. Chappell will talk to Mr. Leonard. (See attached)

**MAP UPDATES: Dennis Atwater and Duane Likes** presented maps concerning two historical roads, the Lost Canyon Stock Drive Way and the Mancos-Rico Wagon Road as RS2477 roads. Mr. Atwater read from a document regarding dates and times of the Lost Canyon Stock Drive Way. Duane Likes presented maps dating back to 1881 and 1882 showing the Mancos-Rico Wagon Road. He showed other maps tracking the route of the road. Mr. Atwater read portions from the Forest Service rules. He talked about the Forest Service's scoping plan on the Lost Canyon Stock Drive Way. The information will be presented to the Forest Service at an upcoming meeting. A letter to Congress will also be formulated and sent.

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

Letter from CDOT to Empire Electric Association regarding speed limits on Hwy. 491. (See attached)

DWCD agenda and minutes of Nov. 11,2010. (See attached)

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

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

---

Clerk      January 10, 2011

Chairman

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

January 18, 2011

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, January 18, 2011 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

**MINUTES** of the regular meeting held on Monday, January 10, 2011 were read. Commissioner Chappell moved to approve the minutes of January 10, 2010 as corrected, seconded by Commissioner Rule and carried.

**ROAD: Road Supervisor Dean Rountree** and Planning Director Susan Carver discussed a draft agreement with Bill Barrett Corp. Director Carver said they would also do an agreement with Williams Field Services.

Supervisor Roundtree gave an update on the mag-chloride program and the 2010 road plan as to what the Department has done throughout the year. He talked about the gravel situation at various pits. (See attached)

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for December, 2010, seconded by Comm. Rule, motion carried (See attached)

**ACCOUNTS PAYABLE:** General Fund # 58781-58944 in the amount of \$225,044.71, Road Fund # 23484-23536 in the amount of \$149,270.60, and Landfill # 6826-6854 in the amount of \$18,529.33 for the month of December, 2010 were approved for payment.

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave the year end financial report for 2010. He talked about the horsemen's cards and continuing maintenance. He talked about a survey that will be given to anyone who uses the fairgrounds and would like to see solid numbers for the events. He talked about insurance for the racetrack and the various events held there. Manager Young talked about the drainage problems and said they are working on hauling the snow away from the drainage ditch and discussed other drainage problems. He informed the Board that the Ag Expo is scheduled for March 17<sup>th</sup> through March 20<sup>th</sup>.

**STATIONARY BID:** The bid for the 2011 stationary needs was presented. Amber Kingery turned in the yearly proposal for the 2011 stationary needs. She stated they only had one bid presented from Cortez Copy and Print. Comm. Chappell moved to accept the bid from Cortez Copy and Print for stationary needs for Montezuma County for 2011, seconded by Comm. Rule and carried. (See attached)

**ASSESSOR:** Comm. Chappell moved to authorize the County Assessor to review petitions for abatement or refund and settle by written mutual agreement any such petition for abatement for refund in the amount of \$2,500.00, or less, per tract, parcel, or lot of land or per schedule of personal property. Motion was seconded by Comm. Rule and carried.

**PLANNING COMMISSION INTERVIEWS;** Interviews for the vacancy on the Planning Commission were held. The Board interviewed Gala Pock for the vacancy on the Planning Commission.

**SOUTHWEST WATER CONSERVANCY DISTRICT:** John Porter gave an update of the activities regarding the Southwest Water Conservancy District. Mr. Porter brought a letter of re-appointment as the representative from Montezuma County. Comm. Chappell moved to re-appoint John Porter to the Southwest Water Conservancy District as representative from Montezuma County for a three year term, seconded by Comm. Rule and carried. (See attached)

**SHERIFF'S OFFICE:** Wanda Martin with the Sheriff's Office presented service contracts for approval. Comm. Chappell moved to sign the equitable sharing agreement and certification and the federal annual certification report, seconded by Comm. Rule and carried. (See attached)

Comm. Chappell moved to sign special provisions and certified assurances application, seconded by Comm. Rule and carried. (See attached)

Comm. Chappell moved to sign the Colorado division of criminal justice statement of grant award (SOGA), seconded by Comm. Rule and carried. (See attached)

Comm. Chappell moved to sign the certification of compliance with regulations office for civil right's, seconded by Comm. Rule and carried. (See attached)

**RELAY FOR LIFE:** A request for the use of the County Annex from Relay for Life was received. Peggy Ledford and Cassie James met to request the use of the County Annex for the Relay for Life Extravaganza for March 5<sup>th</sup>, 2011. This extravaganza is a kick off event for the American Cancer Society's for Relay for Life. Comm. Chappell moved to allow the use of the County Annex for March 5, 2011 for Relay for Life, seconded by Comm. Rule and carried.

**LUNCH: 12:10**

The meeting was moved to the County Annex for a coordination meeting with the Dolores County Commissioners and Forest Service representatives.

**PUBLIC LAND ISSUES:** The Dolores County Commissioners and Forest Service representatives met with the Montezuma County Board of Commissioners to discuss public land issues.

**Dolores County Commissioner Julie Kibel** opened the meeting. The Board introduced themselves to the public. Comm. Kibel gave an overview of this government to government meeting and explained the process. She explained the audience members were observers only with the chance to write questions. Comm. Kibel passed out a handout of the difference between a cooperating agency versus coordination. (See attached) She explained some of the differences. Comm. Kibel talked about five points of the Management and Policy Act (FLPMA)

Comm. Kibel talked about the appeal letter concerning the Boggy/Glade TMP. She asked what the use of the forest would be. Mr. Beverlin with the Forest Service stated they are still looking into what uses will be allowed such as wood cutting, four wheeling, fishing, hunting and hiking, etc. The National Travel Rule mandated that motorized cross country travel was no more, but they did discuss "play areas". They discussed gate closures. Mr. Beverlin stated no gates have been closed yet. Comm. Kibel talked about their appeal letter. Mr. Beverlin stated that some of the issues could be resolved before the new decision comes out. There will also be a 45 day appeal window of the new decision.

Division of Wildlife representatives did not appear and the Dolores County Commissioners would like to talk with them as well. When asked if there were to be any further road closures in the Boggy/Glade area, Mr. Beverlin stated there would be no further closures in the Boggy/Glade area. Comm. Kibel said the next meeting will be scheduled for February 21<sup>st</sup> at 1:30 p.m. in Dolores County. She invited the Montezuma County Board to said meeting. At this point Comm. Kibel said their portion of this coordinating meeting was completed. A motion was made and seconded to close Dolores County's portion of this meeting. The Dolores County Commissioners and staff left the meeting at this time.

**MONTEUMA COUNTY;**

Comm. Rule opened the meeting by having Commissioner Chappell present RS 2477 maps and the research that was done. He said there are two old stock roads that should be considered as RS 2477 and they would like to see these roads remain open. Comm. Chappell presented the maps to the Forest Service representatives. Comm. Chappell and James Dietrich explained the roads stating the maps are dated in the 1880s. One is called the Mancos Wagon Road and the other is called the Dolores Wagon Road. He showed a second map and overlaid the road layers to see how the alignments fit. He talked about stock driveways. One is the Lost Canyon stock driveway. Mr. Beverlin was curious as to the outline of RS 2477 roads as to prior use to present use. Attorney Slough talked about the process. It was explained that this meeting is simply a discussion between the Board of County Commissioners and the Forest Service informing the Forest Service of the roads and wanted to give the Forest Service the opportunity to take a look at the roads. Mr. Beverlin said he has some information concerning the roads and will share said information with the Board at a later date.

The Board asked about the economic analysis process. Debbie Kill explained their process and assessments and the anticipated effects said access might be for certain types of access. She talked about the changes done regarding the open roads in game retrieval.

Mr. Beverlin asked who would be responsible for the maintenance of the RS 2477 roads. It was explained the County probably would, however, portions of the road is still on Federal Land so the maintenance of the road would have to be worked out. The issue of coordination was addressed and Debby Kill explained how that works. Comm. Rule stated that several Public Land Commission members who have permits with the Forest Service have withdrawn from the Committee expressing fear of reprisals from the Forest Service. Ms. Kill explained the process and said the fears were unfounded. Mr. Bevelin addressed this issue saying the Forest Service and BLM doesn't work that way. Comm. Rule asked about wood hauling on public lands. Mr. Beverlin said there are still a lot of designated areas. The public can get their permits and still gather their wood in these designated areas and could go cross country in these areas.

When asked how the Forest Service complied with the storm-water permitting and training, and recordkeeping, Mr. Beverlin explained that portion is handled by the EPA and he said there has been no decisions made yet. Comm. Rule said if someone has a question for this panel they could reduce it to writing and it will be presented. What do you do when a gate gets closed behind you? Mr. Beverlin said typically they are not that fast doing the gate closures. Asked what regulation deals with the travel management plan? Debbie Kill gave the regulation number as being 36-CFR212.

Mr. Beverlin thanked the Board for holding the open meeting with respectful dialog and questions submitted.

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

Letter from DOLA to Ms. Tami Miller with Housing Solutions for the Southwest. (See attached)

Colorado Board of Health agenda for January 19, 2011

Letter from AxisHealth Systems regarding the annual report. (See attached)

Montezuma County Sheriff's Office Employee Fund activity statement for 4<sup>th</sup> quarter, 2010. ((See attached)

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

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

---

Clerk      January 18, 2011

---

Chairman

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



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

**LIQUOR LICENSE RENEWALS:** Tammy Neely and Brandon Vialpando presented for approval a liquor license renewal for G Whil Liquors LLC for a retail liquor store. Comm. Koppenhafer moved to approve the renewal for G Whil Liquors LLC, a retail liquor store, seconded by Comm. Chappell and carried. A renewal for a 3.2 beer license was presented for Maverick, Inc. Comm. Koppenhafer moved to approve the renewal of the 3.2 beer liquor license for Maverick, Inc., seconded by Comm. Chappell and carried.

**CORTEZ FIRE PROTECTION DISTRICT:** Planning Director Susan Carver along with Brandon Johnson with the Cortez Fire Protection District presented a proposed commercial and (or) industrial inspection form certifying compliance with the International Fire Code. This proposed form is for the Cortez Fire Protection District's boundaries only. Comm. Koppenhafer moved to approve an administrative form for properties located within the Cortez Fire Protection District boundaries for new commercial and industrial construction, seconded by Comm. Chappell and carried. (See attached) See the attachment of Resolution number 2 Series 2010 where the Board of Directors of the Cortez Fire Protection District adopted the 2009 edition of the International Fire Code.

**PLANNING COMMISSION:** Interviews to fill the vacancy on the Planning Commission was conducted. An interview with Bob Clayton was done.

**LUNCH: 12:00**

**PUBLIC HEARING:** It being the time set aside a public hearing is held regarding a request to amend High Impact Permit and Special Use Permit number 520 permitted to Bill Barrett Corporation for the purpose of constructing a well pad, drilling a natural gas well and the construction of a temporary compressor station and related tie-in gas lines. Williams Field Services, Agent Jeffrey A. Baumer, and Doug Dennison with Bill Barrett Corporation are requesting to separately permit the compressor station to Williams Field Services. Also a request for an extension of time to operate the existing compressor station has been submitted. Said well and compressor station are located on property owned by Jerroll and Marianne Koskie located at 24028 Road X, Lewis, Co. Planning Director Carver gave an overview of said requests. Mr. Baumer stated they are not requesting any expansion or change in use. Director Carver presented a draft road maintenance agreement. Mr. Baumer said Williams Field Service has no problem with the proposed draft. Doug Dennison representing Bill Barrett Corp. discussed the road maintenance bond. It was stated their intent is never to use the bond. They discussed existing wells and pipelines versus new wells and pipelines in the future being covered by this bond. Comm. Rule opened the hearing up to public comment. **Mark Wilson** asked about the noise issue be addressed. Hearing no further comment Comm. Rule closed that portion. Mr. Baumer said they can take a look at noise mitigation and possible solutions. Comm. Chappell moved to approve the extension of high impact permit and special use permit number 623 for the temporary compressor station from today until June 1, 2015 for Williams Field Services along with amended exhibit A and that Williams will study alternative methods to minimize noise, seconded by Comm. Koppenhafer and carried. Comm. Koppenhafer moved to approve the high impact permit and special use permit number 520 for Bill Barrett Corp for the Koskie well pads without the temporary compressor station involved and the attachment of exhibit A as corrected concerning the road maintenance bond. 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 an AR3-9 zoning request and pre-sketch plan for a proposed 2 lot moderate development. The property is owned by Leroy Miller and located at 16458 Road 24, Dolores, Co. Planning Director Carver gave a review of the request for the proposed 2 lot moderate development as proposed by Leroy V. Miller. Ernest Maness with Maness and Associates discussed the development further. Comm. Rule opened the hearing up to public comment. Hearing

no comments, Comm. Rule closed that portion. Comm. Koppenhafer moved to approve the AR3-9 zoning of lot 1 of the Miller 2 lot moderate development, seconded by Comm. Chappell and carried. (See attached) Comm. Chappell moved to approve the preliminary plan for the proposed 2 lot moderate development for Leroy Miller. Seconded by Comm. Koppenhafer and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining a High Impact Permit and Special Use Permit request to construct and operate a telecommunications facility to include a 75' x 75' lease area within a 55 acre parcel of land; a 150 foot lattice self-supporting steel communications tower; 16' x 11.5' equipment shelter; and a new access road on property owned by Gary N. and Lillian J. Allen, Jeremy Mironas, agent for . The property is located at 15927 Road 35, Mancos, Co. Planning Director Carver discussed the request at this time. She stated letters had been submitted and is a part of the attached packet. Jeremy Mironas was present to answer any questions. He talked about coverage gain AT&T is proposing, and about the noise level and transmission dead spots. Comm. Rule opened the hearing up to public comment at this time. **Terry Wells** spoke in favor of the project and feels it would increase coverage. She has concerns with roads. **Wayne McCarey** said he represents alot of the neighbors and talked about a petition he presented opposing the tower.(See attached) He talked about the Telecommunications act. He discussed disguised towers in other areas. He asked to move the tower back on the Allen property and disguise the tower where it doesn't look like a big metal structure. He has concerns with property values as well. **James Nickerson** asked what guarantees they have about others coming in to use the towers. **Shirley McCarey** feels this is not the highest point for the tower in this area. She discussed the petition stating enough harm has been done concerning this project. She said the telecommunications tower hurts the property values and she would like to see the tower put in a less conspicuous place. **Ned Harper** discussed the possibility of approving the tower at the proposed location or have it moved to an alternative site on the same property that would be more acceptable to the neighbors. He talked about tax revenues falling. **Janice Swenson** spoke in favor of placing the tower to the original site. **Rudy Baeumel** said there is no objection to the tower on the Allen's land and would like to see the tower moved and disguised. Hearing no further comments, that portion was closed. Mr. Mironas responded to the questions about the disguised tower stating he does not encourage a mono-pine disguise saying they don't really look that good and they do not hold up that well. He talked about the site location stating the initial location was chosen but there was a request from the landowner to move the location to another parcel. When asked about additional users for the tower he stated the Planning Commission stated they have limited collocation to two additional cellular carriers. Comm. Rule opened the hearing back up to public comment. **Terry Wells** said she is involved with a road association for Road 35 and asked if the road is a county road back to Charlie Roger's place? **Wayne McCarey** said he has a nonexclusive road to his property and asked if the road is a nonexclusive or exclusive road? **Rudy Baeumel** asked about costs to disguise the tower. He questioned about what would be wrong to move the tower back into the trees. **Greg Kemp** asked the engineer about galvanized steel versus steel that turns brown when oxidized. **Susie Baeumel** said since the tower has not been built, what would be wrong with moving it before it's built. **Lillian Allen** talked about moving the tower back to the original location. She said they discussed moving it back into the trees and not to the original location. **Terry Wells** said the proposed site is the highest spot. **Wayne McCarey** said there is very little distance between the original and proposed location. **Janice Swenson** suggested the Board and Mr. Allen look at the area together. Hearing no further comment, Comm. Rule closed that portion. Comm. Koppenhafer moved to continue this hearing until Monday, January 31, 2011 at 8:00 a.m. to conduct a site visit to Road 35, then to continue the hearing until 2:00 p.m. on Monday, January 31, 2011. Seconded by Comm. Chappell and carried.

**FINDINGS:** Comm. Koppenhafer moved to approve the findings and permit for high impact permit number 174 for the purpose of sand and gravel mining and crushing operations for Noland, Inc. Seconded by Comm. Rule and carried. (See attached)

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

Letter from Energy Forum & Expo Co. concerning the Sixth Annual Energy Forum and Expo Co on Friday, February 25, 2011. (See attached)

Letter from Invest In Kids thanking the Board for their support. (See attached)

Public Notice from the City of Cortez concerning an application for preliminary plat of the Montezuma County Partners LLC Planned Unit Development. (See attached)

Notice of a special board meeting of the Southwest Water Conservation District. (See attached)

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

**MEETING ADJOURNED 4:10 p.m.**

---

Clerk      January 24, 2011

---

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
January 31, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 31, 2011 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

**SITE VISIT:** The Board conducted a site visit at a proposed site for a telecommunications tower as proposed by AT&T located at 15927 Road 35, Mancos, Co. The property is owned by Gary and Lillian Allen.

**MINUTES** of the regular meeting held on Monday, January 24, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of January 24, 2010 as corrected, seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** said they are demonstrating machines from John Deere and Caterpillar. County Administrator Harrison discussed the proposed Road 18 project.

**JAMES DIETRICH** stated he has received a letter from Bill Barrett Corporation where they are asking for a letter of support concerning their non-participation in a GAP plan. He will research it further. He informed the Board of a Forest Service meeting he attended where Mark Stiles with the Forest Service wishes to meet with one Commissioner. He discussed interest from Matt Clark to serve on the Public Lands Coordination Committee. Comm. Koppenhafer moved to appoint Matt Clark to the Public Lands Coordination Committee for a term to expire October 13, 2011, seconded by Comm. Chappell and carried.

**INTERVIEW:** An interview for the vacancy on the Planning Commission was conducted. The Board interview Danny Wilkin for the vacancy on the Planning Commission. (See attached)

**FINANCE DIRECTOR** Mary Ann Sanders reported the finance department has reconciled with the Treasurer's report for the months of July through December, 2010. Comm. Koppenhafer moved to approve the schedule of receipts and disbursements for the period from July 1, 2010 through December 31, 2010. Motion seconded by Comm. Chappell and carried. (See attached)

**SOUTHWEST MEMORIAL HOSPITAL:** Failed to appear.

**SHERIFF'S OFFICE:** Wanda Martin with the Sheriff's Office presented a service contract for signature. Comm. Chappell moved to resubmit the special provisions and certified assurances, seconded by Comm. Koppenhafer and carried. (See attached)

**FNB:** Comm. Koppenhafer moved to accept the First National Bank's offer to sell the buildings, furniture and land owned by First National Bank located at 140 W. Main, Cortez, Co. of \$400,000.00, seconded by Comm. Chappell and carried.

**LETTER:** Comm. Chappell moved to sign the letter to appoint Tom Hooten to be the County's ex-officio member to the Colorado Commission on Indian Affairs, seconded by Comm. Koppenhafer and carried. (See attached)

**Comm. Chappell** moved to sign the Colorado Division of Wildlife Impact Assistance Grant Application, seconded by Comm. Koppenhafer and carried. (See attached)

**LUNCH: 12:00**

**PLANNING:** Planning Director Susan Carver presented a final plat review on property owned by Mountain View Village located at 28050 Road P. Dolores, Co. Said tract was created by two separate Resolutions. On April 12, 2010, the owners of Mountain View Village requested an amendment to the resolution whereby adjusting the common lot line between two properties which preliminary approval was given. Since then, Spencer and Nichole Smith have requested an amendment to the common lot line between Mountain View Village property at 28050 Road P and Mountain View Village property located at 27992 Road P. Dolores, Co. Approximately 6.7 acres, more or less of the Mountain View Village property will be added to and made a part of the Smith property creating a 70 acre, more or less tract of land, leaving the Mountain View Village property to consist of 18 acres, more or less. It was explained that no new lot shall be created by the granting of this request. Planning Director Carver explained the request further. Agent Ernest Maness with Maness and Associates explained the final plat. Comm. Chappell moved to approve the amended resolution P-28-84 as requested by Mountain View Village and subsequently recorded in the County Clerk and Recorder's Office and to approve the final plat of amended resolution P-28-84, seconded by Comm. Koppenhafer and carried. (See attached)

**FINDINGS AND PERMIT:** Director Carver presented the findings and permit for high impact permit no 520 for Bill Barrett Corp. Comm. Koppenhafer moved to approve the findings and permit for high impact permit number 520 for Bill Barrett Corp on the Koskie Well located at 24028 Road X, Lewis, Co. Seconded by Comm. Chappell and carried. (See attached)

Comm. Koppenhafer moved to approve the findings and permit on high impact permit number 623 for Williams Field Service on the temporary compressor station located at 24028 Road X, Lewis, Co. Seconded by Comm. Chappell and carried. (See attached)

**CONTINUED PUBLIC HEARING:** It being the time set aside a continuation of the public hearing for the purpose of review and determining a high impact permit and special use permit request to construct and operate a telecommunications facility to include a 75' x 75' lease area within a 55 acre parcel of land; a 150 foot lattice self-supporting steel communications tower; a 16' x 11.5' equipment shelter; and new access road on property owned by Gary N. and Lillian J. Allen.. The Board conducted a site visit earlier in the day. The roll was called. Director Carver and AT&T agent Jeremy Mironas presented the application. Attorney Slough read some statutes into the record. (See attached) The Board reviewed the statutes presented. Comm. Rule opened the hearing to public comment at this time. **Jack Spence** said his preferred choice is no tower at all but said he had visited the site and said the best site is the one referred to as the "sawmill" area and would like to see it moved to that site. **Karen Tuttle** said her home would not be impacted by this tower but she is against it. She said the cell tower is an eyesore. **Shirley McCarey** spoke on behalf of Rudy Baeumel and said they are here for the betterment of the community and wants what is best for the community. She said she has talked to Mr. Allen concerning an alternative site. She requested the Board deny the permit. She wants the Board to take into account property values and again requested denial of the permit at the proposed site. She talked about the land use code. **Wayne McCarey** thanked the Board for going to the site. He said the "sawmill" site would be acceptable to them. He talked about options. He talked about the tax base, property values and aesthetics. **Ned Harper** also thanked the Board for the site visit and would like to see an alternative site. **Kris Muscari** said there is a need for cell phone and internet improvement. **Loretta Keiffer** said there is a need for a new tower due to the poor cell phone service. **Greg Kemp** talked about structural steel that is non reflective that is used in electric towers and bridges among other things. **Janice Swenson** said she appreciated the Board for the visit and would like to see the tower moved back. Hearing no further comments, Comm. Rule closed that portion. Attorney Slough referred to the land use code concerning towers and impacts. Mr. Mironas responded to the

structural steel. He said AT&T would be willing to paint the tower with non-reflective paint and he said the tower will have galvanized coating. He talked about the shelter. He was asked about the alternate site. He said Mr. Allen contacted him about moving the site and Mr. Mironas said in conversations with AT&T they said another site has not been investigated. He stated the Allen's signed off on the present proposed location when the lease was presented. When Mrs. Allen was asked if this was the preferred site, she responded yes. After hearing all the evidence presented. Comm. Koppenhafer stated this Board is aware of the fact that communication towers are a necessary part of our community and they are disbursed through out the community at key locations and he feels this area is suitable for providing this service to the people in this county and he feels that moving the tower to the east of the proposed location would place it in closer proximity to residential areas. Comm. Koppenhafer moved to approve the high impact permit and special use permit request from AT&T on the Allen land to construct a cellular tower at 150' in height and as part of the high impact permit they be required to have all necessary permits and leases in tact before construction begins and concerning the painting, a non-reflective paint that will blend with the background surroundings, probably a darker green of that sort that's non reflective, seconded by Comm. Chappell and carried. Comm. Rule closed this hearing at this time.

**INTERVIEWS:** The Board conducted an interview with Orly Lucero to fill the vacancy left on the Planning Commission. (See attached)

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

Flyer about Nurse-Family Partnership (See attached)

A letter from Nona Cunniff asking the Board to consider opening the race track to Nasquad racers for practice. (See attached)

Invitation to the swearing in ceremony for Ute Mountain Ute Tribe councilman Harold Cuthair and councilwoman Juanita Plenty Holes. (See attached)

Letter from Montezuma County Sheriff's Office concerning illegal alien reports to the U.S. Immigration and Customs Enforcement office in 2010. (See attached)

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

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

---

Clerk      January 31, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
February 7, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 7, 2011 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

**MINUTES** of the regular meeting held on Monday, January 31, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of January 31, 2010 as corrected, seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** informed the Board that the Department is repairing pot holes throughout the County and doing some tree trimming. Supervisor Roundtree discussed Road 27 where there is no turn around.

**ROAD 18:** A proposed preliminary order for the Road 18 Local Improvement District was presented for consideration. The preliminary order was postponed to a later date.

**HWY USERS TAX:** Doug Roth presented the CDOT highway users tax regarding 780.42 miles of eligible roads as of December 31, 2010 for signature. Comm. Koppenhafer moved to sign the mileage certification for Colorado Department of Transportation's highway user's tax mileage statistical totals of 780.42 miles, seconded by Comm. Chappell and carried (See attached)

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of January 31, 2011. (See attached).

**EMERGENCY MANAGER** Doug Parker presented a monthly report. He presented the annual fire operating plan for signature. Comm. Koppenhafer moved to sign the 2011 annual fire operating plan for Archuleta, Dolores, LaPlata, Montezuma, and San Juan Counties, seconded by Comm. Chappell and carried. (See attached). He invited the Board to a Senior Official's workshop scheduled for April 26, 2011 to be held at the Calvin Denton Room at Empire Electric. He said he has set up two training plans for the Sheriff's Office and training presentations at the Dolores Schools and the Mancos Public Library. He said he now has office space at the Sheriff's Office.

**NASQUAD** Torin Andrews gave a presentation regarding the NASQUAD racing. He is asking the Board to consider opening the race track for ATV (NASQUAD) practice periods for individual racers. He said the practice days would not interfere with other racing days. He said a fee could be charged for said racers and the racers would be required to have their own liability insurance and sign all county waivers, releases, indemnification agreements, etc to protect Montezuma County. Fairgrounds Manager Tanner Young has concerns with paramedics being on site during said practices. Mr. Andrews will look into having EMT services on site and into liability insurance. More information was requested. (See attached)

**UTE MOUNTAIN ROUNDUP:** Slim McWilliams and Rob Yates gave an update on last years Ute Mountain Roundup. They said attendance was about the same. They reported on progress being made for future improvements. It was stated the Roundup committee has decided not to have any dances, he said the American

Legion has shown some interest in having the dance. They talked about having the chuck wagon barbeque again. They discussed lighting options on the highway. They informed the Board of upcoming events scheduled and programs they have conducted, one being through the Cortez Public Library. They said they really appreciate all the work and improvements Tanner Young and his crew have done at the Fairgrounds. They discussed security issues and concessionaire's needs. Mr. McWilliams said they would like to extend the contract for the use of the Fairgrounds. Comm. Chappell moved to set aside the second week in June for the Ute Mountain Roundup Rodeo at the Fairgrounds for 2013, seconded by Comm. Koppenhafer and carried.

**WEED PROGRAM:** Kenny Smith gave an update on the State requirements regarding the weed program. He talked about an EPA lawsuit concerning weed applications and water quality. Comm. Koppenhafer moved to send a letter to Gary Beers, permit section of the Water Quality Control Division of the State of Colorado concerning the National Pollutant Discharge Elimination System general permit information. Motion seconded by Comm. Chappell and carried. (See attached)

**FIREWISE COUNCIL OF THE SOUTHWEST:** James Dietrich spoke on behalf of Pam Wilson, Program Director of Firewise of Southwest Colorado. He gave an update on the Council and informed the Board of the resignation of Karen Dickson, current Montezuma County coordinator. Mr. Dietrich reported that Rebecca Whitehead will be working with the Council of the Southwest. He presented a copy of the 2010 annual report. This report covers work that's being done in La Plata, Montezuma, Archuleta, and Dolores counties. (See attached)

**PAYROLL:** General fund checks in the amount of \$371,188.81, District Attorney fund check #58953 in the amount of \$41,315.75, Treasurer fund check #58954 in the amount of \$308,049.74, Road department fund checks in the amount of \$81,918.79, Treasurer fund check #23541 in the amount of \$69,271.64; and Landfill fund checks in the amount of \$15,366.04, Treasurer fund check #6856 in the amount of \$13,039.12 were approved for payment.

**LETTER OF INTENT:** Comm. Koppenhafer moved to sign a letter of intent for the purchase of real property of First National Bank of Cortez by Montezuma County, seconded by Comm. Chappell and carried. (See attached)

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

**PLANNING:** Planning Director Susan Carver presented a request from Empire Electric to move a high impact permit application on to the Planning Commission. Said request is for property owned by Palmer, et al. (Kiffanie Kayliene and Joliene Adell Palmer) located at 26250 Road 15, Pleasant View, Co. The request is for the purpose of constructing and operating an electrical substation and a 120' telecommunications tower. Planning Director Carver explained the request. It was stated the substation is intended to replace the existing substation located within the town of Pleasant View and will provide improved capacity and reliability for the area. Comm. Koppenhafer moved to forward the high impact permit application for Empire Electric on to the Planning Commission as the height standard will be exceeded. Seconded by Comm. Chappell and carried. (See attached)

**FINAL PLAT:** Director Carver presented a final exemption plat for Spencer and Nichole Smith. The amendment is to adjust the common lot line between Mountain View Village located at 28050 Road P, Dolores and the Smith property located at 27792 Road P., Dolores, Co. Ernie Maness with Maness and Associates explained the plat further. Comm. Chappell moved to approve the final plat for the Dunn-Smith boundary adjustment Resolution P 02-11, seconded by Comm. Koppenhafer and carried.

**PLCC:** The Board received an update from the Public Lands Coordination Committee. Dennis Atwater of the Public Lands Coordination Committee read a letter addressed to Steve Beverlin, District Manager of the San Juan Public Lands into the record. Mr. Atwater said the draft letter was unanimously passed by the PLCC, recommending the Board of County Commissioners send to the Forest Service. (See attached) Comm. Chappell read a letter of response from Mark Stiles with the San Juan Public Lands regarding the letter sent by



At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 14, 2011 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

**MINUTES** of the regular meeting held on Monday, February 7, 2011 were read. Commissioner Chappell moved to approve the minutes of February 7, 2010 as corrected, seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** discussed a problem with trees growing over the road and impeding the water flow in a ditch line on Road D.6. He said the Department hired someone to top the trees before they were removed. Herbert Smith thanked the Board for all the work done on the road and would like to see the trees removed. He brought a letter from his neighbors expressing their approval of removing the trees. (See attached). Mr. Smith said he and his wife offered to replace the trees for the landowner. Stephanie Wood said she spoke to some neighbors who are against removing the trees. The landowner indicated she would like the trees removed if they are creating a problem. It was stated that the Road Department would abide by the wishes of the landowner. Supervisor Roundtree said the Department is patching pot holes and continuing the tree trimming and doing general maintenance.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of January, 2011. She discussed upcoming legislation that may impact solid waste. (See attached)

**911 FUNDS:** George Deavers and Cortez Police Chief Roy Lane met to discuss the 911 funds. They discussed the formation of an E911 authority and asked if the Board had any objections to such an authority. This authority would help to educate the public concerning 911 funds. Doug Parker said the authority would help with the oversight and transparency of said funds. Chief Lane said currently there is a 70 cent charge for E911. The Board of County Commissioners act as the authority board for the E911 funds at this time

**SWMH:** Cindy Bradley gave the end of year update for Southwest Memorial Hospital. She said the search for a permanent CFO is ongoing however the Hospital Board is requesting proposals for a management company. Ms. Bradley informed the Board that the search for family practitioners', OBGYN and other doctors to come to this area. She also said they will be opening an urgent care center at Dr. Barkhurst's facility where Dr. Higi's office was located. She said the finances are in good shape.

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young presented his monthly report for the Fairgrounds. He talked about the income statement. He informed the board about recent events that were held at the Fairgrounds saying everything went very well. He said everything is in place for the Ute Mountain Roundup. He asked about going forward with the lighting project. He will proceed with that project. He talked about requesting bids for placing sheeting on the walls in the main coliseum. He discussed the insurance for NASQUAD. Manager Young also talked about other needed maintenance.

**CEMETERY DISTRICTS:** Comm. Koppenhafer moved to appoint **Ginger M. Black** to the Dolores Cemetery District for a six year term to expire January, 2017. Seconded by Comm. Chappell and carried. (See attached) Comm. Koppenhafer moved to appoint **Sue Broderick** to the Lebanon Cemetery District for a six year term to expire January, 2017, seconded by Comm. Chappell and carried. (See attached)

**AMENDMENT:** Comm. Chappell moved to approve the amendment to CMS number 25562 with the Colorado Department of Natural Resources Division of Wildlife until December 31, 2011, seconded by Comm. Koppenhafer and carried. (See attached)

**SERVICE CONTRACT:** Wanda Martin with the Sheriff's Office presented a grant application regarding electronic fingerprinting. Comm. Koppenhafer moved to approve the JAG grant for the operation livescan fingerprint machine in the amount of \$13,000.00, seconded by Comm. Chappell and carried. (See attached)

**5311 AGREEMENT:** Comm. Koppenhafer moved to sign the 5311 agreement between Montezuma County and CDOT for the purchase of a handicap mini van in the amount of \$46,000.00, seconded by Comm. Chappell and carried. (See signature page attached, complete contract with Services.)

**LUNCH: 12:00**

**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. The roll was called, the public notice was read, and the proceedings were recorded for the record. The request is from Donald and Rebecca Brunk on property located at 3236 Highway 160-491, consisting of 34 acres more or less. Planning Director Carver presented the zoning request. Comm. Koppenhafer moved to approve the P-01-11 Resolution to zone property owned by Don and Rebecca Brunk as AR10-34 as requested, seconded by Comm. Chappell. Motion carried. Comm. Koppenhafer moved to approve the P-06-88 Resolution to zone property owned by **Judith Wolfe** as AR10-34 as requested, seconded by Comm. Chappell. Motion 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 on property owned by Martin and Linda Moore. The roll was called, the public notice was read, and the hearing was recorded for the record. Said property is located at 29291 Road P.5, Dolores Co., consisting of 5 acres more or less. Also an AR10-34 zoning request on property located at 29293 Road P.5, Dolores, Co., consisting of 32 acres more or less. Planning Director Carver gave an overview of the requests. Comm. Chappell moved to table this issue to a further date so that the landowners can work on the property line boundaries, continuation set for March 14, 2011 at 2:00pm, seconded by Comm. Koppenhafer. Motion carried. (See attached)

**Director Carver** presented a letter from Stone Sand and Gravel, LLC regarding High Impact Permit and Special Use Permit number 555. (See attached)

**Jim Dietrich** presented a letter to be sent to Steve Beverlin. Comm. Chappell moved to sign a letter from the Montezuma Board of County Commissioners to Steve Beverlin with the US Forrest Service to encourage the continuation of the coordination process as the federal law requires. Copies of the letter were sent to the following; Mark Stiles, the Honorable Scott Tipton, Rep Don Corum, Rep. J. Paul Brown, and Sen. Ellen Roberts, seconded by Comm. Koppenhafer, motion carried. (See attached)

**Administrator Harrison** presented a letter of support to the Office of Economic Development & International Trade. Comm. Koppenhafer moved to sign the letter of support to the Montezuma Community Economic Development Associations application for a community wide assessment as presented. Seconded by Comm. Chappell, motion carried.

Administrator Harrison also presented a contract for the purchase of the First National Bank Property. Comm. Chappell moved to sign the purchase contract to buy the First National Bank Property as presented. Seconded by Comm. Koppenhafer, motion carried. (See attached)

**VACANCY ON PLANNING COMMISSION:** There was discussion regarding the appointment to fill the vacancy on the Planning Commission. Comm. Chappell moved to appoint Bob Clayton for a three (3) year term to the Planning Commission, seconded by Comm. Koppenhafer and motion carried.

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

Letter from John W and Shirley McCarey regarding the Allen high impact permit for the construction of a cell tower and telecommunications facility. (See attached)



At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 28, 2011 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

**BREAKFAST:** The Board met with the Dolores Town Board for a breakfast meeting at the Ponderosa Restaurant at 7:00 a.m.

**MINUTES** of the regular meeting held on Monday, February 14, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of February 14, 2010 as corrected, seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** presented an agreement between Dolores County and Montezuma County for the exchange of gravel and other amenities for Montezuma County to purchase a 2003 and 2004 Ford pickup for the amount owed by Dolores County. Comm. Koppenhafer moved to approve the agreement between Dolores County and Montezuma County for the purchase of a 2003 and a 2004 Ford Pickup in exchange for gravel and other amenities owed to Montezuma County, seconded by Comm. Chappell and carried. (See attached) Supervisor Roundtree said the tree roots are being removed on Road D6. He discussed other problems with area ditches needing attention. He talked about paving bids for Road 25.

**ROAD 18:** A proposed preliminary order for the Road 18, Local Improvement District was presented for consideration. The public notice was discussed in regards to the cost sharing between the landowners involved. Comm. Chappell made a motion for Preliminary Order pursuant to C.R.S. 30-20-603(5) for proposed Local Improvement District on Montezuma County Road 18 and adopting the Public Notice, map and estimates attached hereto and made a part hereof as the preliminary findings and setting a public hearing on April 11, 2011, at 9:00 a.m., for the purposes stated in said Public Notice which Notice shall be published as provided by law, seconded by Comm. Koppenhafer and carried. (See attached)

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

**TOWN OF MANCOS:** Tom Yennerell with the Town of Mancos and Rebecca Levy, an administrative intern met to request matching funds from the Conservation Trust Fund. Said request is for the town of Mancos' Mesa Street Pedestrian Bridge project. They said the current bridge facility is substandard and failing. Comm. Koppenhafer moved to appropriate \$15,000.00 from the Conservation Trust Fund for the Town of Mancos' Mesa Street Pedestrian Bridge project, seconded by Comm. Chappell and carried. (See attached)

**SHERIFF'S OFFICE: Wanda Martin** informed the Board of a grant program concerning the Colorado Automobile Task Force regarding auto theft and chop shops. She explained the grant is not a matching grant. Comm. Chappell made a motion approving the Colorado Automobile Theft Prevention Authority Grant Program in the amount of \$95,895.00, seconded by Comm. Koppenhafer and carried. (See attached)

**LIQUOR LICENSE TRANSFER:** Deputies Tammy Neely and Brandon Vialpando presented an application to transfer ownership of Smitty's Liquors liquor license. They are asking for the approval of a temporary license at this time due to the fact the new owners are waiting for the State sales tax license. Comm. Koppenhafer moved to approve the temporary liquor license for Smitty's Liquors to Barbara, Darrell, and Shiloh Higgins for the transfer of the retail liquor license for the sale of malt, vinous and spirituous liquors for 120 days, seconded

by Comm. Chappell and carried. (See attached) It was stated that Gary and Gloria Schmidlin are relinquishing their liquor license for Smitty's Liquors.

**BOARD OF HEALTH:** Health Department Director, Lori Cooper gave the quarterly update concerning the Health Department. She talked about the child safety seat program, consumer protection, communicable diseases and the dental program. She talked about the HCP screening program and other programs the department administers. Director Cooper said she doesn't know how the upcoming budget cuts will affect the Department at this time.

**APPOINTMENTS:** District Court Judge Todd Plewe and Jeremy Botkus, 22<sup>nd</sup> JD Specialty Court Coordinator met to discuss Committee appointments to the local Juvenile Services Planning Committee (JSBC). Comm. Koppenhafer moved to recommend the persons willing to serve on the 22<sup>nd</sup> Judicial District JSPC beginning with Russell Wasley and ending with Rose Jurgens, seconded by Comm. Chappell and carried. (See attached)

**BUD GARNER** representing the 9-12/Tea Party Patriots gave an update. He said the group deals with issues and candidates by informing the people and giving them as much information as is available. He presented a mission statement stating the Four Corners 9/12 Project is a group of concerned citizens coming together to promote The Constitution of the United States. (See attached) He discussed the closure of the forest service roads and some citizen's concerns and issues associated with such closures.

**LUNCH: 12:30 p.m.**

**PRELIMINARY MASTER ZONING PLAN:** Tim Hunter with the Planning Commission met to review a preliminary master zoning plan for the County for industrial and commercial zoning in the populated areas. He said they are working collaboratively with the area municipality and towns. Planning Director Carver stated they plan to educate the public via the local media and mailings. She said this plan would not affect the areas currently zoned but they are concentrating on the areas that are un-zoned in the County. She stated they would like to begin this process as soon as possible by holding meetings for public input. Comm. Chappell moved to give the Planning Commission permission to work on the comprehensive land use plan in pursuing their efforts for zoning the commercial and industrial development around the populated areas, seconded by Comm. Koppenhafer and carried.

**FINDINGS:** Planning Director Susan Carver presented the findings for High Impact Permit and Special Use Permit number 625 for the telecommunications tower on the Gary and Lillian Allen property. Comm. Chappell moved to adopt the findings for High Impact Permit, Special Use Permit number 625, seconded by Comm. Koppenhafer and carried. (See attached)

**FAIRGROUNDS Manager Tanner Young** discussed the NASQUAD racing article in the February 26, 2011 newspaper (See attached) and internet advertisement for NASQUAD racing at the Fairgrounds. Manager Young stated there is neither a signed contract nor a hard copy of any insurance policy in place with the County at this time. He informed the Board that the Fairgrounds was broken into last Tuesday night.

**ACCOUNTS PAYABLE:** General Fund # 58945-59130 in the amount of \$582,692.69, Road Fund # 23537-23600 in the amount of \$176,520.09, and Landfill # 6855-6876 in the amount of \$50,123.64 for the month of January, 2011 were approved for payment.

**ORDER # 04-11:** Comm. Koppenhafer moved to transfer from the Road and Bridge Fund to the General Fund for personnel support for James Dietrich through the Office of Community Services for 2011, the amount of \$35,910.00, seconded by Comm. Chappell and carried. (See attached)

**REIMBURSEMENT AGREEMENTS:** Comm. Koppenhafer moved to sign the agreements between the Department of Social Services and Montezuma County for the legal services of Attorney Bob Slough, seconded by Comm. Chappell and carried. (See attached)

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

Case number 11CV20 summons. Plaintiffs: John W. and Shirley McCarey v Defendants Board of County Commissioners of Montezuma County. (See attached)



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

**MINUTES** of the regular meeting held on Monday, February 28, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of February 28, 2011 as corrected, seconded by Commissioner Chappell and carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of February, 2011. (See attached).

**ROAD: Ryan Nataluk** with Stantec discussed the CDOT road and bridge inspection. He talked about the inspections done and the results of said inspections. He said they inspected 27 bridges in the County. (Road Department has the complete inspection report) **Road Supervisor Roundtree** said the Department will be hauling gravel to Road D.6 weather permitting.

**EMERGENCY MANAGER: Emergency Manager Doug Parker** gave the Board a monthly report. He said he completed the emergency management plan. Manager Parker informed the Board of various exercises he will be conducting throughout the County. He reminded the Board of the workshop scheduled for April 6, 2011.

**COUNTY FAIR: Rodney Cox and Allen Whited** talked about the Fair Board wanting to become self sufficient. They asked what events are required to be covered by insurance. They were informed it would depend on the event and who is in charge of the event. If it is a County entity sponsoring the event, the County insurance would be in effect but they should check with the insurance company first.

**HISTORICAL SOCIETY: Kelly Wilson** and other members of the Montezuma County Historical Society gave an update on their activities and how they are doing. Mr. Wilson said they have printed two history books and have two more coming. June Head stated they are in need of a building. She said they would like to see a museum in the area.

**COUNTY ADMINISTRATOR Harrison** discussed the evaluation received on the elevator stating it didn't meet the current standards. He talked about replacing it.

**PLCC: James Dietrich** updated the Board on the last PLCC meeting. He talked about filling the vacancies on the PLCC. He stated the Committee recommended the Committee consist of 7 full members and 2 alternates rather than the 9 member committee. PLCC recommended appointing one full member and two alternates. The Board wanted a written recommendation from the PLCC to reduce the committee from 9 full members to 7 full members and two alternates.

**PAYROLL: General fund checks** in the amount of \$362,967.57, District Attorney fund check #59132 in the amount of \$39,109.08 Treasurer fund check #59133 in the amount of \$301,851.48, Road department fund checks in the amount of \$81,514.08, Treasurer fund check #23601 in the amount of \$69,033.00; and Landfill fund checks in the amount of \$15,356.45, Treasurer fund check #6877 in the amount of \$12,999.57 were approved for payment.

**BOOK BINDING: County Clerk Carol Tullis** presented a request in the amount of \$25,650.00 to have the Grantee/Grantor index books rebound as the books are falling apart due to excessive use. Comm. Koppenhafer moved to appropriate \$25,650.00 from the Capital Fund for TCB Mobile Book Binding to re-bind the index books, seconded by Comm. Chappell and carried.

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

Civil action number no. 09-cv-02675-PAB-CBS - Decker v U.S. Forest Service. (See attached)  
Thank you letter from Megan Graham, executive director of the San Juan Citizens Alliance. (See attached)

**LUNCH: 12:10**

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

**MEETING ADJOURNED 1:30 p.m.**

---

Clerk     March 7, 2011

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 14, 2011**

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 14, 2011 at the 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

**MINUTES** of the regular meeting held on Monday, March 7, 2011 were read. Commissioner Chappell moved to approve the minutes of March 7, 2011 as presented, seconded by Commissioner Rule and carried.

**ROAD: Road Supervisor Dean Roundtree** reported the Department is graveling roads south of Cortez. He informed the Board that Empire Electric will sell the bucket truck to the Road Department for \$2,500.00. He said most of the snowplowing is done for now. Supervisor Roundtree presented a signed agreement between Montezuma County and Dolores County for the 2003 and 2004 Ford pickups. (See attached)

**TITLE 1 MONIES:** Comm. Chappell moved to approve to distribute the maximum amount allowed by law from the Title 1 Forest Service Receipt Payments to the three school districts in the county, seconded by Comm. Rule and carried. (See attached)

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of February, 2011. (See attached) Manager Barton talked about a retrofit to the D8T they purchased. She said it does not have the landfill radiators as was assumed it had when they purchased it. She has been in contact with Caterpillar/Wagner to correct the problem. Manager Barton's recommendation is to proceed with the retrofit. (See attached)

**JUDI LICHLITER** met to discuss ADA requirements at the Fairgrounds and the Courthouse. She made a statement concerning problems at the present county court for the handicapped. She talked about lighting problems at the Fairgrounds and would like to see portions paved. Cost estimates for lighting and paving will be looked into.

**ABATEMENT:** It being the time set aside an abatement for Alpine Bank, account number R012451 (7950 Road 46, Mancos) was heard. The roll was called and the proceedings were recorded for the record. Appraiser Cynthia Claytor explained the sales from the data collection period (1/1/2007 through 6/30/2008) support the assessment. Niall Byers, representing Alpine Bank was on a conference call. After hearing the evidence presented Comm. Chappell moved to agree with the Assessor's Office on account number R012451, seconded by Comm. Rule and carried. (See attached)

**UTE MOUNTAIN ROUNDUP** representatives Rob Yates and Slim McWilliams met to discuss the building of the catwalk around the crow's nest for the rodeo arena. Fairgrounds Manager Tanner Young was present. Mr. Yates said that Skanska will be constructing the catwalk and is concerned with any liability that may be involved. Skanska is donating the material and labor to construct said catwalk. Further discussions with Skanska will be done before any decision is made.

**PINON PROJECT:** Diana Buza representing the Piñon Project informed the Board of an Emergency Shelter grant application they apply for every year. Comm. Chappell moved for the Montezuma County Commissioners to approve by their signature the Emergency Shelter grant application, seconded by Comm. Rule and carried. (See attached)

**LETTER TO STEVE BEVERLIN:** Comm. Chappell moved to send a letter to Steve Beverlin with Dolores Public Lands asking them to continue working with the Rangeland Stewardship Committee concerning the livestock grazing permits, seconded by Comm. Rule and carried. (See attached)

**LUNCH:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 zoning request and pre-sketch plan. The roll was called, the public notice was read and

the proceedings were recorded for the record. Planning Director Susan Carver presented the application for a proposed single lot development consisting of 3 acres, more or less, from a tract of land consisting of 160 acres more or less. Said tract is owned by Frederick A. & Berta L. Schaak Trust, David Schaak, agent. The property is located at 14475 Road CC, Pleasant View, Co. Director Carver explained that existing zoning on the remaining 157 acres is zoned as AR35+. No one was present in the audience for public comment. Comm. Chappell moved to approve the AR3-9 zoning request and pre-sketch plan on the proposed single lot development, agent David A. Schaak, seconded by Comm. Rule and carried. (See attached)

Director Carver said since the zoning request is approved the applicants wish for a review of the final plat for the proposed single lot development on the property located at 14475 Road CC, Pleasant View. Comm. Chappell moved to approve the final plat for the proposed single lot development on property located at 14475 Road CC, Pleasant View, David Schaak agent, seconded by Comm. Rule and carried. Comm. Rule closed the hearing at this time.

**PUBLIC HEARING CONTINUED:** It being the time set aside a continuation of the public hearing regarding an AR3-9 zoning and an AR 10-34 zoning request. The roll was called, and the proceedings were recorded for the record the public notice was read into the record on Feb. 14, 2011. Said property is located at 29291 Road P.5, Dolores and owned by Martin and Linda Moore. Director Carver said the zoning request of AR 3-9 consists of 5 acres more or less and a zoning request of AR 10-34 on property located at 29293 Road P.5, Dolores consisting of 32 acres more or less. Director Carver explained the application in detail. Martin Moore represented his zoning and final plat application. There was no public comment period as there was no one in the audience to speak regarding this public hearing. Comm. Chappell move to grant the AR3-9 zoning on 5 acres herein described as 29291 Road P.5, Dolores, and AR10-34 zoning request for the remaining 32 acres herein described as 29293 Road P.5, Dolores., seconded by Comm. Rule and carried. (See attached) Comm. Rule closed this hearing at this time.

Director Carver stated since the zoning is approved then the applicants are requesting a final review of an exemption request to adjust the common lot line of properties located at 29291 and 29293 Road P.5, Dolores be considered. Comm. Chappell moved to approve the final plat for Planning Resolution P-04-11, seconded by Comm. Rule and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR 3-9 zoning request. The roll was called, the public notice was read and the hearing was recorded for the record. Planning Director Carver said the zoning request is for a tract of land located at 16678 Road 22, Cortez consisting of 5 acres more or less and a zoning request of A80+ on property consisting of 90 acres more or less located at 16930 Road 22. Said properties are owned by Gordon A. Steves. Planning Director Susan Carver gave an overview of the zoning requests for Gordon A. Steves. Mr. Steves discussed his wishes to zone a 5 acre more or less as AR3-9 and an AR80+ zoning for property consisting of 90 acres more or less in detail. Comm. Rule opened the hearing to public comment at this time. Hearing no comments, that portion was closed. After hearing all the evidence presented, Comm. Chappell moved to approve the AR 3-9 zoning request on the five acres more or less on property owned by Gordon A. Steves herein described as 16678 Road 22, and the A80+ zoning request on the remaining 90 acres more or less on property herein described as 16930 Road 22. Seconded by Comm. Rule and carried. (See attached)

Director Carver presented a request from the above mentioned applicant for final review of an exemption request to adjust the common lot line of properties located at 16678 and 16930 Road 22, Cortez since the zoning request is granted. Comm. Chappell moved to approve the Steves Exemption Plat, Planning Resolution P-03-11 on property herein described above, seconded by Comm. Rule and carried. (See attached)

**PLANNING:**

**EMPIRE ELECTRIC:** Planning Director Carver made the Board aware of a request for review and determination of any permit requirements for Empire Electric Association, Inc. to install mobile solar panels on

property located at 801 N. Broadway, Cortez, which is located in the county. Empire Electric representative Doug Sparks reported on the request concerning a solar assist photovoltaic garden in detail. Empire Electric Association will proceed with said project and no high impact permit will be required since they will not exceed the 10% of use and there will be no change in use of the property . (See attached)

**AARON CHUBBUCK:** Planning Director Carver said Mr. Chubbuck could not come in today so this agenda item will be heard at a later date.

**KINDER MORGAN:** Planning Director Carver presented for review and determination of any permit requirement for Kinder Morgan Energy Partners, L.P., Agent, Dean Brookie Architecture and Planning, Inc. Said permit is for the construction of a new 2,300 square foot single story control building on property located at 17801 Hwy. 491, Cortez. Bob Clayton represented Kinder Morgan and Glenn Murray represented Brookie Architecture spoke about said construction. Director Carver said this is just a review of certification of use and that said construction does not exceed 10% of use and no threshold standard would be exceeded. It was stated that since no threshold standard would be exceeded no high impact permit would be required.

**PLANNING DIRECTOR CARVER** presented three separate high impact permit applications for Kinder Morgan CO2 Co. L.P. Said applications are for three separate well pads. She requested the applications be forwarded to the Planning Commission for review. Comm. Chappell moved to send the three separate applications on to the Planning Commission for review, seconded by Comm. Rule and carried. (See attached)

**ROAD 23:** Loretta Murphy with the GIS department reported on the progress regarding Road 23.

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and certification of pay for February, 2011, seconded by Comm. Rule and motion carried (See attached)

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

Court of Appeals decision Board of Assessment Appeals Nos. 50100 & 50106, Katherine A. & Daniel L. Bjorkman v Montezuma County Board of Commissioners. (See attached)

Notice of special board meeting of the Southwestern Water Conservation District. (See attached)

Letter from Enterprises Products concerning pipeline close interval survey in Montezuma County (See attached)

Colorado Board of Health agenda. (See attached)

Letter form Southern Ute Cultural Center and Museum concerning the grand opening. (See attached)

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

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

---

Clerk March 14, 2011

---

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 21, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 21, 2011 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

**MINUTES** of the regular meeting held on Monday, March 14, 2011 were read. Commissioner Chappell moved to approve the minutes of March 14, 2011 as corrected, seconded by Commissioner Rule and carried.

**ROAD: Road Supervisor Dean Roundtree** presented the 2011 road plan. Comm. Koppenhafer moved to approve the 2011 road plan for Montezuma County, seconded by Comm. Rule and carried. (See attached) Supervisor Roundtree discussed an agreement with the Forest Service for Title 2 money for FS road 526. He explained the money would help pay for mag-chloride and some hot asphalt patching on the road. Comm. Koppenhafer moved to sign the challenge cost sharing agreement between Montezuma County and the San Juan National Forest for road maintenance on the Dolores-Norwood road, seconded by Comm. Rule and carried. (See cover and signature page attached see entire contract filed at the Road Department)

**DOLORES CEMETERY:** Gerald Houghland, care taker for the Dolores Cemetery made a request for gravel for the Dolores Cemetery. Comm. Koppenhafer moved to approve the appropriation of up to ten, 10 wheeler loads of gravel for the Dolores Cemetery District, seconded by Comm. Rule and carried.

**Sheriff Spruell** informed the Board of an officer involved shooting early Saturday morning.

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** presented his monthly Fairgrounds report. He said the Ag-Expo that was held this past weekend went well. He will have a few suggestions for next years Expo. Manager Young gave a financial report. He reported on the following topics; the age requirement for quads, plans starting on the race track wall, and upcoming events. (See attached)

**RESOLUTION 1-2011:** Comm. Koppenhafer moved to approve Resolution 1-2011 to authorize the purchase of lots 10,11,12,13,14,15,16,17,18, 23, and 24, Block 28, Town of Cortez and that portion of North Elm Street in the City of Cortez described as a parcel of land beginning at a point from whence the Southwest corner of Lot 12, Block 18, original townsite, Town of Cortez, bears East 6.5 feet; thence West 1.6 feet; thence North 134 feet, thence East 1.6 feet; thence South 134 feet to the point of beginning, seconded by Comm. Rule and carried. (See attached)

**Comm. Chappell** came in at 10:40 a.m. after attending an a.m. meeting with the Forest Service. The Board had a discussion concerning the National Forest Management Act. (See attached)

**ACCOUNTS PAYABLE:** General Fund # 59131-59297 in the amount of \$376,108.40, Road Fund # 23602-23662 in the amount of \$57,294.35, and Landfill # 6878-6902 in the amount of \$42,556.32 for the month of February, 2011 were approved for payment

**LUNCH:** Lunch at the Piñon Project.

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

Corporate annual report for 2010 for SWCCOG. (See attached)

USDA memorandum regarding county coordination ordinances. (See attached)

Letter from Colorado Gaming Association. (See attached)

Letter from Dolores Public Lands Office soliciting public comments on a proposal to plant Ponderosa pine seedlings. (See attached)

CDHS letter to Mr. Dennis Story recognizing the staff. (See attached)

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

**MEETING ADJOURNED 1:45 p.m.**

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
March 28, 2011**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday March 28, 2011 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

**MINUTES** of the regular meeting held on Monday, March 21, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of March 21, 2011 as presented, seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** stated the Department has been working on cleaning some roads. Supervisor Roundtree informed the Board of a meeting scheduled with the Bureau of Reclamation for Tuesday, April 6, 2011 regarding Road 23. He said the Department is graveling roads south of Cortez. He talked about brush obstructing views on various intersections. Supervisor Roundtree said the mag-chloride program is scheduled to start in the middle of April.

**JAMES DIETRICH** presented a resolution regarding reducing the PLCC membership from 9 members to 7 with 2 alternates. Comm. Koppenhafer moved to approve Resolution 2-2011, a resolution amending Resolution 11-2010 changing the membership on the Public Lands Coordinating Commission from 9 (nine) members to 7 (seven) members with 2 (two) alternates, and to appoint Slim McWilliams as the 7<sup>th</sup> member and appoint Casey McClellan and Ginger Black as alternates. Motion was seconded by Comm. Chappell and carried. (See attached) Mr. Dietrich gave an update on the Rangeland Stewardship Committee meeting.

**FEDERAL REGULATIONS:** The Board discussed Federal Regulation Title 36 – Parks, Forest, & Public Property, part 241 Fish & Wildlife. (See attached) The Board also discussed Federal Regulation Title 43 – Public Lands: Interior, Fish & Wildlife Policy. (See attached)

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

**LIQUOR LICENSE:** A transfer of ownership of a liquor license for Smitty's Liquor to Triple H & J Inc. was presented for approval. Comm. Koppenhafer moved to give final approval for the transfer of the liquor license from Smitty's Liquors, Gary Schmidlin to Triple H & J Inc., DBA Smitty's Liquors, Barbara Higgins, President, seconded by Comm. Chappell and carried.

**LODGER'S TAX COMMITTEE:** Recommendations from the Lodger's Tax Committee was presented. Representatives Susan Scott, Betsy Harrison and Deanna Truelsen informed the Board that the lodger's tax funds are down. Their recommendation is as follows: Mesa Verde Country \$45,000.00, Cortez Cultural Center \$3,000.00, Dolores Chamber \$29,000.00 and Mancos Chamber \$31,000.00 for a total disbursement being \$108,000.00. (See attached) Comm. Koppenhafer moved to distribute the Lodger's tax as follows; Mesa Verde Country \$45,000.00, Cortez Cultural Center \$3,000.00, Dolores Chamber \$30,000.00 and Mancos Chamber \$30,000.00 for a total of \$108,000.00, seconded by Comm. Chappell and carried. (See attached)

**LODGER'S TAX:** Comm. Koppenhafer moved to appointed Betsy Harrison to a three year term on the Lodger's Tax Board, seconded by Comm. Chappell and carried.

**DOLORES CHAMBER OF COMMERCE** Did not appear.

**UPDATE** was given concerning the Economic Development Committee.

**AARON and SHAWNA CHUBBICK** met to talk about transferable development rights regarding their property. James Dietrich gave a background on the request. He said Mr. and Mrs. Chubbick wants to build a new residence. There is currently a residence on the property. Mr. Chubbick read a letter stating their plans. He said they want to live in the existing house while building the new residence without having to have another TDR. Comm. Chappell moved to allow Aaron Chubbick to live in the present residence on 10.1 acres in the Dolores River Valley while they construct their new home and the old home be decommissioned once the new home is build and to reaffirm that one residence be allowed with one TDR on a 10 acre parcel, seconded by Comm. Koppenhaer and carried.

**LUNCH:** Tri-County lunch

**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. The roll was called, the public notice was read, and

the proceedings were recorded for the record. The request is for a proposed single lot development consisting of 5 acres, more or less, from a tract of land consisting of 80 acres, more or less. Said property is owned by Richard and Donna Bowling, Maness & Associates, Inc., agents. The property is located at 22530 Road N, Cortez. Applicants are also requesting an AR35+ zoning on the remaining acreage. LeeAnn Milligan the Planning Department reviewed the application. Susan Hart with Maness and Associates explained the request further. Comm. Rule opened the hearing up to public comment. Hearing no public comment, Comm. Rule closed that portion at this time. After hearing all the evidence presented Comm. Chappell moved to approve the AR 3-9 zoning request and pre-sketch plan for a proposed single lot development consisting of 5 acres more or less on property owned by Richard and Donna Bowling and AR35+ zoning on the remaining acreage as part of the zoning, seconded by Comm. Koppenhafer and carried. (See attached)

**PLANNING:** LeeAnn Milligan with the Planning Department presented a notice for the Board's review regarding an amendment to the current reclamation permit for applicant/operator Stone Sand and Gravel, LLC, successor to Four States Aggregates, LLC. The property is located at 21944 Hwy. 145, Dolores. Kathy Stone spoke on behalf of Stone Sand and Gravel explaining the permit. It was stated that they may need to purchase a TDR as the mining area will increase from the 18 acres that was previously approved and the question arose as to the possibility of another high impact permit being required. The Board requested a map of what the 50 acres referred to in the original permit consisted of before making any decision. A letter of notice of filing application copy for public review signed by Kathy Stone has been filed with the County Clerk and Recorder. (See attached)

**LEE ANN MILLIGAN** presented a letter from the Department of Natural Resources Division of Water Resources regarding the State engineer's recommendation for certain land use actions. (See attached)

**FAIRGROUNDS** Manager Tanner Young discussed some rules and regulations for the NASQUAD racers for use of the fairgrounds and race track. Comm. Chappell moved to adopt the rules and regulations for quad racing at the Fairgrounds and Race Track and a certificate of insurance that complies with the insurance requirements for the Fairgrounds seconded by Comm. Koppenhafer and carried. (See attached)

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

Colorado Gaming Association letter on limited stakes gaming industry in Colorado. (See attached)

Public Notice from the City of Cortez concerning an application for the final plat of the Montezuma Partners LLC Subdivision. (See attached)

Letter from Mancos School District RE-6 thanking the Board for the Title 1 Forest Service Receipt Payments. (See attached)

Southwest Water Conservation District's 29<sup>th</sup> annual water seminar registration. (See attached)

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

**MEETING ADJOURNED 4:00 p.m.**

---

Clerk March 28, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 4, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 4, 2011 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

**MINUTES** of the regular meeting held on Monday, March 28, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of March 28, 2011 as corrected, seconded by Commissioner Chappell and carried.

**ROAD:** Road Supervisor Dean Roundtree said they are still hauling gravel to the south valley. He talked about vision being obstructed at the intersection of Road 26 and L. Audience member Dennis Atwater asked about plans to fix road 25. Supervisor Roundtree said the plans are to put it out to bid soon. They discussed RS2477 roads and procedures involved to identify such roads. Supervisor Roundtree presented the user permit for the Tozer Pit. Comm. Chappell moved to approve the agreement between Montezuma County and Carol L Tibbits and Merle W. Tozer for the use of the Tozer Pit, seconded by Comm. Koppenhafer and carried. (See attached)

**LORETTA MURPHY** reminded the Board of the meeting scheduled for April 6, 2011 with the Bureau of Reclamation regarding Road 23.

**DISCUSSED** Chapter 54, H.B. 08-1069 Motor vehicles-public lands-control and C.R.S.A 33-6-124, use of a motor vehicle or aircraft—rules—repeal. Discussed Title 36: Parks, forests, and public property section 212.51 (b) motor vehicle uses for dispersed camping or big game retrieval (See attached)

**EMERGENCY MANAGER,** Doug Parker gave his monthly update. Mr. Parker talked about the Ryman fire N.E. of Pleasant View stating there has been no injuries or structures burned. He talked about presentations given to area facilities.

**SHERIFF'S OFFICE:** Wanda Martin and Undersheriff Robin Cronk presented a request for LEA funds for training and equipment. Undersheriff Cronk stated the Office received a grant to purchase a K-9 dog and he said the Office is requesting funds for certification of another K-9 officer and re-certification of an officer. A resolution will be forthcoming.

**PAYROLL:** General fund checks in the amount of \$361,654.11, District Attorney fund check #59298 in the amount of \$37,836.15, Treasurer fund check #59299 in the amount of \$303,477.21, Road department fund checks in the amount of \$82,014.11, Treasurer fund check #23664 in the amount of \$68,984.68; and Landfill fund checks in the amount of \$15,226.39, Treasurer fund check #6903 in the amount of \$12,938.04 were approved for payment.

**FOREST SERVICE COORDINATION MEETING** was conducted. Tom Spezze and Patt Dorsey with the Colorado Division of Wildlife along with Forest Service representatives, Tom Rice and Mark Stiles discussed the following topics, (1) Preserving long range access on major system roads. (2) Access to private property, rights-of-way, easements and fees. And (3) game retrieval. Mr. Stiles informed the Board of the re-assignment of Steve Beverlin and how his replacement will be done. He talked about the travel management plans saying the only one in place is the Cortez/Mancos plan and they are working on the Boggy/Glade and the Rico/West Dolores Plan. Patt Dorsey discussed the question of game retrieval saying they support game retrieval with proper enforcement. Tom Spezze said the DOW expects hunters to retrieve their game, however DOW defers to the Forest Service on how they expect it to be managed. Mr. Stiles said the comment period regarding portions of the Boggy/Glade Plan will be re-opened sometime in the future. Mr. Stiles mentioned they are also concerned with protecting the various resources.

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

**BRANDON JOHNSON** with the Cortez Fire Protection District reported on the status of the Baymont Inn saying that all life safety issues such as the sprinklers, alarms, and elevators have been resolved.

**FAIRVIEW CEMETERY:** Comm. Koppenhafer moved to appoint Ray Patterson to the Board of Directors for the Fairview Cemetery District with a term to expire January 2015, seconded by Comm. Chappell and carried. (See attached)

**PLANNING:** A preliminary review for an exemption request to adjust common lot lines between three properties was presented. The properties are located at 10726 and 10728 Road 41.2, Mancos, owned by Arthur and Carol Van Der Harten Trust, and property located at 10720 Road 41.2, Mancos, owned by Timothy J. Hunter. Planning Director Susan Carver explained the request. Ernie Maness and Tim Hunter discussed the exemption in detail. Comm. Chappell moved to approve the exemption request for a common lot line

adjustment between properties owned by Arthur and Carol Van Der Harten Trust and Timothy Hunter, seconded by Comm. Koppenhafer and carried. (See attached)

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

Notice of regular board meeting for the Southwestern Water Conservation Dist. (See attached)

Letter from CTSI concerning the MSHA annual refresher training class. (See attached)

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

**MEETING ADJOURNED 3:20 p.m.**

---

Clerk April 4, 2011

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 11, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 11, 2011 at the 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

**MINUTES** of the regular meeting held on Monday, April 4, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of April 4 2011 as presented, seconded by Commissioner Chappell and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of considering a resolution establishing a local improvement district. The roll was called, the public notice read, and the

proceedings were recorded for the record. Said resolution would authorize improvements to a roadway along a portion of Road 18. The particular portion of this road and property included in the proposed local improvement district are as follows: (1) property owned by Richard L. & Mary Jane Schott, located at 13002 Road 18, (2) property owned by Milagro Trust, Richard L & Mary Jane Shott, Trustees, located at 13260 Road 18, (3) property owned by Richard and Carl M. Marsell and Muriel T. Gregory, Trustee, Gregory A. and David R. Dillon, located at 13606 Road 18 Guess, (4) property owned by Eagles Nest Partnership, LLP located at 12501 Road 18, (5) property owned by Poe Family Partnership LLLP located at 12800 Road 18, (6) property owned by Charles L. & Daisy T. Mahaffey Trust, located at 12480 Road 18, and (7) property owned by Morgan Lee Allsup located at 12497 Road 18. Said boundary includes 7 separate parcels of land that are adjacent to, or directly accessed off of, the portion of Road 18 which is being proposed for improvements to meet county standards for paved roads as adopted in the Montezuma County Road & Bridge Standards Specifications. Attorney Slough discussed the C.R.S. Statutes for the Board's consideration regarding objections to the district formation being 50% or more as to whether they can proceed with the resolution. **Howard "Bud" Poe** spoke on behalf of the application as to the formula for the allocation of the costs. Comm. Chappell opened the hearing to public comment at this time. **Greg Dillon** spoke in opposition to the formation of said district. He questioned the division of responsibility, the legal notice, the projected costs, meeting regarding formation, project design, land values, and Mr. Dillon stated he would like to opt out of these provisions. Hearing no further comments Comm. Chappell closed that portion. Road Supervisor Roundtree discussed the drainage question stating new pipe would be installed and everything would be done to Road and Bridge Standards. County Administrator Harrison spoke in regard to 2 parcels having one access and the property is owned by the same party. Comm. Chappell talked about property values. He referred to realtor Sharon Wallace to explain more about property values. Planning Director Susan Carver explained the errors in the public notice. She said in the public notice referred to parcels 2 & 3 when in fact it should read parcels 1 & 2 and stated one of the landowners is present. Comm. Koppenhafer stated he would like to have the publication corrected and would like to look at the cost allocation. Comm. Chappell reopened the public comment portion. **Howard "Bud" Poe** spoke as to the cost allocations. He stated 5 out of the 6 landowners are in agreement to the proposed allocation costs. **Daisy Mahaffey** said there is not a county road right-of-way concerning their property. **Greg Dillon** said the process should be done according to the statutes. Comm. Chappell closed the public comment portion. Comm. Koppenhafer moved to continue this hearing until May 16, 2011 at 9:00 a.m. and to republish a correct public notice, seconded by Comm. Chappell and carried.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of March, 2011. She talked about the retrofit to the D&T, the City of Cortez overcharge, the baler, single stream recycling visit and ground water and gas monitoring. (See attached)

**WESTERN REFINING:** Rusty Royce and Becky Turnbull with Western Refining gave the annual road use permit report. They asked to renew the permit for Roads BB, 9, 10, and 12 for over length vehicles to use the roads. They stated the permit lapsed since the acquisition by Western Refining. They said this was simply an oversight. Comm. Koppenhafer moved to approve Resolution 3-2011 for the road use permit for Roads BB, 9, 10, and 12, and to expire on April 30, 2012, seconded by Comm. Chappell and carried. (See attached)

**TREASURER SHERRY DYESS** asked if there could be a vehicle designated for Treasurer's use due to the move of First National Bank since they have to go to First National Bank at least once a day. The request will be taken under advisement.

**SLIM MCWILLIAMS** met to ask permission for the serving of liquor at the Fairgrounds for the Ute Mountain Roundup. He said they are not having a dance so there will be no request for liquor service for that. He said the process has been started for the special events license. Mr. McWilliams informed the Board that they would like to hold the Chamber of Commerce after- hours event where alcohol would be served and not sold to Chamber members and invited guests. Comm. Koppenhafer, acting as the landowner but not the licensing

authority of the Fairgrounds moved to allow the serving of beer and wine at the Chamber of Commerce's after-hours event scheduled for Thursday, June 9, 2011 and for the selling of beer in specified areas at the Ute Mountain Roundup on June 9, 10, & 11, 2011, seconded by Comm. Chappell and carried.

**SENIOR SERVICES CONTRACT:** Mary Holladay with the Senior Services department presented a contract for the acquisition of the new van for signature. She stated there is no cost to the County. (See documents on file at the Senior Service Department)

**VETERANS SERVICE:** Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and certification of pay for March, 2011, seconded by Comm. Chappell, motion carried (See attached)

**LEA GOVERNING BOARD:** Comm. Koppenhafer acting as the ex-officio governing Board of the Montezuma County Law Enforcement Authority moved to approve agreement 2011-01 between the Montezuma County Board of Commissioners and the Montezuma County Sheriff for the purposes of providing additional law enforcement services by the addition of a K-9 and handler for up to \$7,000.00 from the LEA's fund monies, seconded by Comm. Chappell and carried. (See attached)

**JAMES DIETRICH** gave a report on the Montezuma County Public Lands Coordinating Commission (PLCC) meeting.

Comm. Koppenhafer moved to sign the letter to the Colorado Oil and Gas Conservation Commission stating they have reviewed the Geographic Area Plan rule, seconded by Comm. Chappell and carried. (See attached)

**LUNCH: 12:00**

**PUBLIC NOTICE:** It being the time set aside a public hearing is held. The roll was called, the public notice read and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining a commercial zoning request and pre-sketch plan for a proposed single lot development consisting of 10 acres more or less. Said tract of land is owned by Palmer, et al, Empire Electric Association Inc., Scott Ehmke and Glen Noble agents. Applicants are also requesting an AR35+ zoning on the remaining acreage. The property is located at 26250 Road 15, Pleasant View, Co. Planning Director Carver gave an overview of the application. Scott Ehmke and Glen Noble agents for Empire Electric discussed their application and long range plan in detail. Mr. Ehmke stated that by building a substation in Pleasant View, they could retire approximately 15 miles of existing line. Comm. Chappell opened the hearing up to public comment. Comm. Koppenhafer informed the audience that he leases property from the Palmer Family and asked if anyone saw that as a conflict of interest. No one spoke as to any conflict. **Bill Lancaster** represented the A & A Lancaster Farm LLC spoke as to the property being in the family for a number of years. He objected to the original location of the substation saying it is too close to their old home site. Mr. Lancaster recommended to the Board that they keep in mind that this property is a home site and would like to see the location moved. Hearing no further public comment Comm. Chappell closed that portion. Mr. Ehmke said Empire Electric would plant trees and install a drip system on the Lancaster property to meet the mitigation requirements. Comm. Chappell opened the hearing to public comment again. **Sharon Palmer** said she has concerns for the Oliver Family on the location further south. She said maybe they could go half way between site A and site B and come to a compromise. **Julia Crow** discussed the first location and would like to see it moved to site B. **Bill Lancaster** talked about the location of the trees. **Doug Pace**, Farmers Telephone Co. asked about the best place for the communication tower. He was concerned with any interference between the two towers. **Morgan Oliver** said he has not objected to option B. **Sharon Palmer** stated she was trying to have trees planted to help the property owner's view. Hearing no further public comment, Comm. Chappell closed that portion. After hearing all the evidence presented Comm. Koppenhafer moved to approve the commercial zoning request and pre-sketch plan on 10 acres, more or less and AR35+ zoning on the remaining 46 acres, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. Planning Director Carver state this hearing is for the purpose of reviewing and determining a high impact permit request for the purpose of constructing and operating an electrical substation and a 120' telecommunications tower on a proposed single lot development consisting of 10 acres, more or less. The proposed substation site is 2.5 acres, more or less, in size and located at 26250 Road 15, Pleasant View. Planning Director Carver explained the application. Scott Ehmke with Empire Electric discussed the application further. The Board said the public comments from the previous zoning hearing will be made a part of this hearing as well. Comm. Chappell opened the hearing up to public comment. Hearing no public comment, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve a high impact permit for the construction and operation of an electrical substation and a 120' telecommunications tower on a single lot development of 10 acres, more or less for Empire Electric Association at 26250 Road 15, Pleasant View, Co. and for the placement of the substation to be placed on site B with contingencies for vegetative coverage being on the North of the property and all local and State permits being obtained. Seconded by Comm. Chappell and carried. (See attached) Comm. Chappell closed this hearing at this time.

**PRELIMINARY PLAT** for the proposed single lot development as submitted by Palmer, et al, Empire Electric Association Inc., Scott Ehmke and Glen Noble agents. Said property is located at 26250 Road 15, Pleasant View and consists of 10 acres more or less. Comm. Koppenhafer moved to approve the preliminary plat for a single lot development for Empire Electric Association on 10 acres purchased from the Palmer Family located at 26250 Road 15, Pleasant View, Co. Seconded by Comm. Chappell and carried.

Comm. Koppenhafer moved to approve the findings and permit for high impact permit number 626, seconded by Comm. Chappell and carried.

**PLANNING DIRECTOR CARVER** presented a response letter from Kathy Stone with Stone Sand and Gravel concerning high impact permit and special use permit #555 stating they have planted trees between them and the property on the east side. (See attached)

**COMPLAINT:** Director Carver presented a complaint she received regarding solar panel glare. (See attached)

**HIGH IMPACT PERMIT #385:** Information regarding the Val Truelsen Property and high impact permit number 385 was discussed. This permit deals with the Line Camp Gravel Pit. Nathan Barton with Wasteline, Inc. reported on the permit. (See attached)

**COMPLAINT:** Director Carver received a complaint concerning land use. The complaint deals with a neighbor operating a semi trucking business on residential property. (See attached)

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

Review of Standard & Poor,s concerning Montezuma County, Colorado, Sales Tax Revenue Bonds (see attached)

Letter from Bud Garner. (See attached)

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

**MEETING ADJOURNED 3:45 p.m.**

---

Clerk April 11, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 18, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 18, 2011 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

**MINUTES** of the regular meeting held on Monday, April 11, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of April 11, 2011 as corrected, seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** reported the Department will be prepping roads for mag-chloride. He said they sold some equipment at the recent auction. He is looking at prices for backhoes. Roads out north have been bladed and it was stated that portions of Road L going west has problems.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of March, 2011. (See attached).

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** gave his monthly report on the activities at the Fairgrounds. He gave the update on the Home and Garden Show held recently saying it went well. He informed the Board on the progress on the wall for the race track. The Lipizzaner Stallions will be here May 10<sup>th</sup> and

11<sup>th</sup>, 2011. The Dog show is scheduled for May 20<sup>th</sup> through the 22<sup>nd</sup>, 2011. He said upcoming events are the Ute Mountain Rodeo in June and the County Fair in July.

**SOUTHWEST MEMORIAL HOSPITAL:** Cindy Bradley met to give the Board the quarterly update on Southwest Memorial Hospital. She said the Hospital is still looking at recruitment. Ms. Bradley said regarding the QHR contract they will be renewing an advisory contract with Quorum Health Research. She said there are a few contracts out concerning doctor recruitment. Searches have begun for family practice physicians. She said a search will begin for an ER medical director due to the impending retirement of Dr. Griebel. She reported financially the Hospital is in good shape.

**SHERIFF'S OFFICE:** Wanda Martin with the Sheriff's Office presented the forest service contract for approval. She said the amount of \$12,400.00 is for boat and forest patrol. The contract runs from May 21 through September 30<sup>th</sup>, 2011. Comm. Chappell moved to approve the modification of grant and agreement between the San Juan National Forest, Dolores Ranger District and Montezuma County Sheriff's Office in the amount of \$12,400.00, seconded by Comm. Koppenhafer and carried. (See attached)

**ASSESSOR MARK VANDERPOOL AND TREASURER SHERRY DYESS** informed the Board of an error in the mill levy for the Mancos Library District for tax year 2009 during the programming conversion creating a disbursement shortage to the District in the amount of \$10,031.00. He explained the amount charged to the taxpayers was correct. Assessor Vanderpool said the error could have been caused when Colorado Custom Ware entered the incorrect data. Comm. Chappell moved to approve payment in the amount of \$10,031.00 to the Mancos Library District, which was caused by a computer calculation error, seconded by Comm. Rule and carried.

**PUBLIC HEALTH:** Public Health Director Lori Cooper presented an amendment for the single entry point contract for approval. Comm. Chappell moved to approve amendment number 1 of the original contract routing number 3011-1314, CMS # 20510 between the Montezuma County Health Department, and the State of Colorado, seconded by Comm. Koppenhafer and carried. (See attached)

**ACCOUNTS PAYABLE:** General Fund # 59300-59462 in the amount of \$299,527.99, Road and Bridge Fund # 23663-23725 in the amount of \$99,331.17, and Landfill # 6904-6932 in the amount of \$25,152.13 for the month of March, 2011 were approved for payment.

**LUNCH: 12:00**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. Planning Director Carver presented an application for the purpose of reviewing and determining 3 separate CO2 well pad sites, 2 wells per pad located in sections 32, 33, & 34, T37N R18W N.M.P.M and associated well tie-in pipelines located in sections 32, 33, & 34 T37N R18W N.M.P.M, in section 2 T36N, R17W, N.M.P.M. and Section 31, T37.N, R17W, N.M.P.M. on property owned by the BLM lying at the end of Road N, as submitted by Kinder Morgan CO2 Company, LP, Agent Bob Clayton. Planning Director Susan Carver gave an overview of the application. Bob Clayton with Kinder Morgan explained the application in detail. He said these are the Goodman Point Wells they have been working on for several years. He said after doing a 1600 acre survey, 3 suitable sites were found. Mr. Clayton stated they are also working very well with the various Tribes in the area. Comm. Chappell recused himself from this hearing at this time. Comm. Rule opened the hearing to public comment. Hearing no public comment, that portion was closed. After hearing the evidence presented, Comm. Koppenhafer moved to approve high impact permit numbers 628, 629, and 630 for the constructing, operating, and maintaining 3 separate CO2 well pad sites, 2 wells per pad and for associated tie in pipelines and the addition of a small portion of Section 6 that was not in the public notice and the landowner's consent is on file for said tie-ins to the pipelines, seconded by Comm. Rule and carried. Comm. Rule closed this hearing. (See attached)

**FINDING:** Comm. Koppenhafer moved to approve the findings and permits for high impact permit numbers 628, 629, and 630, seconded by Comm. Rule and carried. Comm. Chappell was recused. (See attached)

**VARIANCE:** Planning Director Carver informed the Board that Grant Smith was unable to be present.

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

CDOT contract amendment for Senior Services was signed. (See attached)

Letter from AXIS Health System to Dennis Story regarding support for ATU for 2011. (See attached)

Colorado Board of Health agenda for April 20, 2011 and notice of upcoming public rule-making hearings for May 18, 2011. (See attached)

Dolores Water Conservancy District regular meeting. (See attached)

Southwestern Water Conservation District notice of board meeting. (See attached)

Letter from Division of Wildlife updating the Board on the process of the DOW to reintroduce wolverines. (See attached)

Notice of public hearing and scoping meeting from the USDA Forest Service. (See attached)

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

**MEETING ADJOURNED 3:00 p.m.**

---

Clerk April 18, 2011

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
April 25, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday April 25, 2011 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
- Kim Percell, Deputy County Clerk

**MINUTES** of the regular meeting held on Monday, April 18, 2011 were read. Commissioner Chappell moved to approve the minutes of April 18, 2011 as presented, seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree**, presented the Road Impact Fee Summary. There was a discussion on how the funds could be spent and how the spending was tracked. Some roads discussed that need repairs were Road H, Road 25 and Road T. They have put mag-chloride on some lower valley roads as well as some roads in the west. He is still waiting on quotes to compare prices on backhoes.

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

**RECYCLING FACILITY: Pat Tierney and Debby Barton Landfill Manager** met to discuss a recycling facility. Mr. Tierney presented a program designed for small counties to recycle. It was recommended that Mr. Tierney start with the Planning Department and begin the Planning Process.

**SPECIAL EVENTS** liquor license for the Ute Mountain Roundup Rodeo was presented by Deputy Clerk **Tammy Neely**. Commissioner Koppenhafer moved to approve the application for the Ute Mountain Roundup Rodeo dated June 9, 2011 through June 11, 2011 to serve alcohol at the Ute Mountain Roundup Rodeo as presented. Second by Commissioner Chappell, motion carried. (See attached)

**MVI /MCELMO FLUME: Linda Towle** presented a brochure designating the **McElmo Flume** as an endangered place. She will keep the Board apprised of the process in the future.

**LUNCH: 12:00**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. Planning Director Susan Carver presented an application for Industrial Zoning for a tract of land owned by **TU LLC**, located at 28101 Road T.5 Dolores. Commissioner Koppenhafer moved to approve the application for the Industrial Zoning request for the tract of land located at 28101 Road T.5 Dolores Co. owned by TU LLC. as presented. Seconded by Commissioner Chappell, motion carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. Planning Director Susan Carver presented an overview of the Industrial Zoning request for **Kinder Morgan Energy Partners LP**. Bob Clayton represented the application for Kinder Morgan CO2 Company, property located at 17801 Hwy 491 Cortez, Co. consisting of 20 acres, more or less. Commissioner Koppenhafer moved to approve the Industrial Zoning request for property owned by Kinder Morgan located at 17801 Hwy 491 Cortez Co. consisting of 20 acres more or less including the lot line variance of 38 feet on the north side of the property. Second by commissioner Chappell, motion carried (See attached)

**Jim Dietrich** presented a letter of comments regarding the new Wild Lands Secretarial Order 3310 for review. Commissioner Koppenhafer moved to send the letter of comments concerning **Secretarial Order 3310** to the Honorable Doc Hastings Chairman of the House Committee on Natural Resources and Honorable Edward Markey Ranking member, House Committee on Natural Resources, as presented. Second by Commissioner Chappell, motion carried. (See attached)

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

Letter from Ruby Gonzales, Dolores Senior Citizens

Letter from Jacque V. Cook re: Eagle Scout Hayden Todd Cook Court of Honor.

Montezuma County Sheriff's Office Employee Fund. (See Attached)

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

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

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 2, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 2, 2011 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

**MINUTES** of the regular meeting held on Monday, April 25, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of April 25, 2011 as presented, seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** said the mag-chloride program has slowed some. He said roads in the Mancos area are being graveled. The Department is preparing roads for mag-chloride. The vision at the intersection of Roads 26 and L is much improved.

**Rick McIntire** informed the Board of a piece of property with junked cars where the property owner crushes cars and there is a lot scrap iron on the property as well. He is concerned with his property values and has issues with the noise involved with said operations. The Board will talk to the Planning Department regarding Mr. McIntire's concerns.

**LINDA MORGAN** did not appear.

**SENIOR SERVICES: Sue Fletcher and Mary Holaday** with the Senior Services Department gave an update on the senior meal programs. Director Fletcher talked about the matching funds for the program from the various entities. She talked about problems with the Dolores program.

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

**PAYROLL:** General fund checks in the amount of \$368,909.58, District Attorney fund check #59468 in the amount of \$37,469.80, Treasurer fund check #59469 in the amount of \$306,050.60, Road department fund checks in the amount of 82,333.52, Treasurer fund check #23726 in the amount of \$68,649.70; and Landfill fund checks in the amount of \$14,946.04, Treasurer fund check #6933 in the amount of \$12,689.58 were approved for payment.

**PLANNING:**

**Planning Director Susan Carver** presented a letter from Environmental Services concerning the removal of an underground storage tank and replacement of fuel tanks at Woody's #135 located at 158 Hwy. 160, Cortez. Blaine Garwood representing Environmental Services explained the project. He asked if there are any County requirements they need to be aware of. Director Carver explained the use of the facility has remained the same since 1967 and is currently un-zoned. Since the use is not changing at this time the letter will be kept on file. (See attached)

**Planning Director Susan Carver** presented an exemption request for review and determination. The request is where Glenn E. and Diane M. Wilson wish to convey 4.77 acres, more or less, of their 16 acre, more or less, tract of land located at 29135 Hwy 160, Cortez to Donald and Ann Brown. Director Carver explained that the Brown's property is adjacent to the Wilson property and currently consists of 30 acres, more or less, located at 28823 Hwy 160, Cortez. Director Carver said that Mr. Wilson is selling 4 acres to an adjacent land owner. She stated that the Wilson property is bisected by the Towaoc Canal and they would like to divide the property into 2 separate tracts. Comm. Chappell moved to grant the preliminary exemption request for Glenn E. and Diane Wilson conveying 4.77 acres, more to less, of their 16 acres, more or less, to Donald and Ann Brown, seconded by Comm. Koppahafer and carried. (See attached)

**Director Carver** informed the Board of an e-mail from James B. Horn with CDOT she received concerning access authorization on SH 184, the Bement access permit number #508137 not being finalized. (See attached)

**DIRECTOR CARVER** presented for review and determination of compliance standards for an increase to an existing residential structure on property owned by Scott Twilley. The property is located at 26641 Road 38.5, Dolores. She said the cabin is 20 feet from the bank of the river and he wishes to expand the cabin. Director Carver said the setbacks to the river are historically "not" met. Sanitarian Melessa Mathews stated her department has not been notified regarding any septic system issues. Director Carver will get more information and come back to the Board at a later date.

**EXEMPTION REQUEST:** Planning Director Susan Carver presented for review and determination an exemption request. The property located at 14680 Road 20, Dolores owned by Whole Fam Family, LLLP consists of 81.7 acres, more or less. The desire is to convey 13 acres, more or less, to Edward G. Merritt Partnership, LLLP. Said property is adjacent to the Whole Fam Family's property and currently consists of 161 acres, more or less, and located at 15231 Road 21, Dolores... The Merritt Partnership wishes to convey 11 acres of their property to the Whole Fam Family LLLP to become a part of their existing acreage. Susan explained that no new tract shall be created if the exemption request is approved. She also said that there are some conflicts in the existing property lines between said properties and a third property owned by Edward G, Merritt Partnership, LLLP, located at 15806 Road 20, Dolores, consisting of 199 acres wherein the landowners have

come to an agreement to adjust the property lines that would settle these conflicts. Resulting acreage on each tract of land will be in excess of 35 acres. Ed Merritt, Jr. represented the Edward G. Merritt Partnership, LLLP and Rich Tibbets represented the Whole Fam Family, LLLP presented their request in detail. Comm. Chappell moved to give preliminary approval to the exemption request as presented. Seconded by Comm. Koppenhafer and carried. (See attached)

**VARIANCE REQUEST** for Grant Smith was not heard as no one appeared on his behalf.

**SHOP ADDITION:** Director Carver presented a request for the addition of a shop building for Robert R. Kirkland on property located at 6470 Hwy. 491-160, Cortez. Director Carver said the historic use has been commercial since the late 1960's. Mr. Kirkland said he wishes to construct a 50' x80' mechanic shop for his own use. Mr. Kirkland would like to have a multi-connection to the existing septic system. The septic application will be done at a later date. The Planning Department recommended the property be zoned.

**LETTER:** Comm. Chappell moved to sign the letter to Mr. Ray Dunn concerning the relocation of the Hwy. 184/ Road 23 intersection, seconded by Comm. Koppenhafer and carried. (See attached)

**DIRECTOR CARVER** informed the Board of a Division of Water Resources Policy 2011-1 concerning the evaluation of new divisions of land by subdivision when considering proposals of water supply from proposed or existing wells. (See attached)

**RESPONSE LETTER:** Planning Director Carver presented a response letter regarding the solar panel complaint. (See attached)

**JAMES DIETRICH** shared information he received from Mischelle Allison relating to agenda 21. He also updated the Board on happenings regarding the PLCC meeting.

**CORRESPONDENCE:** The following correspondence was read and noted:  
Information regarding redistricting of Commissioner Districts. (See attached)  
CSU matters. (See attached)  
Letter from US Environmental Protection Agency Region 8. (See attached)  
Southwest Water Conservation District Notice. (See attached)  
Letter from US Department of Interior. (See attached)

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

**MEETING ADJOURNED 3:20 p.m.**

---

Clerk May 2, 2011

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 9, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 9, 2011 at the 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

**MINUTES** of the regular meeting held on Monday, May 2, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of May 2, 2011 as corrected, seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** discussed the quotes for the backhoe. He said Case and John Deere are very close and the machines are comparable. Comm. Koppenhafer moved to approve the purchase of the 310J John Deere backhoe to be paid from the Road and Bridge fund. Seconded by Comm. Chappell and carried. He informed the Board that the crusher is moving to Hay Camp and the department is still graveling roads in the Mancos area.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of April, 2011. (See attached).

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of April, 2011. (See attached) She discussed the e-waste program. Manager Barton said the camera surveillance is working well.

**LIQUOR LICENSE/SPECIAL EVENTS:** A liquor license renewal for Eagle Claw Trading Post was presented for approval. Comm. Koppenhafer moved to approve the renewal of a retail liquor license for Eagle Claw Trading Post for the sale of malt, vinous, and spirituous liquor, seconded by Comm. Chappell and carried. A special event liquor license on For Pet's Sake was presented. Comm. Koppenhafer moved to approve the special event application for For Pet's Sake to be held at Cliffrose High Desert Gardens, seconded by Comm. Chappell and carried.

**LINDA MORGAN:** Did not appear again.

**CLOSING DOCUMENTS:** Eva Boellstorff with Montezuma-Dolores Title Co. presented the closing documents for the purchase of the First National Bank property as per warranty deed attached hereto. Comm. Koppenhafer moved to sign the statement of settlements, seconded by Comm. Chappell and carried. (See attached)

**VETERANS SERVICE:** Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and certification of pay for April, 2011, seconded by Comm. Chappell, motion carried (See attached)

**LUNCH: 12:00**

**PLANNING:**

**NOTICE OF CONSTRUCTION** of a 45' telecommunications tower at the Goodman Point Substation located at 14005 Road N was submitted by Empire Electric Association, Inc was presented for review and determination. Director Carver gave an overview of the request. She said there is a high impact permit in place (HIP530). The property is currently un-zoned. Glen Noble and Scott Williams talked about the tower in detail. He told how this tower would tie into other towers to better their communications. Comm. Koppenhafer moved to amend high impact permit number 530 to include the construction of a 45' telecommunications tower, seconded by Comm. Chappell and carried. (See attached).

EMPIRE ELECTRIC also submitted a notice to construct a 30' telecommunications tower at the Cortez substation located at 801 N. Broadway. Director Carver said the height of this tower is under the threshold standards. The property is currently un-zoned. It was recommended they apply for a high impact permit and zoning.

**COUNTY ADMINISTRATOR Harrison** informed the Board of the need to hire an engineer for construction oversight of the McPhee Breakwater project for Phase I. Comm. Koppenhafer moved to approve the contract for the McPhee Breakwater Project Management between Van Chanay and Montezuma County, seconded by Comm. Chappell and carried. (See attached)

**GIS SPECIALIST** Doug Roth discussed the redistricting of the Commissioner's Districts.

**CORRESPONDENCE:** The following correspondence was read and noted:  
Letter from Torin Andrews concerning Nasquad Racing. (See attached)

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

**MEETING ADJOURNED 2:25 p.m.**

---

Clerk May 9, 2011

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 16, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 16, 2011 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

**MINUTES** of the regular meeting held on Monday, May 9, 2011 were read. Commissioner Chappell moved to approve the minutes of May 9, 2011 as corrected, seconded by Commissioner Koppenhafer and carried.

**PUBLIC HEARING CONTINUATION:** It being the time set aside a continuation of a public hearing is held for the purpose of considering a resolution to establish a local improvement district on a portion of Road 18. The roll was called and the proceedings were recorded for the record. Said resolution is to establish a local improvement district and authorize improvements to a roadway along a portion of Road 18. Bud Poe representing the improvement district gave an overview of the proposal and explained the allocation formula. A letter from Ted C. Wright P.C., attorney at law regarding an amended petition for formation of said district was presented. (See attached) Information regarding the formation of the Eagle's Nest Subdivision was submitted for the record. (See attached) Comm. Koppenhafer moved to accept this amendment to the original petition for the Local Improvement District on a portion of Road 18 for the purpose of including all benefitted properties and change the allocation table. This public hearing is continued to June 27<sup>th</sup>, 2011 at 1:30 p.m. and to publish the proper notices, seconded by Comm. Chappell and carried. (See attached)

**ROAD:** Road supervisor Dean Roundtree discussed activities concerning the work the Department is doing on various county roads. He informed the Board that the John Deere backhoe has been ordered.

**FAIRGROUNDS:** Fairgrounds Manager **Tanner Young** gave his monthly report on the Fairgrounds. He said Triad Western Constructors is working on the catwalk. He reported the Safety Day, the 12 hours at Mesa Verde, the Lipizzaner Stallion's event, the car races, and the CDOT rodeo all went well. Manager Young said the Dolores FFA donated bleachers. He informed the Board of another break-in at the Fairgrounds. He gave a report on the finances.

**ABATEMENT:** It being the time set aside an abatement hearing is held for Dee Schweigert on parcel number R000531. The roll was called and the proceedings were recorded for the record. Appraiser Cynthia Claytor reported that a residence was built in 2008 on said property making the property residential rather than vacant. Appraiser Claytor said the Assessor's Office is requesting abatement in the amount of \$4,827.42 for tax year 2010. Comm. Koppenhafer moved to approve the abatement for Dee Schweigert, parcel number R000531 on the property located at 22776 Hwy. 145, seconded by Comm. Chappell and carried. (See attached).

**PUBLIC HEALTH CONTRACTS;** Public Health Director Lori Cooper presented the following contracts for approval. Director Cooper presented an agency agreement between Montezuma County Health Department and United Way. She explained this program helps with the car seat program. Comm. Koppenhafer moved to sign the 2011-2012 contract between United Way of Southwest Colorado and the Montezuma County Health Department, seconded by Comm. Chappell and carried. (See attached) She presented a contract amendment to the single entry point case management for long term care. Comm. Koppenhafer move to sign the single entry point amendment CMS#121HA31549 between the Montezuma County Health Department and the State of Colorado Human Services Department, seconded by Comm. Chappell and carried. (See attached) A contract regarding tobacco education was presented. Julia Hesse informed the Board on the funding for another year concerning said program. Comm. Chappell moved to sign the contract amendment between the Colorado Department of Public Health and Environment and Montezuma County Health Department for the tobacco step program, seconded by Comm. Koppenhafer and carried. (See attached)

**ACCOUNTS PAYABLE:** General Fund # 59463-59627 in the amount of \$283,207.95, Road Fund # 23727-23796 in the amount of \$112,174.04, and Landfill # 6934-6969 in the amount of \$37,355.66 for the month of April, 2011 were approved for payment.

**LETTER:** Comm. Chappell moved to approve the signing of a letter to Ryan Mahoney, Dolores Town Manager and Ruby Gonzales regarding the non-senior meals, the misconception of fairness, matching funds, and overall funding issues concerning the Dolores Senior Nutrition Program, seconded by Comm. Koppenhafer and carried. (See attached)

**LUNCH: 12:00**

**PLANNING:** Planning Director Susan Carver presented the following requests to move high impact permits and special use permit applications to the Planning Commission.

Request to move a high impact permit application and special use permit application to the Planning Commission for review. Said request is for the purpose of operating main offices and an outdoor education facility known as Open Sky Wilderness Therapy .The property is located at 40980 Hwy 184, Mancos and owned by the Robert D. Bement Trust, Matthew Bement Trustee with Aaron Fernandes as agent. The property consists of 162 acres, more or less. Aaron Fernandes represented the application. He said the property located at 40980 Hwy 184 would be used for offices, storage and inventory, student outfitting, vehicle safekeeping and

a yurt. He explained that the property will not be used for housing students. Mr. Fernandes explained the program saying they work with students from ages 13 through 17 and for adults ranging from age 18 through 28. Comm. Koppenhafer moved to forward this request for a high impact permit and special use permit application to the Planning Commission at this time. Seconded by Comm. Chappell and carried. (See attached) **Director Carver** presented a request to move a high impact permit application be forwarded to the Planning Commission for review. Said request is for the purpose of obtaining a high impact permit to construct and operate a 30' communications tower. The request is submitted by Empire Electric Association, Inc., Glen Nobel agent. The property located at 801 N. Broadway consists of 7 acres, more or less. Comm. Koppenhafer moved to forward the application for the construction of a 30' communications tower located at the Empire Electric substation in Cortez, seconded by Comm. Rule and carried. (See attached)

**LETTER:** Comm. Koppenhafer moved to sign the letter addressed to the Forest Service Planning DEIS addressing the concerns of the BOCC regarding the National Planning Rule, seconded by Comm. Rule and carried. (See attached)

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

Letter from Montezuma Dolores Title Co. in reference to the closing between First National Bank and Montezuma County on the property located at 140 W. Main, Cortez. (See attached)

Minutes of the DWCD of March 10, 2011 and regular meeting of May 12, 2011. (See attached)

Notice of public rule making hearing before the Colorado Board of Health. (See attached)

Notice of special board meeting of the SWWCD of May 11, 2011. (See attached)

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

**MEETING ADJOURNED 2:05 p.m.**

---

Clerk May 16, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
May 23, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday May 23, 2011 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

**BREAKFAST:** The Board had breakfast with the Dolores Town Board at the Ponderosa Restaurant

**MINUTES** of the regular meeting held on Monday, May 16, 2011 were read. Commissioner Chappell moved to approve the minutes of May 16, 2011 as corrected, seconded by Commissioner Koppenhafer and carried.

**ROAD:** Road Supervisor Dean Roundtree discussed a letter sent to Dwight Lynn and Dennis Lee Williams concerning ownership of culverts in the platted 60' easement that need to be removed. The Road and Bridge Department are in the process of improving the turn around on the west end of Road P.6. Supervisor Roundtree said the William's do not want to remove the culverts and they want the Department to finish the road. According to the county road map the road ends there. (See attached) Supervisor Roundtree informed the Board he received a letter from Dolores Public Lands Office about clean up issues arising at the Tozer Pit. He said an oil and air filter had been left at the pit site. The Board asked for documentation from Supervisor Roundtree when the pit is cleaned up. (See attached). He talked about other work the Department is doing.

**GRANT APPLICATION:** Nina Williams representing the Montezuma Land Conservancy District presented a grant application. She asked for a letter of support for the application for the National Scenic Byways grant. She said the grants are administrated by the State. Comm. Koppenhafer moved to sign the letter of support for the grant application for the Colorado Scenic and Historic Byways Commission, 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; Dennis Story and Lori Higgins were present.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. The purpose of this hearing is to consider a hotel and restaurant liquor license for Mary Jane's at Stoner, Ray Cox agent. Said property is located at 25113 Hwy. 145, Dolores. Deputy Judy Follman and Deputy Brandon Vialpando presented the application. Undersheriff Robin Cronk spoke about the survey the Sheriff's Office conducted. He said that 9 of the 13 residents contacted gave a favorable response. Melissa Mathews with the Health Department said that there was only one well permitted on the property and it was for domestic use. She stated they would need to apply for a commercial permit. She said they need to prove that they have safe potable water and she would have to conduct some testing. Ray Cox spoke as to the application, he said he has not heard any negative responses. It was stated that there are 2 wells on the property, however, the State only shows one well on the property. Mr. Cox will look into the well applications. Comm. Rule opened the hearing up to public comment. Hearing no public comment, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve the hotel restaurant liquor license for Mary Jane's at Stoner located at 25113 Hwy. 145, Dolores with the public health stipulations stated during this hearing being met, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing.

**REPUBLICAN WOMEN:** Judi Lichliter, President of the Republican Women's Club of Montezuma County and Jan Gardner met to discuss a Legislative Day. She brought mid morning refreshments. Ms. Lichliter thanked the Board and wanted to express the Club's appreciation for all they do in representing this County and on a job well done.

**COLORADO ENDANGERED PLACES PROGRAM:** Patrick Eidman and Linda Towle with the Colorado Endangered Places Program met to discuss the McElmo Flume and its preservation. Mr. Eidman said the McElmo Flume has been nominated to be placed on the historic registry. County Administrator Harrison asked for more information concerning accepting the Flume and would like to see the long term obligations. Mr. Eidman explained the process. Comm. Koppenhafer moved to accept the bill of sale conveying ownership of the McElmo Flume which is on Montezuma County land at the Fairgrounds from MVIC. Said Flume is officially known as Flume No. 6 across the McElmo Creek and acceptance of this bill of sale is with no commitment to restore this structure at this time. Seconded by Comm. Chappell and carried. (See attached)

**SENIOR SERVICES:** Mary Holaday presented a CDOT contract for signatures. Said grant is for senior citizens transportation for 2012-2013. She said they are asking to cover operating expenses. Ms. Holaday said she has been informed of budget cuts for 2012 and she said they will just be able to meet the CDOT matching funds. Comm. Chappell moved to approve the application for grant money for certificates and assurances for FTA/CDOT, seconded by Comm. Koppenhafer and carried. (See attached) (signed contract at Senior Services)

**SHERIFF'S OFFICE:** Wanda Martin with the Sheriff's Office presented a gaming grant for signature. Comm. Koppenhafer moved to approve the local government limited gaming impact fund application for the safety through technology program for the 2011-2012 grant cycle. Seconded by Comm. Chappell and carried. (See attached) **Sheriff Spruell** updated the Board on activities at the Sheriff's Office.

**LUNCH: 12:15 p.m.**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining an AR3-9 zoning request on property owned by Timothy J. Hunter. Said property is located at 10720 Road 41.2, Mancos and consists of one 4.7 acre tract, more or less, and one 3.18 acre tract, more or less. This tract of land was created by an exemption Also presented is a zoning request for AR35+ on property owned by Arthur and Carol Van Der Harten Trust, located at 10726 Road 41.2, Mancos, consisting of 169 acres, more or less. Planning Director Susan Carver gave an overview of the application. Ernest Maness represented the parties in this matter. Mr. Arthur Van Der Harten was also present. Comm. Rule opened the hearing up to public comment. Hearing no comments, Comm. Rule closed that portion of the hearing. After hearing all the evidence presented Comm. Koppenhafer moved to approve the zoning request for Timothy J. Hunter on property located at 10720 Road 41.2 for one 3.18 acre tract and one 4.7 acre tract more or less, and to approve the AR35+ zoning request on property owned by Arthur and Carol Van Der Harten Trust located at 10726 Road 41.2, Mancos, consisting of 169 acres more or less. Seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing.

Director Susan Carver presented a final plat for approval on an exemption request to adjust the common lot lines between the 3 properties. Comm. Chappell moved to approve the exemption plat number P-07-11 for the Van Der Harten Trust and Timothy J. Hunter, seconded by Comm. Koppenhafer and carried. (See attached)

**FINAL PLAT:** Planning Director Carver presented for review and determination a final plat to further develop Lot 1 of the Shearston 3-lot minor development. The property is owned by Paul L. and Lisa Mea Shearston and is located at 14880 Road 22, Dolores. Said request will split the 28 acres into one 14.5 acre parcel and one 13.5 acre parcel making the Shearston development a 4-lot moderate development. Director Carver explained the request. Paul L. Shearston was present. Comm. Koppenhafer moved to approve the 2<sup>nd</sup> amended plat of the Shearston 4 lot moderate subdivision as presented, seconded by Comm. Chappell and carried. (See attached)

**HEALTH DEPARTMENT CONTRACT:** Comm. Koppenhafer moved to sign the contract routing number 12-30845 between the Department of Public Health and Environment and the Montezuma County Health Department, seconded by Comm. Chappell and carried. (See attached)

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

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

---

Clerk May 23, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 13, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 13, 2011 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

**MINUTES** of the regular meeting held on Monday, May 23, 2011 were read. Commissioner Chappell moved to approve the minutes of May 23, 2011 as presented, seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** reported on the purchase of 2 new John Deere Graders. Comm. Koppenhafer moved to purchase two 2011 John Deere 770G graders and the trade in of a 1972 Caterpillar 140G and a 1982 Caterpillar 140G, seconded by Comm. Chappell and carried. Supervisor Roundtree discussed other projects. He said he has advertised for the work on Road 25. Mag chloride work is being done on Road 40.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of May, 2011. (See attached).

**RESIGNATION:** Comm. Koppenhafer moved to accept the resignation of Richard Huff from the Cortez Cemetery District, seconded by Comm. Chappell and carried. (See attached)

**COMMISSIONER KOPPENHAFER** moved to re-appoint Dennis Story to the Southwest Colorado Workforce Advisory Board for a two year term, seconded by Comm. Chappell and carried. (See attached)

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of May, 2011. Manager Barton informed the Board of the new hires at the Landfill. Rachel Abeln is the new office manager and Dianne Searcy filled the Saturday scale attendant. She reported the cameras are working very well. A letter of concern was received from the new CDPHE inspector concerning ground water wells.(See attached)

**COUNTY HEALTH RANKING:** Julia Hesse and Lori Cooper reported on the prevention policy regarding the health and well being of our County. They talked about HB 1451 which deals with truancy and educational neglect. Ms. Hesse explained the County health ranking for the County. They invited the Board to have representation on the PPN Network.(See attached)

**BRIDGE EMERGENCY SHELTER:** M.B. McAfee and Executive Director, Sara Wakefield, gave the yearly update on the Bridge Emergency Shelter for 2010-2011. They discussed upcoming efforts and needs for the Shelter. Ms. Wakefield talked about the need for kitchen facilities and over crowding conditions. They will

conduct further discussions concerning changes to the facility with the maintenance department the Courts and the Sheriff's Office and return with their findings before the Board comes to a decision. (See attached)

**GERALD AND VERINIA FOSNOT** met to discuss a land use complaint regarding his property located at 6698 Road 21. The complaint was issued by a neighbor. A car crushing operation is currently on the property. Mr. Fosnot said the Assessor's Office is taxing the property as industrial. The Fosnot's say the use of the property is grandfathered in and the use has not changed. Mr. and Mrs. Fosnot said they plan to pursue with the zoning process.

**SHERIFF'S OFFICE:** Wanda Martin and Sheriff Spruell presented an amendment to the gaming grant contract and the grant for the Drug Task Force for signature. Ms. Martin said the changes to the gaming grant is amending the amounts where the Sheriff's Office will increase the match amount that will be paid out of the Law Enforcement Authority fund and reduce the amount of funding. Comm. Koppenhafer moved to approve the local government limited gaming impact fund application for operation cooperation for the Montezuma County Sheriff's Office, seconded by Comm. Chappell and carried. (See attached)

Comm. Koppenhafer moved to approve the local government limited gaming impact fund application for the safety through technology grant, seconded by Comm. Chappell and carried. (See attached)

**LUNCH: 12:15**

**PUBLIC HEARING:** It being the time set aside a public hearing is held, The roll was called, the public notice was read, and the proceedings were recorded for the record. This hearing is held for the purpose of reviewing and determining an industrial zoning request on property owned by Empire Electric Association, Inc. Said property is located at 801 N. Broadway, Cortez and consists of 7 acres, more or less. The property is currently used for the Cortez Electrical Substation site, storage yard, a maintenance yard and control houses. LeeAnn Milligan with the Planning Department gave an overview of the application. Glen Noble and Scott Ehmke represented the application for Empire Electric Association. Comm. Rule opened the hearing to public comment. **Rob Pope** representing RC Southwest said he has no objection to the project. Hearing no further comment Comm. Rule closed that portion. After hearing all the evidence presented Comm. Chappell moved to approve the industrial zoning for Empire Electric Association property that's located in Montezuma County, seconded by Comm. Koppenhafer and carried. Comm. Rule closed this public hearing at this time. (See attached)

**PLANNING:** LeeAnn Milligan with the Planning Department presented a notice to construct a 30 foot communications tower submitted by Empire Electric Association, Inc. on property located at 801 N. Broadway, Cortez. The Planning Commission Board recommended a waiver to the high impact permit process as the 30 foot tower is within the threshold standards for property zoned industrial. Comm. Koppenhafer moved to waive the high impact permit process as no threshold standards will be exceeded seconded by Comm. Chappell and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held, The roll was called, the public notice was read, and the proceedings were recorded for the record. This hearing is held for the purpose of reviewing and determining a special use permit and high impact permit. The request is to operate main offices and an outdoor education facility known as Open Sky Wilderness Therapy. The property is owned by Robert E. Bement Trust, Matthew Bement, Trustee. Said property is located at 40980 Hwy 184, Mancos and consists of 162 acres, more or less. LeeAnn Milligan with the Planning Department introduced the application. She said the facility is a therapeutic program for adolescents and young adults. Aaron Fernandes agent for Open Sky Wilderness explained the application in detail. He talked about the fire mitigation plan. Mr. Fernandes talked about security issues and oversight of the students. He discussed their field manual. (on file at the Planning Office) Comm. Rule opened the hearing up to public comment. **Linda Farnsworth** said she lives southeast of the subject property and thanked the applicant's willingness to work with the neighbors. She asked about staff parking, the location of the zircons and night lighting. **Betsy Harrison** gave positive comments for the program and said she is the landlord and has had no problems with the facility at all. LeeAnn Milligan presented a letter from Ed Archuleta at this time. (See attached) Hearing no further comments, Comm. Rule closed that portion. Mr. Fernandes address the questions asked during the public comment period. After hearing all the evidence presented Comm. Chappell moved to approve the special use permit and high impact permit contingent upon the following; total number of program participants permitted on the property shall not exceed 60 participants, this includes parents and students; all local, state and federal permit

requirements are met and remain in good standing; recommendations on how to accomplish the creation of wildfire defensible space, as outlined in the Wildfire Hazard Assessment and Mitigation Plan prepared by Stephen K. Kelly is completed prior to conducting the proposed uses; and staff and students shall be given fire suppression training also the particular and extent of use is for those uses as applied for this date and does not include expanded uses in the future, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed the hearing at this time.

**HIGH IMPACT PERMIT NUMBER 560:** LeeAnn Milligan with the Planning Department discussed the annual review of high impact permit number 560 for the purpose of conducting off highway vehicle events/rock race events. The property is located at 7399 US Hwy 491, Cortez. A letter from Charles and Wanda Martin indicated the Rock Races for 2011 have been placed on hold and will not be held, however, they hope the event will be held in 2012. The Board reviewed the high impact permit and found no problems with the permit. (See attached)

**PAYROLL:** General fund checks in the amount of \$369,402.03, District Attorney fund check #59632 in the amount of \$35,146.41, Treasurer fund check #59633 in the amount of \$309,184.06, Road department fund checks in the amount of \$81,961.55, Treasurer fund check #23797 in the amount of \$68,836.28; and Landfill fund checks in the amount of \$15,936.34 Treasurer fund check #6970 in the amount of \$12,980.29 were approved for payment.

**VETERANS SERVICE:** Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and certification of pay for May, 2011, seconded by Comm. Chappell, motion carried (See attached)

**FINDINGS:** Comm. Chappell moved to approve the findings for permit number 634, seconded by Comm. Koppenhafer and carried. (See attached)

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

Letter to Canyon of the Ancients National Monument in reference to the BLM purchase of the Veach property. (See attached)

Letter from the Southern Ute Indian Tribe. (See attached)

Notice of regular meeting and minutes of the Dolores Water Conservancy District. (See attached)

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

Letter from CDPHE regarding insufficient beneficial use plan addressed to Cox Conoco Tire and Automotive. (See attached)

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

**MEETING ADJOURNED 3:40 p.m.**

---

Clerk June 13, 2011

---

Chairman

**MONTEZUMA COUNTY, COLORADO**  
**June 20, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 20, 2011 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

**MINUTES** of the regular meeting held on Monday, June 13, 2011 were read. Commissioner Chappell moved to approve the minutes of June 13, 2011 as corrected, seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** said CDOT has contacted Don Morris concerning the weed control program. Mr. Morris informed the Board that CDOT is requesting to contract with the County regarding weed control along the State highways. He said they are asking the County to keep an eye on any problems with any needed weed control and inform them of where and what the problem is. Mr. Morris will contact CDOT and ask them to send the contract for review. Road Supervisor Roundtree informed the Board that John Deere misquoted the price on the 2 John Deere graders. He said they left off the snow plows and by adding the plows, the quote increased by about \$10,000.00 each grader. Comm. Koppenhafer moved to amend the motion of June 13, 2011 to include the cost of two 12' hydraulic angle Henke severe duty plow, Balderson mount snow plows, seconded by Comm. Chappell and carried. (See attached) Supervisor Roundtree talked about work on the Summit Lake West Subdivision. He discussed other road conditions and projects.

**LETTER:** Comm. Chappell moved to send a letter concerning the potential closure of the local Post Offices at Lewis and Pleasant View to Walter McBain, Manager, and Post Office Operations. Seconded by Comm. Koppenhafer and carried. (See attached)

**LIQUOR LICENSE:** Deputy Brandon Vialpando and Tammy Neely presented a renewal for a hotel, restaurant liquor license for Echo Basin Ranch. He said there have been no violations reported at this facility. Comm. Koppenhafer moved to approve the renewal of the resort complex liquor license for Echo Basin Ranch with related facility permit, seconded by Comm. Chappell and carried. (See attached)

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young presented his monthly report. He talked about the income statement. Manager Young reported that the 4-H jackpot event went well. He said the pumpkin garden is growing. He informed the Board that the Ute Mountain Rodeo was a great success and had record turnouts. Manager Young discussed other upcoming projects and maintenance work at the Fairgrounds.

**DANNY WILKIN** met to discuss road impact fees. He talked about the fees he paid with the Lebanon project with regard to the amount he paid on Windmill Ridge. He would like the Board to revisit the road impact fees.

**SENIOR NUTRITION:** Sue Fletcher and Mary Holaday presented the Triple A contract SFY 12 for approval. They said this is the first year they will receive E-Monies which concerns caregivers. Comm. Chappell moved

to approve the contract of general funds and Title III between the San Juan Basin Area Agency on Aging and Montezuma County Senior Services, seconded by Comm. Koppenhafer and carried. (See attached). They talked about the lowered matching funds in Dolores. **LATER:** Dolores Town Manager Ryan Mahoney was present. Comm. Rule explained the funding. He said that Dolores does not have the people participating in the program. Director Fletcher explained the number of meals prepared and served and a budget for each center. Comm. Koppenhafer moved to charge Dolores 2/3rds of the \$2800.00 fee (\$1866.00), seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEALTH:** Health Director Lori Cooper gave the quarterly update. She presented the following contracts for signature: One for the immunization program and the other for Emergency Preparedness. Comm. Koppenhafer moved to approve task order contract waiver #154 between the CDPHE and Montezuma County, seconded by Comm. Chappell and carried. (See attached)  
Comm. Koppenhafer moved to approve the contract for the immunization program, between the CDPHE and Montezuma County, seconded by Comm. Chappell and carried. (See attached)

**FOREST SERVICE:** Representatives for the U.S. Forest Service gave a power point presentation concerning the Boggy/Glade Travel Management Plan analysis. Forest Service representatives Connie Clementson, Tom Rice, and Deborah Kill talked about the analysis. They said they are going back to the public for comments. Connie Clementson said they will be holding open houses in Cortez and Dove Creek this week. Deborah Kill gave an overview of the power point presentation. They talked about the 30 day comment period being June 20<sup>th</sup> through July 20<sup>th</sup>, 2011.

**NUISANCE DOGS:** Sharon and Aaron VanLoenen met with the Board to talk about nuisance dogs. Ms. VanLoenen said they have purchased a house on Summit Ridge at 31349 Road S, Mancos. They have now put the house up for sale. It was stated the noise affects the sale of the house. Aaron VanLoenen said new neighbors have moved in and they have about 15 hound dogs that bark all the time. It was stated the hounds are used in a hunting business. Mr. VanLoenen said he contacted the neighbor about the barking but nothing has been done to curb the noise. They were told to either contact Sheriff Spruell again or file a complaint with the Planning Department regarding the conduct of a business at that location.

**ACCOUNTS PAYABLE:** General Fund # 59628-59796 in the amount of \$582,692.69, Road Fund # 23799-23861 in the amount of \$176,520.09, and Landfill # 6971-7008 in the amount of \$50,123.64 for the month of May, 2011 were approved for payment.

**LUNCH: 12:20**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining an AR3-9 zoning request and pre-sketch plan for a proposed 2 lot moderate development. Said development consists of one 3.2 acre, more or less, tract of land and one 7.8 acre, more or less tract of land on 10 acres, more or less. The property is owned by William H. Taylor, agent Maness and Associates, Inc. The property is located at 29760 Hwy. 184, Dolores. Planning Director Susan Carver presented the application. She said the Planning Commission recommended approval of the zoning and pre-sketch plan. Susan Underwood Hart representing Maness and Associates, Inc. explained the request further. Comm. Rule opened the hearing up to public comment. Hearing no comments, he closed that portion of this hearing. After hearing all the evidence presented Comm. Chappell moved to approve the AR3-9 zoning request and the pre-sketch plan on a 3.2 acre tract of land and a 7.8 acre tract of land on property owned by William H. Taylor, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed the hearing.

**PLANNING:**

Planning Director Carver presented for review and determination of the sketch plan for the proposed 2 lot moderate development as proposed by William H. Taylor, Agent Maness & Associates, Inc. The property is located at 29760 Hwy. 184, Dolores. Comm. Koppenhafer moved to approve the sketch plan of the Taylor Moderate Subdivision, seconded by Comm. Chappell and carried.

**FINAL PLAT:** Planning Director Carver presented the final plat for a proposed single lot development. Said property is owned by Palmer, et al; Empire Electric Association, Inc., agent. The property is located at 26250 Road 15, Pleasant View, Co. Comm. Koppenhafer moved to approve the final plat of the Palmer Single Lot Development, seconded by Comm. Chappell and carried.

**EMPLOYEE HEARING:** It being the time set aside an employee hearing is held. The hearing was recorded for the record. Present were Commissioners Rule, Chappell, Koppenhafer, County Attorney Slough, County Administrator Harrison, County Clerk Tullis, Senior Services Director Sue Fletcher and Mary Holaday, employee Theresa Jewell and Jan Robinson. Jan Robinson stated she was present for moral support. Comm. Rule asked Ms. Jewell if she wanted to have an open or closed hearing, Ms. Jewell replied open. The Board was informed that Ms. Jewell has her service dog Rosie present. Theresa Jewell read a statement requesting the change from termination to lay-off or transfer to another department in the County. She had Jan Robinson continue with her statement. Director Fletcher and Mary Holaday presented their side of the termination. Ms. Fletcher stated the main reason for Ms. Jewell's termination was the fact she did not show up for work and did not notify her employer. A certified letter regarding her termination was sent. Ms. Jewell and Ms. Robinson responded to the termination allegations' and discussed other incidents. Comm. Koppenhafer moved to uphold the Supervisor's termination decision, seconded by Comm. Chappell and carried. (Attachments included)

**LETTER:** Comm. Koppenhafer moved to sign a letter to endorse the appointment of the LaPlata County Assistant County Manager, Joanne Spina as a member of the limited gaming advisory committee, seconded by Comm. Chappell and carried. (See attached)

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

Public Notice of tentative discharge permit action from the CDPHE (See attached)

Invitation to the Public computer center at the Cortez Public Library (See attached)

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

**MEETING ADJOURNED 4:10 p.m.**

---

Clerk June 20, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
June 27, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 27, 2011 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  
Kim Percell, Chief Deputy Clerk

**MINUTES** of the regular meeting held on Monday, June 20, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of June 20, 2011 as corrected, seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** reported that some of the maintenance projects they were working on were; mag-chloride to the Jackson Lake and Road 40. They will be hauling gravel to the Summit Ridge area and then moving to the Cortez District. Supervisor Roundtree reported the Road 25 project had two contractors at the pre- bid meeting. The bids are due the 11<sup>th</sup> at 9:00 am. Start date is after the bid is awarded and finished date of October 1<sup>st</sup>. Supervisor Roundtree also reported they are both crushing and hauling gravel out of Hay Camp. The Ground Hog Road is in pretty good shape, there was a discussion regarding the cows on the road, and the speed of traffic on the Ground Hog Road.

**SHERIFF'S OFFICE: Robin Cronk from the Montezuma County Sheriff's Department** presented the **Ute Mountain Ute Tribe / Montezuma County Sheriff's Office Law Enforcement Agreement**. There was a discussion on details and the wording of the contract. Commissioner Koppenhafer moved to approve the request between the Ute Mountain Ute Tribe and the Montezuma County Sheriff's Department Law Enforcement Agreement Contract of 2012 with a vehicle reimbursement of \$49,054.60 as presented. Seconded by Commissioner Chappell, motion carried. (See attached)

**Sheriff Spruel** met with the Commissioners to discuss a Fire Ban within the county. Commissioner Chappell moved to approve **Resolution 04-2011** to cancel the suspension of the **Fire Ban** for Montezuma County. Seconded by Commissioner Koppenhafer, motion carried (See attached). It was effective immediately.

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

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young, along with **Dusty Beals, Keith Echols and Don Bain** from the **Ag Expo Board** met with the Commissioners to give them a post Expo report. They reported the attendance was down but they felt it was a successful event. Commissioner Chappell questioned if they had any feedback on the cost of admission for the event. Dusty Beals reported that they had not had any feed back. He reported that the fees had not been raised for several years, and were now set at \$5.00 per day or \$15.00 for the entire event. The Ag Board also wanted to commend Fairgrounds Manager Tanner Young for his help with the event.

#### **Tour of the Jail 10:40**

#### **Lunch 12:00**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of considering a resolution establishing a **Local Improvement District** and authorizing improvements to a roadway along a portion (approximately 1 mile) of **Road 18** and providing for the assessment of costs against the following described properties. The roll was called, the public notice was read and the hearing was taped for the record. **Planning Director Susan Carver** presented the request. Public comments included; **Bud Poe** stated he represented the majority of the residents and they were in favor of the project, stating it would be an improvement for the County and for the neighbors. Both **Daisy Mahaffey** and **Morgan Allsup** residents of Road 18 expressed support for the project. Commissioner Koppenhafer moved to approve **Resolution #05-2011** a resolution pursuant to C.R.S. 30-20-603 forming, creating and establishing a Local Improvement District authorizing and ordering road improvements apportion to County Road 18 and providing for the payment of costs per said improvements by assessment of property. Seconded by Commissioner Chappell, motion carried. (See attached)

**Administrator Harrison** presented **Amendment for Task Orders #4** from the **Colorado Department of Public Health and Environment** for approval. Commissioner Koppenhafer moved to approve the Amendment for Task Orders #4 as presented. Seconded by Commissioner Chappell, motion carried. (See attached) Administrator Harrison informed the Board that he was contacted by **Theresa Jewell** and **Jan Robinson** on Friday the 24<sup>th</sup> of June. He informed them that he would not be talking about the Personal Action as the Board had resolved this issue on Monday June 20, 2011.

**PLANNING: Director Susan Carver** presented a Variance request for Land Owners **Mary Lou Veach and Robert M. Claycomb** property located **21730 Road S. Cortez, Co. 81321**. Director Carver explained that the Landowners mobile home was placed approximately 20 feet from the western common boundary line of their property owned by Willis M. Rue Jr. A variance is being requested from the setbacks for Residential Structures to lot lines. Commissioner Koppenhafer moved to approve the Variance request for Residential Setbacks for Landowners Mary Lou Veach and Robert M. Claycomb property located at 21730 Road S. Cortez, Co. 81321; setback is at 20 feet and located to the north. Seconded by Commissioner Chappell, motion carried. (See attached)

Director Carver presented a determination of application submittal requirements for **Rob Pope** and the **Hartman Heights Subdivision**. Mr. Pope read a written statement stating his frustration with the process that he has been asked to go through. Director Carver explained the procedure that she had presented to Mr. Pope. Commssioners Chappell and Rule expressed to Mr. Pope that Director Carver was the person to get him through the process. Commissioner Koppenhafer moved to send the application to the Planning and Zoning if

all of the Submittal Requirements have been met. Seconded by Commissioner Chappell, motion carried. (See attached)

**Administrator Harrison** presented a letter of Support for the **Housing Solutions of the Southwest**. Commissioner Chappell moved to sign the letter of support to the Housing Solutions of Southwest for access to the proposed grant. Second by Commissioner Koppenhafer, motion carried.  
Administrator Harrison presented the **Montezuma County Annex Contract (Cash Only for Deposit and Annex Rental)** and the **Montezuma County Annex Contract for Non-Profit Organizations**. Commissioner Chappell moved to approve the Cash Only for Deposit and Annex Rental and the Montezuma County Annex Contract for Non-Profit Organizations contracts dated June 27, 2011 as presented. Seconded by Commissioner Koppenhafer, motion carried  
(See attached)

**CORRESPONDENCE:** The following correspondence was read and noted:  
Letter from the Department of Labor and Employment re: **Notice to Owners Hydraulic Elevators**.  
Letter from the United States Postal Service re: **Closure of the Yellow Jacket Post Office**.  
Letter from the State Of Colorado Division of Property Taxation Department of Local Affairs.  
The Annual Report from the **Goodman Point Water District**.  
The 2010 Annual Report to Members **County Technical Services, Inc**.  
Letter from the **Dolores Public lands Office** re: the Boggy-Glade travel management analysis.

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

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

---

Clerk June 27, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
July 25, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday July 25, 2011 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

MINUTES of the regular meeting held on Monday, July 18, 2011 were read. Commissioner Chappell moved to approve the minutes of July 18, 2011 as presented, seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** reported the Department is doing basic maintenance. He said that Caterpillar offered a trip for the foreman's to go to Little Rock, Arkansas where they will tour the plant. Richard Kipp met to talk about Road 16 stating the road is deteriorating due to the excess traffic. He said the road is lacking in proper drainage saying there are numerous holes in the same spots year after year. Supervisor Roundtree said the biggest problem is with the Ormiston gravel. He said the Road has been bladed. He said the road should be graveled with decent gravel. A road count may be done and signage could be done at some uncontrolled intersections. Supervisor Roundtree mentioned that Road 25 will be paved soon.

**MONTEZUMA LAND TRUST: Juniper Katz and David Nichols** along with **Sam Hoffmann**, the land owner requested a letter of support for a grant for Montezuma Land Trust. Mr. Hoffmann wants to put his land into a conservation easement. Ms. Katz discussed the financial report. She said they have given over \$15,000,000.00 cash payments to land owners for land protection. They are requesting a letter of support to secure funding from Great Outdoors Colorado. She said there is already funding from FRPP and the Packard Foundation. Comm. Koppenhafer moved to sign the letter of support for Montezuma Land trust to the Great Outdoors Colorado Trust Fund to assist with the purchase of a conservation easement on 1,575 acres in lower Weber Canyon owned by Sam Hoffmann. Motion was 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; Dennis Story, LouAnn Everett and Lori Higgins were present. A motion was moved and seconded on a

reimbursement agreement between Montezuma County Department of Social Services and Dolores County Department of Social Services. (See attached)

2

**PUBLIC HEALTH: Health Director** Lori Cooper presented the Public Health quarterly update. She talked about implementing a driver's education program since there is no longer a program in the area. Ron Beckman with SWRETAC discussed the project. He said they are in the process of obtaining a vehicle for the program. Director Cooper will look into getting a vehicle.

LEA: Comm. Koppenhafer moved to sign agreement number 2011-2 with the Board acting as the LEA Board and the Montezuma County Sheriff to expend up to \$13,000 from the LEA funds to purchase an electronic fingerprint system, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. Deputy Tammy Neely presented an application for a retail 3.2% beer off premises liquor license as received from Woody's Food Stores located at 158 Hwy. 160-491, Cortez. Deputy Neely stated there were no complaints filed in writing. She said the background checks were made and the canvass was completed. Undersheriff Cronk said a three mile radius canvass was done and he said 5 applicant checks were done and 4 of the 5 came back clear but one had criminal history found however the incidents listed did not show any dispositions. He stated the Ute Mountain Ute Tribe along with 15 of the 17 contacts were opposed to the granting of said license. No one representing the application was present. Comm. Rule opened the hearing to public comment at this time. **Jerry Ayers** stated he lives south of town close to a place that is used as a dumping ground and he agreed that the distance between Eagle Claw and Woody's could be a problem. Hearing no further comments that portion was closed. An issue was raised regarding the corporation not being licensed to do business in Colorado. Deputy Neely will contact the State Liquor licensing Division with this issue. This hearing was recessed until 3:00 p.m. Hearing resumed. Deputy Follman stated Deputy Neely talked to a Robin at the State Liquor License Bureau and said the Corporation itself does not have to be licensed in the State of Colorado. It was asked if the Corporation is licensed to do business in the State of Colorado. It was stated that issue will be determined by the State Liquor Licensing Authority. Comm. Koppenhafer moved to approve the 3.2% beer license application for Woody's Enterprises, Ltd, Woody's Food Stores located at 158 US Hwy 160-491, Cortez, seconded by Comm. Chappell and carried. (See attached)

**SPECIAL EVENT LIQUOR LICENSE:** Deputy Neely presented a special event liquor license for the Sugar **Pine Ranch Rally**. Said event is scheduled for September 1 through September 4, 2011. The rally is located at 40334 Hwy 184, Mancos. Comm. Koppenhafer moved to approve the special events liquor license for Sugar Pine Ranch Rally to be held September 1 through September 4 for the Mancos VFW, seconded by Comm. Chappell and carried. (See attached)

**RENEWAL:** A renewal for Hilltop Liquors, Lim Kong V, applicant, was presented. This renewal is for a 3.2 beer license retail liquor store. Comm. Koppenhafer moved to approve the renewal of a retail liquor license for Hilltop Liquors, seconded by Comm. Chappell and carried. (See attached)

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

**JAMES A. BLACK FAMILY TRUST:** An appeal regarding the property value on account numbers R015578, R015579, R015580 was received from James A. and Charmaine A. Black, trustees of the James A.

Black Family Trust. The Assessor's Office determined that a change in classification of the property from vacant land is not warranted. The Black's say the property should be classified as agricultural and not vacant. Appraiser Cynthia Claytor discussed the Assessor's decision. Attorney Hazen Brown and Jerry Ayers, Ranch Manager for the Black Family Trust, represented the appeals on behalf of the "Trust. Mr. I Brown stated no information was received in a timely manner from the Assessor's Office. Mr. Brown said the applicant does not require more time to process the information. Mr. Ayers said no one from the Assessor's Office has contacted him concerning the use of the parcels. Mr. Brown presented a cattle pasture rental agreement where the pasture was leased to Vern Koppenhafer. Mr. Brown then presented another land lease to a Mr. Higgins. Four Google maps were discussed. A new lease has been issued to Mr. Monty Guiles for 2011. Comm. Koppenhafer informed the applicant representatives if they had a problem with him ruling on this appeal as Vern Koppenhafer is his brother. They replied they had no problems. Comm. Koppenhafer moved to approve Agricultural classification for accounts R015578, R015579, and R01558, seconded by Comm. Chappell and carried. The applicant was given the chance to appeal this decision if they disagree with the new agriculture values. Mr. Brown said he is fine with the decision and that there is no other issue to be decided by the Board. Comm. Rule closed this hearing. (See attached)

**MONTY L. GUILLES:** An appeal was received from Monty L. Guiles for account number R005838 located at 38871 Hwy 160, Mancos. Appraiser Cynthia Claytor explained that the physical inventory of the property was corrected and it was determined that the value is correct as adjusted. Attorney Hazen Brown and Mr. Monty Guiles were present. Mr. Guiles feels the property values were significantly less than prior valuations and the current valuation ignores the negative effect of surrounding gravel pits and activities and he has a new barn/structure on the property which did not exist on June 30, 2010. Mr. Guiles presented his case that given the circumstances of the gravel pits, asphalt plant and other activities in that area impacts the value of his property and said he doesn't feel he could sell the property for what he paid for it. After hearing the evidence presented, Comm. Koppenhafer moved to set the value on account number R005838, parcel number 5607-361-00-013 at \$215,000.00 seconded by Comm. Chappell and carried. (see attached)

**LUNCH: 12:05 p.m.**

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

**FINAL PLAT:** Director Carver presented the final plat for a proposed 2 lot moderate development on property owned by Laughing **Bear Orchard, Ltd, Clinton and Kim Allen**, agents. The property is located at 14757 Road 26, Dolores. Comm. Chappell moved to approve the final plat for the Laughing Bear Orchard, LTD moderate subdivision, seconded by Comm. Koppenhafer and carried. (See attached)

**WAIVER REQUEST:** Director Carver has received a waiver request to the high impact permit review process for property owned by Montezuma Water Company located at 27666 Road T, Dolores. Mike Bauer and Colin Berdzar represented the application in detail. They are proposing to build a 40x80 storage building to house materials needed for their day-to-day operational activities. Comm. Chappell moved to approve the waiver request from the High Impact Permit process requested by Montezuma Water Company for the purpose of building a 40x80 storage facility on property located at 27666 Road T, Dolores, seconded by Comm. Koppenhafer and carried.

**LAND USE COMPLAINT:** Director Carver explained a land use code complaint she received. The land use complaint was concerning Valdez Trucking. Director Carver gave a recap of her conversation with Mr. Valdez. The County does not enforce subdivision covenants. The question is does this operation violate the land use code and will this constitute a public hearing. Director Carver will write Mr. Valdez to see if there might be another location he could park his trucks and have Mr. Valdez come in to see if he is making any progress to resolve this issue.

**VARIANCE REQUEST:** Director Carver presented a request to auxiliary structure setback standards from a common lot line and right-of-way boundary line. Said request is for a proposed wood shed on property owned by **Levi** and Amanda Hill and located at 24946 Road 5.8, Dolores. It was stated the Board can not violate

4

anything in the covenants of a subdivision. Mr. and Mrs. Hill will obtain signatures of all the landowners in the subdivision before moving forward. (See attached)

**AMENDMENT TO FEE SCHEDULE:** Director Carver presented a proposed amendment to the application fee schedule for review. Comm. Koppenhafer moved to approve the addition of administrative fees of \$2000.00 for petitions for local improvement districts to the fee schedule and all other costs associated with the process in creating said District will be at the expense of the Petitioner(s) such as publications, surveys, postage, etc .Seconded by Comm. Chappell and carried. (See attached)

**SHERIFF'S OFFICE: Sheriff Spruell** and Wanda **Martin** with the Sheriff's Office presented a grant application for signature. Discussed a law enforcement grant for 4 MPH Bee III dual radar units for the cars. Comm. Chappell moved to approve the grant application from the Colorado Division of Criminal Justice Assistance Program for 2011 local law enforcement in the amount of \$7500.00, seconded by Comm. Kopperhafer and carried. (See attached)

**CONTRACT:** Comm. Koppenhafer moved to sign the contract between the Ute Mountain Ute Tribe and Montezuma County Sheriff's Office for 2012 in the amount of \$160,000.00. The motion was seconded by Comm. Chappell and carried. (See attached)

**TREASURER'S REPORT: Treasurer Sherry Dyess** along with Amber Kingery presented the Treasurer's six month report for review. Comm. Koppenhafer moved to sign the schedule of receipts and disbursements from 1-1-2011 through 6-30-2011, seconded by Comm. Chappell and carried. (See attached)

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

Letter from the US Department of the Interior (Fish and Wildlife Service) regarding the Mexican Spotted Owl recovery. (See attached)

Letter from US Department of Interior (BLM) regarding letter from Secretary of the Interior Ken Salazar asking them to identify lands administered by the BLM. (See attached)

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

**MEETING ADJOURNED 3:40 p.m.**

---

Clerk July 25, 2011

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 1, 2011**

STATE OF COLORADO

) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 1, 2011 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

**MINUTES** of the regular meeting held on Monday, July 25, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of July 25, 2011 as corrected, seconded by Commissioner Chappell and carried.

**JAY HARRINGTON** informed the Board he will be leaving his position as the Cortez City Manager with his last day being August 12, 2011. He thanked the Board for working with him and helping to bring the City and County to a better working relationship.

**ROAD; Road Supervisor Dean Roundtree** reported on progress on roads 25 and 18. Supervisor Roundtree mentioned there is interest from the Mancos Town Board to sell some property to the County. He stated they will be turning portions of Road 21 back to gravel.

**EMERGENCY MANAGER Doug Parker** presented his monthly report. He said he has been in contact with the area fire departments and the consensus is that the fire ban can be lifted. He will discuss lifting the ban with the Sheriff. He talked about meetings regarding the fire protection plan. He informed the Board that most of the fires in the area have been lightning caused.

**BOARD OF EQUALIZATION:** The following Board of Equalization appeals were heard: The roll was called and the proceedings were recorded for the record.

**CHARLES JEFFREY AND MARY MUNDAHL NEW:** An appeal for tax year 2011 was received from Charles and Mary New on account number R013126 appealing the value of the property. Appraiser James Fuller stated the current valuation is representative of the market value that existed in our county as of June 30, 2011. The property is located at 27330 Road U.2, Dolores. Appraiser Fuller stated the parcel is classed as vacant land and is a 3.17 acre parcel. Mr. New said the property is currently listed for sale at \$55,000.00 and is requesting the Assessor's estimated value to be \$45,000.00. Mrs. New said they have had the property listed for quite some time and have had no interest. After hearing all the evidence presented Comm. Koppenhafer moved to agree with the Assessor's Office on account number R013126 at \$60,000.00, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing at this time.

**BRUCE AND JULIE F. SCHULZ:** An appeal for tax year 2011 was received from Bruce and Julie Schulz on account number R016850. The appeal states the property should be classified as agricultural and not residential. Appraiser Fuller said after further review of the account he recommended the property be classified as

agricultural with an adjustment to the value making it \$42,693.00. After hearing the evidence presented Comm. Chappell moved to agree with the Assessor's recommendation on account number R016850 being agricultural and the value to be \$42,693.00, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed this hearing.

**LILLIE FAY REEVES TRUST:** The appeal received from the Lillie Fay Reeves, Trust, Ginger Vyterna agent, protesting the valuation of their property for tax year 2011. Appraiser James Fuller gave an overview of the appeal on property located at 20255 Road 29.9, Dolores. He stated all the sales are in the data collection period. No one representing the Reeves Trust attended the hearing or called in at the scheduled time. After hearing the evidence presented Comm. Chappell moved to agree with the Assessor's recommendation and assessment on account number R000573 on 77.2 acres with a value to be \$248,140.00, seconded by Comm. Koppenhafer and carried. (See attached) The hearing was closed by Comm. Rule at this time.

**VALLEY SUN VILLAGE LP:** A letter was received from Tam Valuation Services Inc representing Valley Sun Village LP stating no Notice of Determination from the Assessor's Office was received for tax year 2011, therefore, they are appealing the valuation on account number R010255. Appraiser Fuller explained said property is an apartment facility with 49 units and laundry accommodations located at 700 E. 2<sup>nd</sup> St. It was explained the notice went to the owner and not the agent in Denver. Deborah Tam, agent for Valley Sun Village called and left a message explaining she would not be able to attend the hearing as she has a conflict. After hearing the evidence presented Comm. Koppenhafer moved to accept the Assessor's Office value on account number R010255 of \$1,605,550.00 due to the comparable values presented, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing.

**TONY AND SHARON SCRIVER:** An appeal for tax year 2011 on account number R013284 on property owned by Tony and Sharon Scriver was received. Mr. Scriver was on a conference call with Jerry Anderson and Sam Bangs present to represent the appeal. Mr. Scriver stated the property located at 19715 Road 26.2 Loop guess should be classified as agriculture as the property has been farmed for two years by Mr. Sam Bangs of Pleasant View. Appraiser Cynthia Claytor stated she can not see any agricultural activity at this time. Mr. Bangs said he is trying to get the property back to farming status but it is difficult with noxious weeds and prairie dog activity. He said he is farming various properties in the subdivision and he has written contracts. After hearing the evidence presented Comm. Chappell moved to change the classification on account number R013284 to agricultural, seconded by Comm. Koppenhafer and carried. (See attached) Hearing was closed at this time.

**LUNCH:** 12:00

**PLANNING:** The following Planning Department items were presented:

**LAND USE CODE COMPLAINT:** The complaint deals with a race track on property owned by Phillip and Gayel Alexander. The Alexander's were present and addressed the complaint. They informed the Board of what they have done to try to mitigate the situation. It was stated if the race track is for personal use a high impact permit will not be required, however, if the operation becomes for commercial use the permit process will be required. (See attached)

**EXTENSION OF TIME:** LeeAnn Milligan with the Planning Department presented a request for an extension of time to the created vested property rights for a proposed amendment to an existing 2 lot minor development whereby making it a 4 lot moderate development. The request is made by Darren Noyes and Eileen Eiman on 3 property located at 15763 Road 31, Dolores. The Board will look what has been done in the past regarding such extensions and will make a decision at a later date.

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young along Terri Forth with Thomas Engineering went

over the RFP for the renovations at the Fairgrounds.

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

Notice of Forfeiture on Cortez Center Inc. (See attached)

Letter from Department of Revenue Medical Marijuana Enforcement Division regarding a withdrawal of an application for licensure by Donald Laporte. (See attached)

Regular Board Meeting tentative agenda on August 4, 2011 meeting for Southwestern Water Conservation District (See attached)

Montezuma County Sheriffs Office employee fund activity statement for 2nd quarter 2011. (See attached)

Letter from Collins Cockrel & Cole reference to Summit Ridge Water District findings, order, and decree dissolving the Summit Ridge Water District . (See attached)

Letter to Dennis Story Director Montezuma County Dept. of Social Services from Axis Health System thanking the County for its continuing support and commitment for operation of the Acute Treatment Unit for calendar year 2011. (See attached)

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

**MEETING ADJOURNED 2:55**

---

Clerk August 1, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 8, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 8, 2011 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

**MINUTES** of the regular meeting held on Monday, August 1, 2011 were read. Commissioner Chappell moved to approve the minutes of August 1, 2011 as presented, seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** discussed the contract on Road 25. Comm. Koppenhafer moved to sign the contract with Four Corners Materials on Road 25 for the McPhee Reservoir two mile overlay, seconded by Comm. Chappell and carried. (See attached) Supervisor Roundtree talked about that portion on Road 24 stating Mr. & Mrs. Schalk asked for the County to haul the gravel and they would do the work. It was stated the County would not give the resident the gravel but if the resident paid for the work up front, the County may do the work and bring the road up to County specification. He will look into the request further. He informed the Board of the road counts and speeds on Roads 16 and 42.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of July 31, 2011. (See attached).

**FIRE BAN RESOLUTION: Sheriff Spruell** informed the Board that all the area Fire Chiefs and the Emergency Manager stated the fire danger is not as bad as it was and they felt the open fire ban could be lifted. He stated the red flag warning will still be in effect. Comm. Koppenhafer moved to approve Resolution 6-2011 a resolution suspending the ban on open fires and the use of fireworks, seconded by Comm. Chappell and carried. (See attached)

**CHRIS BURKETT: Chris Burkett** made a request for a letter of support for a GOCO grant. He said the City has a chance to purchase a portion of the Four Corners Materials property in the Industrial Park. Mr. Burkett said the City would like to apply for a GOCO grant. Comm. Koppenhafer moved to sign the letter of support for the City of Cortez to apply for the GOCO grant for the acquisition of property next to the Carpenter Natural area, seconded by Comm. Chappell and carried. (See attached)

**LANDFILL SITE VISIT:** The Board went on a site visit to the Montezuma County Landfill.

**LUNCH:**

**CHRIS KRAMER:** Discussed his vacant land designation. He said there is 35 acres adjacent to his property that has gone into foreclosure and he bought the mortgage on the property. He stated he has been paying the

taxes on the property for two years and has one more year to pay the taxes before the property is his. In 2010 the Assessor's Office took the property from agricultural to vacant. He stated there is currently an apple orchard on the property with an irrigation system. He would like to plant more trees in the future. Nothing can be done concerning the classification without the Assessor present. It was explained to Mr. Kramer that he needs to talk to the Assessor first before the Board can do anything.

**COMMISSIONER DISTRICT MAP:** GIS Specialist Doug Roth presented the proposed 2011 Commissioner District Map for review. He gave the population breakdown for proposed Commissioner Districts based on the 2010 Census data. (See attached). The map needs to go to a public hearing. Comm. Koppenhafer moved to schedule a public hearing for the Montezuma County proposed 2011 Commissioner Districts for September 19, 2011 at 10:45 a.m., seconded by Comm. Chappell and carried.

**CORTEZ CEMETERY DISTRICT:** Comm. Koppenhafer moved to appoint Howard Kaime to fill the vacancy on the Cortez Cemetery District Board with his term to expire on December 31, 2012, seconded by Comm. Chappell and carried. (See Attached)

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

Notice of Public Hearing from State Board of Equalization (See attached)

Notice of regular board meeting of the Southwestern Water Conservation District. (See attached)

Memorandum from JoAnn Groff, Property Tax Administrator concerning 2011 final county notice of valuation for state assessed properties. (See attached)

Treasurer's schedule of receipts and disbursements from 7/1/11 to 7/31/11. (See attached)

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

**MEETING ADJOURNED 3:00 p.m.**

---

Clerk August 8, 2011

---

Chairman

Aug 15, 2011

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 15, 2011 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

**MINUTES** of the regular meeting held on Monday, August 8, 2011 were read. Commissioner Chappell moved to approve the minutes of August 8, 2011 as presented, seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** discussed the progress on the intersection on Road 25 and Hwy. 184. He stated they are still waiting word from CDOT. It was suggested a letter be written to CDOT and to the elected Representatives. Interviews for mechanic and operator positions will be complete this week. He said the Department is working on Road 21. He talked about the mowing and weeds spraying on the county roads.

**LIQUOR LICENSE:** Brandon Vialpando presented a liquor license renewal for Kelly Place, Inc. The renewal is for a 3.2 beer and wine license. Comm. Koppenhafer moved to approve the renewal for a 3.2 beer and wine license for Kelly Place, Inc. located at 14537 Road G, seconded by Comm. Chappell and carried. (See attached)

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young presented the monthly Fairground report. He explained the finance statement. He said the County Fair went well. He talked about the car races saying they were well attended. He informed the Board of upcoming events. Manager Young and Terri Forth with Thomas and Forth engineering talked about the RFP for the roof repair project. They said the bidding deadline has been extended.

**BOARD OF EQUALIZATION:** It being the time set aside the following appeals was heard. The roll was called and the proceedings were recorded for the record.

**SUNNY SIDE ACRES:** An appeal for tax year 2011 was received from Sunny Side Acres on lots 2-14, account numbers R014793, R014794, R014795, R014796, R014797, R014798, R003797, R003798, R003799, R003814, R003815, R003816, and R003817. The appeal is in protest to the Assessor's classification of the properties. The parcels are classified under vacant land and the applicant says there are homes on these parcels and the property is irrigated and hayed every year therefore should be classified as agricultural. Appraiser Cynthia Claytor recommended agricultural classification stating there is agricultural activity on the property. After hearing the evidence presented Comm. Chappell moved to approve the assessment of the lots as listed for

Sunny Side Acres and to approve the agricultural classification as recommended by the Assessor's Office, seconded by Comm. Koppenhafer and carried. (See attached)

**JON HIRSH:** Jon Hirsh filed an appeal on account number R005102 on property located at 220 E. Grand Ave., Mancos. Mr. Hirsh stated he had the property listed for sale at \$280,000.00 and received no interest from anyone in purchasing the property. He feels the property should be assessed at 250,000.00. Appraiser James Fuller stated the valuation is representative of the market value that existed in our county as of 6/30/2010. Appraiser Fuller talked about comparables used with adjustments being made. He recommended an adjusted value of \$285,000.00 and Mr. Hirsh agreed with the adjustment. After hearing the evidence presented Comm. Koppenhafer moved to agree with the Assessor's recommendation on account number R005102 to be \$285,000.00, seconded by Comm. Chappell and carried. (See attached)

**QEP ENERGY % HOLLAND AND HART.** An appeal was received from QEP Energy, Holland and Hart representatives. The appeal is for account numbers E100001, E100082, through E100087, E100089, E100090, E100092, and E100094 through E100100, E100225, E100226, and E100330 through E100332. They are appealing the personal property valuations for tax year 2011 as being excessive. Assessor Vanderpool and Jerry Wisdom were present and Alan Poe, attorney representing QEP was on a conference call. Assessor Vanderpool discussed the appeal in detail and explained how the accounts were valued. Jerry Wisdom, formerly with Visual Lease Services talked about how these accounts were valued and the process used. He mentioned the Bel's values and the Division of Property Taxation manuals were used to value these accounts. Comm. Chappell moved to accept the values set forth by the Assessor's Office on the account numbers read into the record for QEP Energy, seconded by Comm. Koppenhafer and carried. (See attached)

**K E ANDREWS for Valerus Compression Services:** K E Andrews representing Valerus Compression Services sent an appeal for tax year 2011 on Account numbers P100412 and P100413 stating the assessed values for these compressors to be excessive and not representative of market. Assessor Vanderpool explained K E Andrews is the tax agent for Valerus Compression Services. It was stated the agent for K E Andrews has not returned any calls and has not called in for today's hearing. Jerry Wisdom, formerly with Visual Lease Services was present and explained the accounts were assessed in the wrong category of personal property and should be assessed as oil and gas personal property which will increase the values. After hearing all the evidence presented Comm. Koppenhafer moved to agree with the Assessor's valuation on account numbers P100412 and P100413 for Valerus Compression Services to be \$1,305,374.00 on each account, seconded by Comm. Chappell and carried. (See attached)  
Comm. Rule closed the Board of Equalization hearings.

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

**PLANNING:** Planning Director Susan Carver presented a variance request to the setback requirements for Levi and Amanda Hill on property located at 24946 Road S.8, Dolores. The Hill's wish to construct a shed to house fire wood. Planning Director Carver said the applicant has returned with signatures from their neighbors who have lots in the subdivision. A letter from the subdivision association was received expressing no objection to the setbacks for this structure. Comm. Koppenhafer moved to grant a variance to the 2' setback for the lot owned by Levi and Amanda Hill for the construction of their wood shed in the Lebanon Townsite Subdivision, seconded by Comm. Chappell and carried. (See attached)

**MCPHEE BREAKWATER PROJECT:** Comm. Chappell moved to appropriate monies necessary to complete the McPhee Breakwater Project in the amount of \$21,000.00, seconded by Comm. Koppenhafer and carried.

**VETERANS SERVICE:** Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and certification of pay for July, 2011, seconded by Comm. Chappell and motion carried (See attached)

**ORDER: Order** number 5 was presented to transfer from the Conservation Trust Fund to the Montezuma County General Fund \$96,181.66 for operations of the County Fairgrounds and the McPhee Marina Breakwater project. The breakdown is as follows: 2500-1212 - \$23,600.22 for qualifying maintenance parts and repairs from January 2011 through June 2011. 2500-1120 - \$20,370.24 for 44% of maintenance personnel salaries from January 2011 through June 2011. 2800-1726 - \$52,211.20 for McPhee Marina Breakwater project. Comm. Chappell moved to approve order number 5-2011 to transfer funds from the Conservation Trust Fund to the General Fund the amount of \$96,181.66 for operations of the County Fairgrounds and the McPhee Marina Breakwater Project, seconded by Comm. Koppenhafer and carried. (See attached)

**CLERK'S PETTY CASH FUND:** Comm. Koppenhafer moved to approve the request from Carol Tullis, Montezuma County Clerk and Recorder to increase her petty cash fund by \$300.00, seconded by Comm. Chappell and carried. (See attached)

**CSTARS:** Comm. Koppenhafer moved to sign the letter to CSTARS Advisory and Technical committee concerning the remodeling and move to provide work space for the Montezuma County Clerk and Recorder, seconded by Comm. Chappell and carried. (See attached)

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

Letter from Department of Revenue Medical Marijuana Enforcement Division regarding withdrawal of applications for state medical marijuana licensure by Kimberly Hernandez. (See attached)

Letter from San Juan Public Lands Center regarding private entities participated in an AAR. (See attached)

DWCD Board of Directors; Meeting and minutes of June 9, 2011. (See attached)

Notice of upcoming public rule-making hearings before the Colorado Board of Health. (See attached)

Letter from the Dolores Public Lands updating the status of the Rico-West Dolores travel analysis. (See attached)\_

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

**MEETING ADJOURNED 2:50 p.m.**

---

Clerk August 15, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 22, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 22, 2011 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

**MINUTES** of the regular meeting held on Monday, August 15, 2011 were read. Commissioner Koppenhafer moved to approve the minutes of August 15, 2011 as presented, seconded by Commissioner Chappell and carried.

**NOTICE OF BID:** Road Supervisor Dean Roundtree presented the sealed bids regarding the proposed work including grading, draining, and graveling approximately 1 mile of County Road 18. Bids were opened from Will Sanchez Excavation in the amount of \$109,826.47, Baxstrom Development LLC in the amount of \$104,998.00, Elam Construction Inc. in the amount of \$201,600.00, Crowley Construction Inc. in the amount of \$107,101.20, and D & L Construction in the amount of \$79,600.00. The bids will be reviewed and awarded on Monday, August 29, 2011 at 9:00 a.m. (See attached)

**A letter** was presented addressed to Rep. Scott Tipton regarding the intersection of Road 23 and Hwy. 184. Comm. Chappell moved to sign and send a letter to Representative Scott Tipton for the realignment of the intersection of Road 23 and Hwy. 184 for safety's sake, seconded by Comm. Koppenhafer and carried. (See attached).

Supervisor Roundtree informed the Board that the work on a portion of Road 25 is scheduled to begin September 6, 2011. He said the Department is working on Road 21. The mechanic and operator positions for the Road Department have been selected.

**EMPIRE ELECTRIC ASSOCIATION:** Comm. Koppenhafer moved to sign the letter for an easement to Empire Electric Association to install an electric line in the main building at the Fairgrounds. Motion was seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEALTH CONTRACTS:** Public Health Director Lori Cooper presented the following public health contracts: One for PSD-WIC and one for a grant from the Caring for Colorado Foundation. Comm. Koppenhafer moved to sign the contract between Colorado Department of Public Health and Environment and Montezuma County, routing number 12-35173, seconded by Comm. Chappell and carried. (See attached) Comm. Chappell moved to sign the grant between Caring for Colorado Foundation to support Colorado Heart Healthy Solutions and Montezuma County Public Health Department, seconded by Comm. Koppenhafer and carried. (See attached)

**SITE VISIT:** The Board along with the department heads conducted a site visit to the County Annex 3 located at 140 W. Main.

**LUNCH:** 12:05

**PLANNING:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. The purpose of this hearing is for an industrial zoning request for existing industrial land uses on property owned by **Robert R. Kirkland**. Said property is located at 6470 Hwy 491-160, Cortez. The property consists of 5.8 acres, more or less. Planning Director Susan Carver reviewed the request. She said there is currently an antique shop operating on the property and a restaurant was open at that location in the past but is no longer there. Mr. Kirkland said he moved his transportation business and shop to this location. Director Carver said the antique store was there in the 1960s and the restaurant in the 1970s. She stated this request is not a change of use but to zone the property. Comm. Rule opened the hearing up to public comment. Hearing no comments, that portion was closed. After hearing the evidence presented Comm. Chappell moved to approve the industrial zoning request on property owned by Robert R. Kirkland, located at 6470 Hwy. 491-160, Cortez, Co. Seconded by Comm. Koppenhafer and carried. (See attached)

**PUBLIC NOTICE:** It being the time set aside a public hearing is held for an industrial zoning request and a high impact permit. The roll was called, the public notice was read, and the proceedings were recorded for the record. The requests are for the purpose of reviewing and determining an industrial zoning request and a high impact permit request to construct and operate a 40 x 60 foot warehouse that will allow vendors that deliver products to local businesses a place to store their goods for easier and efficient transport. The property is owned by Cowboy Trade, LLC, Ellis Yates, agent. The property is located at 29121 Hwy 160, Cortez. Planning Director Susan Carver presented and discussed the applications. Mr. Yates represented the applications. He said the warehouse will house storage space for vendors that deliver products to local businesses. Mr. Yates said Frito Lay will use the warehouse for storage purposes. Comm. Rule opened the hearing to public comments. Hearing no public comments, that portion was closed. Hearing all the evidence presented, Comm. Koppenhafer moved to approve the industrial zoning and high impact permit for Cowboy Trade LLC, Ellis Yates agent on property located at 29121 Hwy 160, Cortez, seconded by Comm. Chappell and carried. (See attached)

**PLANNING DIRECTOR Carver** presented for review and determination of a proposed 2 lot moderate development owned by Leroy Miller and located at 16458 Road 24, Dolores. Director Carver also presented two separate variances from the setback requirements. One is for existing buildings and a second is for a hay barn on adjoining property. Comm. Koppenhafer moved to approve the final plat for the Miller 2 lot moderate subdivision, seconded by Comm. Chappell and carried. Comm. Koppenhafer moved to approve a variance for a shop from the setback requirements on lot 1 of the Miller 2 lot moderate subdivision this building pre-dates the land use code. Seconded by Comm. Chappell and carried. Comm. Koppenhafer moved to approve a variance to the property setbacks for a hay barn on the property owned by Foy Chandler and located at 16410 Road 24, Dolores, Co. as the hay barn predated the land use code, seconded by Comm. Chappell and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. Planning Director Susan Carver presented an AR3-9 zoning request and pre-sketch plan for a proposed 19 lot major development on property owned by RC Southwest Development, LLC, Maness and Associates, Inc. agents. The development is located at 23701 Road K.3, Cortez and consists of 85 acres, more or less. Director Carver gave an overview of the applications

for the record. Susan Underwood and Rob Poe represented the applications. Mr. Poe said the neighbors have been contacted and there were no negative comments received. Comm. Rule opened the hearing to public comments. **Jon Callender** spoke with a couple of concerns. One is he would like to see a letter on file from the Cortez Fire Protection district as there is only one access to the subdivision and there is fire hazards in the area. The second issue is with the increase of traffic on Hwy. 491 because the subdivision could cause a substantial increase in traffic. Hearing no further comments, Comm. Rule closed that portion. Mr. Poe addressed those concerns. He said there will be a second access on Road L. There is also a possible access from Road K.3. After hearing all the evidence presented Comm. Koppenhafer moved to approve the AR 3-9 zoning request and pre-sketch plan for a 19 lot major development for RC Southwest Development LLC, Hartman Heights Subdivision contingent on the developer satisfying CDOT requirements where K.3 enters Hwy. 491 and continent on the developer meeting the Road Department's requirements on the possible road improvements on Road K.3, seconded by Comm. Chappell and carried. (See attached)

**LETTER:** Comm. Chappell moved to endorse the letter from The Board of County Commissioners to the Colorado Department of Natural Resources commenting on the Lone Mesa Grazing Program, seconded by Comm. Koppenhafer and carried.

**CORRESPONDENCE:** The following correspondence was read and noted:  
There was no correspondence presented.

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

**MEETING ADJOURNED 3:25 p.m.**

---

Clerk August 22, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
August 29, 2011**

STATE OF COLORADO        )  
  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday August 29, 2011 at the 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 - ABSENT  
Carol Tullis, County Clerk

**MINUTES** of the regular meeting held on Monday, August 22, 2011 were read. Commissioner Chappell moved to approve the minutes of August 22, 2011 as presented, seconded by Commissioner Rule and carried.

**ROAD: Road Supervisor Dean Roundtree** asked if the award of the bid for the Road 18 project that was scheduled for today be postponed until September 12, 2011. The Board agreed to the postponement. Supervisor Roundtree said CDOT has contacted him regarding trading chips from the County for cold mix from CDOT. He said he look into it further.. A complaint was received concerning problems with speeders on a portion of Road H. (See attached) He informed the Board that they are scheduled to receive hot mix on September 12<sup>th</sup> and will start blade patching. Work on a portion of Road 25 will begin on September 6, 2011.

**FIREWISE COUNCIL: Rebecca Samulski** gave an update on the FireWise Council. She discussed the Montezuma Chapter's accomplishments for 2010-2011 and their goals for 2011-2012. Ms. Samulski discussed the proposed budget for Sept. 2011 through Aug. 2012 Greg Kemp represented the Cedar Mesa Ranch Subdivision's fire mitigation plan. He said they received a grant to assist with the plan and talked about the plan in detail. Firewise SW Colorado presented a request for the allocation of \$22,200 of Montezuma County's Title III money from the Secure Rural Schools and Community Self Determination Act of 2000. Said request is to maintain and enhance the presence of FireWise Council of Southwest Colorado's Montezuma County Chapter. The Board will take the request into consideration. (See attached)

**LIVE WELL MONTEZUMA: JoDee Powers** met to discuss the programs of the Live Well Montezuma. She talked about the Colorado Proud lunch day for the schools on September 14, 2011. She talked about a program regarding healthy eating called Mancos Schools to Farm and said there are now some school gardens in operation. She stated the organization is connecting with local producers for commodities.

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young met to review the bids for the roof at the Fairgrounds. Bids were received from FCI Construction, Inc., Top Line Installers, Inc. and Mr. Concrete and Construction, Inc. The bids were opened. No action was taken at this time.

**SHERIFF'S OFFICE:** Sheriff Spruell and Lt. Vici Pierce met to inform the Board of a detention auditing and assessment program. She stated the Accreditation, Audit & Risk Management Security program would help her with case law and legal requirements for the 10<sup>th</sup> Circuit Court and discussed training for the program. (See attached) Lt. Pierce said there would be \$3,000.00 initial cost with a \$325.00 monthly charge. Sheriff Spruell

talked about a program the Office is working on regarding pre-trial services. He will discuss the program further at a later date.

**LUNCH: 12:00**

**PUBLIC HEARING:** This public hearing for Catherine A. Lichliter for a zoning request and pre-sketch plan on property located at 12171 Road 26, Cortez will be rescheduled.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. An extension of time for vested rights to submit a final plat for a proposed 4 lot moderate development was presented for Michael Williamson, Maness & Associates, Inc. agents. Said development is located at 37411 US Hwy. 160, Mancos and consists of 39 acres, more or less. Director Carver overviewed the request. She stated there are still some things that are not complete. Susan Underwood with Maness and Associates, Inc. spoke on behalf of Mr. Williamson. Comm. Rule opened the hearing up to public comment. Hearing no comments, that portion was closed. Comm. Chappell moved to approve the vested rights be extended for 3 years for a 4 lot moderate development for Michael Williamson as described, seconded by Comm. Rule and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. The hearing is to determine a request for an extension of time for vested rights to submit a final plat for a proposed 4 lot moderate development as submitted by Job Lopez, Maness and & Associates, Inc. agents. The property is located at 19311 Road 22, Dolores. Director Carver discussed the request. Susan Underwood with Maness and Associates Inc. represented the request stating that due to unfavorable economic climate he is asking for the extension of his vested property rights. Comm. Rule opened the hearing up to public comment. Hearing no public comments that portion was closed. Comm. Chappell moved to approve the vested rights be extended for 3 years for a 4 lot moderate development as submitted by Job Lopez, seconded by Comm. Rule and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. Planning Director Carver presented an application from Joyce M. and Glen E. Humiston on property located at 39900 Hwy. 184, Mancos. The request is for an AR3-9 rezoning and pre-sketch plan for a proposed single lot development consisting of 5 acres, more or less, from a 195 acre, more or less parcel. Director Carver stated the applicants wish to bring the property into compliance with the county land use code. Joyce and Glen Humiston talked about the application in detail. Ms. Humiston gave the background of the property. She said the tract is currently a 10 acre tract and she wishes to quit deed 5 acres back to the 195 acre tract. Comm. Rule opened the hearing up to public comment. Hearing no comments that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the AR3-9 re-zoning request and pre-sketch plan for a proposed single lot development consisting of 5 acres more or less from a 195 acre tract more or less on a tract of land owned by Joyce and Glen Humiston, seconded by Comm. Rule and carried. (See attached)

**FINAL PLAT:** Since the Board approved the AR3-9 re-zoning request on property located at 39900 Hwy. 184, Mancos, Director Carver presented the final plat for the single lot development for Joyce M. and Glen E. Humiston. Comm. Chappell moved to approve the final plat for a proposed single lot development as described on the Joyce M. Humiston single lot development, seconded by Comm. Rule and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held to determine a request for an extension of time on his vested property rights to submit a final plat. The roll was called, the public notice was read, and the proceedings were recorded for the record. Planning Director stated the extension is requested by Darren Noyes and Eileen Eiman for a proposed 4 lot moderate development on property located at 15871 Road 31, Mancos, consisting of 50 acres, more or less. Director Carver informed the Board concerning the request.

Darren Noyes stated he needs more time due to the cost for completion of this proposed development which makes it hard to complete the project. Comm. Rule opened the hearing to public comment. Hearing no comments, that portion was closed. Comm. Chappell moved to approve the vested rights be extended for 3 years for a 4 lot moderate development as requested by Darren Noyes and Eileen Eiman on property located at 15871 Road 31, Mancos, seconded by Comm. Rule and carried. (See attached)

**MEMORANDUM OF UNDERSTANDING with the Bureau of Land Management** regarding revisions was discussed. James Dietrich said he has been contacted by Mr. Sam Hoffman who wants to improve a road that runs through the BLM. Mr. Dietrich said the BLM wants to re-visit doing a new memorandum of understanding. Mr. Dietrich will contact the BLM.

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

Abstract of assessment for 2011. (See attached)

Letter from Southwestern Colorado Livestock Association regarding an incident at Mesa Verde National Park between Ranger Nash and Jeremiah Karsten. (See attached)

Letter from Colorado State Forest Service to Sheriff Spruell concerning estimated cost for participation in the EFF for fire control. (See attached)

Notice of a special board meeting of the Southwestern Water Conservation Dist. (See attached)

Letter from Wildrose Audit Division regarding an exit interview with the Assessor. (See attached)

**This meeting** was continued until Wednesday, August 31, 2011 at 1:00 p.m. regarding the bid of the roof at the Fairgrounds

**AUGUST 31, 2011: 1:00 P.M.**

**PRESENT** were Comm. Larrie D Rule, Comm. Steve Chappell, Comm. Gerald Koppenhafer, and County Clerk Carol Tullis.

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young and the Board discussed the bids for the roof at the fairgrounds. After looking at the bids, it was the decision of the Board to have the three submitters re-submit their bids as they want the companies to bid the panels as IMP (insulated metal panels) and not SIP (structurally insulated panels). The new bids will be considered September 12, 2011.

**SEPTEMBER 2, 2011 3:30** meeting to discuss the bids of the roof at the Fairgrounds,

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 - **ABSENT**

Carol Tullis, County Clerk

Vice Chairman Comm. Chappell opened this meeting with the Pledge of Allegiance

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young met for the purpose of discussing the bids for the roofing project at the Fairgrounds. After looking at the bids from the bidders listed in the August 29, 2011 minutes, Comm. Koppenhafer moved to reject all bids, and return to each bidder said bidder's bid documents, and to re-publish the RFP with the correct

specifications with a due date of 9:00 a.m. on September 19, 2011, seconded by Comm. Chappell and carried.

**MOTION TO ADJOURN** was made by Comm. Koppenhafer, seconded by Comm. Chappell and carried.  
**MEETING ADJOURNED 4:10**

---

Clerk August 29, 31, 2011  
September 2, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 12, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 12, 2011 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

**MINUTES** of the regular meeting held on Monday, August 29 2011, Wednesday, August 31, 2011 and Friday, September 2, 2011 were read. Commissioner Chappell moved to approve the minutes of August 29, 2011, August 31, 2011, and September 2, 2011 as corrected, seconded by Commissioner Rule and carried.

**ROAD: Road Supervisor Dean Roundtree** said he has received more complaints concerning work being done by a landowner on Road 36 stating rocks are still falling onto the neighbor's property. Supervisor Roundtree said the landowner said the area would be cleaned up and any damages would be repaired at the completion of the work. He then talked about the project on Road 25. (See attached) He presented quotes for the belly dumps. Comm. Koppenhafer moved to allow the Road and Bridge Department to buy two Ranco Competitor 21-40 belly dump trailers from Hanson International in the amount of \$25,850.00 plus trade ins, seconded by Comm. Chappell and carried. (See attached) Supervisor Roundtree presented the contract to award the bid on Road 18. Comm. Chappell moved to award contract number 01-2011 in the amount of \$79,600.00 for the construction of a portion of Road 18 to D & L Construction Company, seconded by Comm. Koppenhafer and

carried. (See attached) Supervisor Roundtree presented a bill for a window allegedly broken by the County Road Department. Comm. Chappell moved to replace the window for Wilma Robinson at 25923 Road P, Dolores that was allegedly broken by the Road Department in the amount of \$345.00, seconded by Comm. Koppenhafer and carried. (See attached).

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of August, 2011. (See attached).

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of August, 2011. She stated tonnage was up, however, the expenses increased. Manager Barton gave her 2012 budget requests at this time. She stated she is still working on bringing the budget down. (See attached)

**EMERGENCY MANAGER: Emergency Manager Doug Parker** did not appear.

**JAMES DIETRICH** informed the Board that September 20, 2011 will be the next PLCC meeting and he invited the Board. He discussed the plan regarding Hovenweep National Monument. He stated the comment period ends on September 29, 2011. A request for a meeting with the Board will be sent to the Park Service **LETTER: Comm. Koppenhafer** moved to sign a letter to Jesse Frias with Mesa Verde National Park regarding law enforcement within the Park, seconded by Comm. Chappell and carried. (See Attached)

**BUDGET PRESENTATIONS:** The Board heard the following office's and department's budget requests for 2012.

**GOOD SAMARITAN CENTER** budget grant in the amount of \$1000.00 was requested. (See attached)

**SHERIFF'S OFFICE AND JAIL: Sheriff Spruell and Undersheriff Robin Cronk** discussed the 2012 budget and various departmental adjustments. He talked about gaming grants, the detention center, the LEA fund, training, the Casino funding, the drug task force, and the recovery act grant stating this grant is no longer funded past 2011. (See attached) **Wanda Martin** with the Sheriff's Office presented the Court Security Grant. She said they are requesting funding for 2 deputies, 2 hand held wands and some training through this grant. She said there is no match. Comm. Chappell moved to approve the application for a court security grant in the amount of \$93,249.24, seconded by Comm. Koppenhafer and carried.

**PROCLAMATION** from Colorado Proud School Meal Day was presented for signature. Comm. Chappell moved that Comm. Rule sign the Colorado Proud School Meal Day Proclamation, seconded by Comm. Koppenhafer and carried. (See attached)

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officer's** monthly report and certification of pay for August, 2011, for payment. seconded by Comm. Koppenhafer and carried (See attached)

**LUNCH: 12:05 p.m.**

**Comm. Koppenhafer** absent for the remainder of the afternoon.

**COUNTY CLERK AND RECORDER/ELECTIONS: Clerk Carol Tullis** presented her requests for the Clerk's Office for 2012. She said that her office will be involved with 4 different elections next year, Municipals, Special Districts, 2012 Primary and 2012 General. (See attached)

**COUNTY ASSESSOR: Assessor Mark Vanderpool** explained his needs for 2012. He requested pay increases for his staff. He explained the requested increases however he talked about some decreases in a couple of line items. (See attached)

**TREASURER: County Treasurer Sherry Dyess** discussed her 2012 budget requests. She said the Public Trustee budget remained the same. She stated she would like to keep a part-time employee. (See attached)

**EMERGENCY MANAGEMENT.** Comm. Chappell moved to sign the agreement between the State of Colorado Department of Local Affairs and Montezuma County Emergency Preparedness for Doug Parker, Emergency Manager, seconded by Comm. Rule and carried. (See agreement on file with Doug Parker)

**PUBLIC HEALTH AGENCY: Director Lori Cooper** presented the budget requests for 2012 for the Montezuma County Public Health Department. She explained the requests in detail.

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** discussed the budget for the Fairgrounds for 2012. He discussed the utility budget and requested an increase in the hourly wage for his employees. He talked about Fairgrounds renovation including new lighting for the indoor arena, laser markers, tin on the inside walls and new windows. (See attached)

**PAYROLL:** General fund checks in the amount of \$377,307.11, District Attorney fund check #60206 in the amount of \$38,504.82, Treasurer fund check #60207 in the amount of \$315,847.32, Road department fund checks in the amount of \$80,390.63, Treasurer fund check #23999 in the amount of \$68,225.77; and Landfill fund checks in the amount of \$16,825.73, Treasurer fund check #7086 in the amount of \$13,039.89 were approved

**ORDER:** Order number 6 was presented to transfer from the Law Enforcement Authority to the Montezuma County General Fund \$6,156.84 for the LEA agreement number 2011-1 to train, certify, and equip two K-9 deputies and dogs. Comm. Chappell moved to approve order number 6 to transfer from the LEA fund to the Montezuma County General Fund \$6,156.84 to train, certify, and equip two K-9 deputies and dogs, seconded by Comm. Rule and carried. (See attached)

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

Letter from Mischelle Allison regarding the proposed closure of the Yellow Jacket Post Office. (See attached)

Notice of special board meeting Southwestern Water Conservation District. (See attached)

Dolores Water Conservancy District meeting and minutes. (See attached)

Notice of upcoming public rule-making hearings before the Colorado Board of Health. Agenda (See attached)

CDPHE extension agreement for memorandum of understanding for Colorado Works Program and the Colorado Child Care Assistance Program. (See attached)

Year end reports from Montezuma County EMS Council. (See attached)

Report from the Piton Foundation. (See attached)

Letter from Dolores Senior Citizens Program thanking the Board. (See attached)

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

**MEETING ADJOURNED 3:40 p.m.**

Clerk September 12, 2011

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 19, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday September 19, 2011 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  
Kim Percell Chief Deputy Clerk

**MINUTES** of the regular meeting held on Monday, Sept 12 2011, were read. Commissioner Chappell moved to approve the minutes of September 12, 2011 as corrected, seconded by Commissioner Koppenhafer and carried.

**BID REVIEW:** Bids from **Mr. Concrete Construction Co., FCI Construction and Top Line Installers** were opened for review. Commissioner Rule recused himself from the proceedings regarding this bid because one of the bidders is related to Commissioner Rule. Mr. Concrete Construction Co., Bid: ALT1: \$496,940.00, \$513,939.00, and \$541,353.00 ALT2: \$479,100.00, \$492,700.00 and \$524,200.00. FCI Construction Bid: ALT1: \$424,500.00, \$442,200.00 and \$470,000.00. ALT2: \$556,800.00, \$577,700.00 and \$625,000.00. Top Line Installers Bid: ALT1: \$372,995.00, \$394,600.00 and \$413,900.00. ALT2: \$509,321.00, \$550,235.00 and \$596,888.00. Administrator Harrison took the bids to compile them into a spread sheet. The discussion was postponed to later in the day. (See attached)

**ROAD: Road Supervisor Dean Roundtree** presented a letter of agreement between Montezuma County and CDOT. Commissioner Koppenhafer moved to accept the agreement between CDOT and Montezuma County for a trade of MC-800 cold asphalt mix that equals 325 tons of cold mix, in exchange for Type II cover coat material, with total value of agreement estimated at \$31,538.00. Second by Commissioner Chappell, motion

carried. (See attached) Dean and the **Planning Director Susan Carver** presented a letter sent to **Steven & Betty Fulks** on 12323 Road 25 Cortez Co. 81321 re: an Unpermitted disturbance in a Road Right-of-Way. To date there had not been a response from the owners. It was decided to send another letter to the owners to specify a date outline of consequences for failure to comply. (See attached)

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

**FAIRGROUNDS:** Fairgrounds Manager **Tanner Young** presented his monthly report for the Fairgrounds. Items reported on were the income statement, several past and current events, the yearly fairground attendance, a CDOT gravel pile and the grandstands fence. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of the establishment, revision, or alteration of commissioner districts. The roll was called, the public notice was read, and the proceedings were recorded for the record. **GIS Specialist Doug Roth** presented an updated map and DVD for the re-districting of the Commissioner districts. There was no public comment. Commissioner Koppenhafer moved to close the public hearing and the Board will vote on this issue on September 26<sup>th</sup> at 11:00 A.M., seconded by Commissioner Chappell and carried.

**BRIDGE EMERGENCY SHELTER:** Sara Wakefield and M.B. McAfee presented a **Memorandum of Understanding** to the Board. Commissioner Koppenhafer moved to approve the Memorandum of Understanding between the Montezuma County and the Bridge Emergency Shelter regarding the provision of space in County-Owned premises, with a floor plan to be attached at a later date and a correction to the termination cause to be 90 days not 30, seconded by Commissioner Chappell, and carried. (See attached)

**SPECIAL EVENTS Liquor License for United Way** was presented by **Deputy Clerks Tammy Neely and Deb Largent**. Commissioner Koppenhafer moved to approve the special events liquor license for United Way of Southwest Colorado's event dated December 1, 2011 at the Four Seasons Greenhouse from 5:00 P.M. to 9:00 P.M. as presented, seconded by Commissioner Chappell, and carried.

Lunch 12:20

**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 trucking business on property located at 11503 Road 22, Cortez, Co. The roll was called, the public notice was read, and the proceedings were recorded for the record. **Planning Administrator Susan Carver** presented the complaint to the Board. **Vincent and Martina Valdez** owners of said property were present at the hearing. Public Comments were made in support by **Rachell Schmidlin, Michelle Funk, and Tomas Valdez**. **Greg Kemp** made comments on the legality of the complaints. The Public hearing was closed and it was decided that No further action will be taken at this time. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing to determine a request for an extension of time to submit a final plat for a proposed 2-Lot Minor development as submitted by **Clarence and Shirley Williams, Agent Maness & Associates Inc.** The roll was called, the public notice was read, and the proceedings were recorded for the record. **Planning Administrator Susan Carver** presented the request to the Board. **Susan Underwood from Maness & Associates Inc.** represented Clarence and Shirley Williams who were not present for the hearing. Commissioner Chappell moved to approve an extension of 3 years for the

Clarence and Shirley Williams's final plat on property located at 24499 Road G.1 Cortez, seconded by Commissioner 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 AR3-9 zoning request and presketch plan for a proposed single lot development consisting of 5 acres, more or less, from a 260 acre, more or less, parcel of land owned by **Catherine A. Lichliter** located at 12171 Road 26 Cortez. The roll was called, the public notice was read, and the proceedings were recorded for the record. **Planning Administrator Susan Carver** presented the request to the Board. **Susan Underwood from Maness & Associates Inc.** represented Catherin A. Lichliter. Catherine was present for the hearing. Commissioner Chappell moved to approve the AR3-9 zone request and presketch plan for a single lot development consisting of 5 acres, more or less, from a 260 acre, more or less parcel of land owned by Catherine A. Lichliter, seconded by commissioner Koppenhafer and carried. Commissioner Koppenhafer moved to approve the final plat for a single lot development for property owned by Catherine A. Lichliter as presented, seconded by Commissioner Chappell, and carried. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 rezoning request and presketch plan for a proposed 2-Lot Moderate Development on Property owned by **Karen & Heather Hunsinger** who were present for the hearing. The roll was called, the public notice was read, and the proceedings were recorded for the record. **Planning Administrator Susan Carver** presented the request to the Board. Commissioner Chappell moved to approve the AR3-9 zoning request and presketch plan for a proposed 2-Lot Moderate development for owners Karen and Heather Hunsinger located at 14041 Road 33 Mancos as presented. Seconded by Commissioner Koppenhafer, motion carried. Commissioner Koppenhafer moved to approve the Preliminary Plat for a 2-Lot moderate development for property owned by Karen and Heather Hunsinger as presented, seconded by Commissioner Chappell, and carried. (See attached)

**Planning Administrator Susan Carver** presented a High Impact Permit determination for **Tri State Generation and Transmission Association, Inc.** **Ben Mayer** representing Tri State Generation and Transmission Association was on a conference call. Commissioner Koppenhafer moved that the County not require a High Impact Permit for the Tri State Generation & Transmission Assoc. to build the 800 square foot storage building because the proposed building expansion is less than 10% of any threshold standard and would not be an increase of the amount of traffic in the area. Seconded by Commissioner Chappell, motion carried. (See attached). Also presented by Susan was a Preliminary Review and determination of a request to amend **Resolution No.: P-22-96.** **James and Susan Mulligan** owners of a 3 acre tract of land and would like to purchase another 3 acres, more or less, from **Doris French** to make it a 6 acre tract of land, more or less. Commissioner Chappell moved to amend Resolution No.: P-22-96, approved originally in 1996, creating a 3 acre tract of land for James and Susan Mulligan located at 12492 Road 41, Mancos, Co., and to approve the purchase of an additional 3 acres to make it a 6 acre tract, seconded by Commissioner Koppenhafer, motion carried. (See attached)

**Hovenweep National Monument-Review of General Management Plan, Coralee S. (Corky) Hays** presented an overview of the Hovenweep National Monument General Management Plan.

**Jay Rainer** met with the Board to request letters of recommendation for his application to the Naval Academy.

**FAIRGROUNDS:** At this time Commissioner Rule left the building and went home for the remainder of the meeting. Fairgrounds Manager Tanner Young and the remaining Commissioners held a discussion regarding the Roof Bids for the Fairgrounds. After a lengthy discussion it was decided that the ALT2 was a better quality product with structured metal panels for the long term for the County. Mr. Concrete Construction had the lowest bid for ALT2. Commissioner Koppenhafer moved to accept Mr. Concrete Construction Co. bid for an ALT2 R24 structured metal panel roof replacement in the amount of \$492,700. Second by Commissioner Chappell, motion carried

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

Letter from **Club 20** re: the **Governor John D. Vanderhoof Endowment Fund**.

Letter from **Colorado Department of Public Health** re: Montezuma County's Financial Assurance Submittal.

Letter from **Colorado Department of Public Health** re: Montezuma County Landfill Notification- Receipt of Document, Permit Modification Alternative Final Cover System Design- Carver Landfill

Letter for the Department of Air Force re: The potential environmental consequences of the Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, NM

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

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

\_\_\_\_\_  
Clerk September 19, 2011

\_\_\_\_\_  
Chairman, except as to Fairgrounds Bids

\_\_\_\_\_  
Vice Chairman as to the Fairgrounds Bids

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
September 26, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday

September 26, 2011 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  
Kim Percell Chief Deputy Clerk

**MINUTES:** Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 19, 2011 as corrected, Second by Commissioner Chappell Commissioner Rule approved except as to Fairgrounds Bids, motion carried.

**Jim Dietrich, updated the Board on the Public Lands Coordinating Commission, (PLCC)** The discussion included the Boggy/Glade Plan and expiring terms for the members of the commission. Letters will be sent out to current members along with notices being posted for positions available.

**ROAD: Road Supervisor Dean Roundtree** reported to the Board that the road patching had been completed in Pleasant View and Cortez. They will be heading to Mancos and Dolores next. Dean reported that Road 25 had been paved and that after completing some shoulder work the job would be finished. He also reported that Road 18 project had been started. Dean gave an update on the new Graders, stating that one is in Durango and the other had not made it to Durango yet.

**Heather Wyatt, Community Energy Coordinator and Gregg Dubit, Interim Executive Director with Four Corners Office for Resource Efficiency (4CORE)** presented a letter to the Commissioners requesting formal support from Montezuma County. The letter included a request for support as well as a financial contribution. The Board will take this request into consideration. (See attached)

**2011 Commissioner District Review and Adoption of Resolution, GIS Specialist Doug Roth** presented Exhibit 1, a DVD that included a Commissioner District Map and an exact line map that included the entire county that can be used by any GIS system to determine the exact Commissioner District a person is in. Commissioner Chappell moved to adopt **Resolution #07-2011**. Second by Commissioner Koppenhafer, motion carried. (See attached)

**Administrator Ashton Harrison** presented a letter from **Colorado Counties Inc.** requesting the appointment of one of the Commissioners as the 2011 Legislative Committee member. It was decided that Commissioner Koppenhafer would stand as the committee member again this year. (See Attached) Ashton also presented a letter of recommendation on behalf of **Jay Rainer** for an application to the Air Force Academy. Commissioner Chappell moved to send a letter of recommendation to the **Honorable Scott Tipton**, second by Commissioner Koppenhafer, and carried.

**District Attorney Budget Request, District Attorney Russell Wasley** presented the 2012 Proposed Budget for the District Attorneys Office with a 7.7% budget increase. District Attorney Wasley discussed various reasons for the increase stating that part of the increase was to combine a former part-time salary line into the permanent salary line, also that grant funding has declined, and miscellaneous costs have gone up. He stated that there should be a decrease in maintenance costs due to the County taking on the computer technical support. The Board will take the budget request under advisement. (See attached)

Lunch 12:00

**Planning Director Susan Carver** presented a Preliminary review of a request to Amend Mildred Estates by combining Lot 12 & 13 located at 25539 Road N.6 Loop, Cortez, Co. Owned by **Claude Shrewsbury**; and, adjusting the common lot line between Lot 11 and Lot 12 located at 25543 Road N.6 Loop, Cortez, Co. Owned by **Terry & Jacque Cook**. Claude Shrewsbury, Terry Cook and Jacque Cook were present for the review. Commissioner Koppenhafer moved to give preliminary approval for a request to Amend Lot 12 & Lot 13 and to include the preliminary approval of the adjustment of the common lot line between Lot 11 and Lot 12. Second by Commissioner Chappell, motion carried. (See attached)

**Director Carver** presented for review and determination of a Final Plat for a single lot development consisting of 5 acres, more or less, from an 80 acre, more or less, tract of land as submitted by **Richard & Donna Bowling**, Agent **Maness & Associates, Inc.** on property located at 22530 Road N, Cortez, Co. Commissioner Chappell moved to approve the Final Plat for a single lot development consisting of 5 acres, more or less, from an 80 acre, more or less, tract of land located at 22530 Road N, Cortez, Co. owned by Richard & Donna Bowling as submitted, second by Commissioner Koppenhafer, motion carried.

**Planning Director Carver** asked direction from the Commissioners regarding parcel splits without County approval. Susan will send a letter of alleged violations to the property owners in question.

**Administrator Ashton Harrison** presented a request for grant funding from **Firewise SW Colorado**. Commissioner Chappell moved to approve a grant of \$22,200.00 of Montezuma County's Title III money to continue funding for the Montezuma County Fire Wise Chapter. Second by Commissioner Koppenhafer, motion carried.

Administrator Harrison presented his **Mineral Lease** recommendations of \$1,086,221.00 to the Capital Fund and \$600,000.00 to both the Road and General Fund. Commissioner Chappell moved to accept the recommendation for the Mineral Release funds of \$1,086,221.00 to the Capital Fund, \$600,000.00 to the Road Fund and \$600,000.00 to the General Fund, second by Commissioner Koppenhafer, motion carried.

Also presented by Ashton was a letter addressed to contractor **Circle Zebra Fabrications Ltd.** regarding the building of a breakwater at **McPhee Reservoir**. Commissioner Koppenhafer moved to approve the bid from Circle Zebra Fabrications Ltd. for the McPhee Reservoir, Phase 1, Fabrication, Assembly and Installation of the Wave Attenuator, second by Commissioner Chappell, motion carried.

At this time Commissioner Rule left the meeting.

Administrator Harrison advised the Commissioners that he had received a letter from Attorney Mike Green regarding the Fairgrounds Roof bids and that he would be responding to said letter.

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

Letter from **Colorado Parks and Wildlife** re: acceptance of a letter sent to the Colorado Parks and Wildlife from the Board voicing concerns over the Ute Farm and Ranch Grazing lease at Lone Mesa State Park.

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

**MEETING ADJOURNED 2:45 p.m.**

---

Clerk September 26, 2011

---

Vice Chairman,

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 3, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 3, 2011 at the 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

**MINUTES:** Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated September 26, 2011 as corrected, Second by Commissioner Chappell, motion carried.

**Maintenance Supervisor Bill Bedker** reviewed the plans for the Annex 3 building and parking lot.

**ROAD: Road Supervisor Dean Roundtree** stated the Department should be finished with the hot patching project. He talked about other areas of work done. He told the Board that the recently purchased motor graders should be delivered this week. Supervisor Roundtree informed the Board that they will be meeting with the Town of Mancos concerning the purchase of the gravel pit and property where the county shop is, approximately 200 acres. He said work on Road 18 is progressing well. Work on the Annex 3 parking lot will begin this week as well. Supervisor Roundtree said he talked to Roland Hoch and Mr. Hoch said if the County furnished the pipe he would install it.

**JAMES DIETRICH** discussed impending forest service road closures. The Board is requesting a meeting with Marietta Eaton with the BLM. James will contact her regarding a time. Comm. Koppenhafer moved to send a letter in reply to Mr. Olson's concerns, seconded by Comm. Chappell and carried. (See attached)

**ROAD 23:** Loretta Murphy said she has been in contact with Mike Dombrowski about Road 23. Mr. Dombrowski is requesting a face to face meeting. A meeting has been set for October 13, 2011 at 2:00 p.m.

**UTE MOUNTAIN ROUNDUP:** Rob Yates and John Shriner with the Ute Mountain Roundup and Fairgrounds Manager Tanner Young met to report on the previous rodeo and discussed improvement plans at the Fairgrounds. Mr. Yates said this was the best year since moving to the Fairgrounds. He stated the specialty acts went well and has been booked again for next year as are other functions wanting to return. John Shriner talked about the parking stating it went better. Mr. Yates discussed various improvements to the grounds. He said they would like to install a permanent fence around the grand stands and discussed the proposed changes. Manager Young discussed the installation of fencing from the beef barn west to the outside corrals which would benefit the Mesa Verde Bike Race, County Fair and the Ag Expo. More information was requested, no action was taken at this time.

**FINAL REVIEW** and determination of a request to amend Resolution No. P-22-96 was presented. The request to amend the previous resolution is to add another 3 acres to an existing 3 acre tract which was created in 1996. The tract is located at 12492 Road 41, Mancos. Currently the 3 acres the Mulligan's wish to purchase is owned by Harold and Doris French with an address of 12226 Road 41, Mancos. James and Susan Mulligan who are the owners of the 3 acre parcel located at 12492 Road 41, Mancos wish to purchase an additional 3 acres from Doris French. Planning Director Susan Carver explained the request. Comm. Koppenhafer moved to amend Resolution P-22-96 on property owned by James and Susan Mulligan located at 12492 Road 41, Mancos to add 3 acres to their property, seconded by Comm. Chappell and carried. (See attached)

**REVIEW** and determine a request to amend Resolution No. P-42-75 was presented. Said tract of land is located at 4588 Hwy. 160-491, Cortez and currently owned by David L. and Karen L. Foutz. Susan Underwood represented the applicants. David L. and Karen L. Foutz currently own a 3 acre tract and they wish to purchase an additional 4 acres from the Foutz Brothers Farms, Inc. with property located at 4626 Hwy 160-491, Cortez. Said request requires amending the existing resolution to describe a 7 acre parcel of land instead of a 3 acre parcel of land. Comm. Koppenhafer moved to approve the amendment to Resolution number P-42-75 for David L. and Karen L. Foutz on property located at 4588 Hwy 160-491, Cortez to add 4 acres, more or less, to their 3 acre tract created by Resolution P 42-75, seconded by Comm. Chappell and carried. (See attached)

**PAYROLL:** General fund checks in the amount of \$364,702.00, District Attorney fund check #60359 in the amount of \$37,844.89, Treasurer fund check #60360 in the amount of \$302,264.79, Road department fund checks in the amount of \$82,123.00, Treasurer fund check #24064 in the amount of \$68,121.71; and Landfill fund checks in the amount of \$16,736.09, Treasurer fund check #7120 in the amount of \$13,067.52 were approved for payment.

**ORDER:** Order #7 was presented to transfer from the Wildfire Reserve Fund to the Montezuma County General Fund the amount of \$22,200.00 for 2011-2012 continued funding of Firewise Council of Southwest Colorado. Comm. Koppenhafer moved to transfer \$22,200.00 from the Wildfire Reserve Fund to the Montezuma County General Fund for 2011-2012 to continue funding of the Firewise Council of Southwest Colorado, seconded by Comm. Chappell and carried. (See attached)

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

Letter from Top Line Installers, Inc. signed by Jim Herrick, concerning the Fairgrounds Main Building Renovation Project 2011. (See attached)

Letter from Caroline Spurgeon regarding the closing of the Yellow Jacket Post Office. (See attached)

Letter from State Board of Health inviting the Board to a rulemaking hearing. (See attached)

Letter from the U.S. Department of the Interior expressing thanks for the concerns pertaining to Federal Law Enforcement procedures. (See attached)

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

**MEETING ADJOURNED**

---

Clerk October 3, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 17, 2011**

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA   )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 17, 2011 at the 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

**MINUTES:** Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 3, 2011 as presented, Second by Commissioner Chappell, motion carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of September, 2011. (See attached).

**ROAD: Road Supervisor Dean Roundtree** introduced **MIKE DOMBROWSKI and ROB WALDMAN** with the **Bureau of Reclamation**. They met with the Board to discuss Road 23. The Bureau of Reclamation owns 0.07 acres along Road 23. Mr. Dombrowski explained what the Bureau expected from the HAZMAT survey and that the County would be required to pay for said survey. Mr. Waldman explained the survey would determine if there was any storage of or evidence of any hazardous materials or vehicle accidents that might have released any hazardous materials. Mr. Dombrowski explained the process the Bureau needs to take for the proposed transfer of the property.

**Supervisor Roundtree** talked about improvements to Road 18. He said the new graders have come in. He said the Department has received the cold mix from CDOT.

**DARLENE MARCUS with Rep. Scott Tipton's** office met and updated the Board of some bills Rep. Tipton is working on.

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of September, 2011. She informed the Board of theft and vandalism that occurred at the Landfill on the night of September 26<sup>th</sup>. She said equipment was stolen. She talked about an E-Cycle event scheduled for October 28<sup>th</sup> and 29<sup>th</sup>. She said that SWANA requested Ms. Barton serve as the International Board of Director for Colorado. (See attached)

**FAIRGROUNDS: Fairgrounds Manager Tanner Young** presented the monthly report for the Fairgrounds. He reported on the income statement. He said he will be closing the arena for the roof repair. He talked about the BLM horse auction. Manager Young discussed other events that have taken place. He said he had been contacted regarding naming the playground in memory of Louie Caughey. He talked about the fence project. Manager Young also talked about a recent break-in at the Fairgrounds.

**2012 DRAFT BUDGET:** County Administrator Ashton Harrison discussed the draft budget for 2012. He said the Lodger's Tax Fund has declined and he talked about other small funds. Administrator Harrison discussed various county and department funding. He said health insurance costs have increased throughout the County. The public hearing regarding the 2012 budget is scheduled for December 12, 2012.

**SAN JUAN PUBLIC LANDS OFFICE: Tom Rice, Debbie Kill, and Mark Lambert** representing San Juan Public Lands met to update the Board on the BLM and Forest Service activities. **Mr. Lambert** gave a pre-briefing on the Boggy/Glade Travel Management Plan. He said they will be looking at the comments they have received. **Debbie Kill** talked about the environmental assessment draft. She responded to issues raised by the Board's letter of July 18, 2011. She talked about the game retrieval issue and the approach the Forest Service is considering as well as other concerns such as ATV travel and firewood gathering areas. Ms. Kill talked about oil and gas development. The road density plan in the travel management plan was discussed. They talked about various open roads in the plan. (See briefing attached) (See map of the Boggy/Glade Travel Management Plan, Alternative D on file in the Federal Lands Office.)

**GREENLINE EQUIPMENT:** Gary Allen representing Greenline Equipment, the local John Deere affiliate, met to discuss a buyout lease/purchase contract. He said they are leasing/selling the Dolores Cemetery District some equipment. It was suggested the Dolores Cemetery District obtain its own counsel regarding this matter.

**LUNCH: 12:00**

**PUBLIC HEARING:** it being the time set aside a public hearing is held. The roll was called, the public notice was read and the proceedings were recorded for the record. LeeAnn Milligan with the Planning Department presented an application for industrial zoning on property owned by **Gerald and Verinia Fosnot**. Said property is located at 6698 Road 24, Cortez consisting of 7.08 acres, more or less. This property has historically been used as a salvage yard, currently called Fast Eddie's Auto Salvage, since the early 1960s. LeeAnn Milligan gave an overview of the application. She explained the area is basically zoned commercial. Comm. Chappell opened the hearing up to public comment. **Val Christiansen** asked why now. **Sheila Wheeler** wanted to know what the main issue is. Hearing no further comments, that portion was closed. The applicants stated the reason is to protect their property rights by zoning the property for its current use. After hearing all the evidence presented Comm. Koppenhafer moved to approve the industrial zoning on property located a 6698 Road 24, Cortez consisting of 7.08 acres more or less owned by Gerald and Verinia Fosnot, seconded by Comm. Chappell and carried. (See attached) Comm. Chappell closed the hearing.

**AFTER-THE FACT EXEMPTION:** A request has been submitted by **Ray Porter, Agents are Charlie "Toad" and/or Landis Porter**. The exemption is for property located at 18151 Hwy 491, Cortez consisting of 11.56 acres, more or less. Ray Porter purchased a non compliant parcel and is requesting to bring said tract into compliance. It was explained that no new tract would be created. Mr. Porter can proceed with the exemption. (See attached)

**CDOT ACCESS:** LeeAnn Milligan with the Planning Department presented a request from Colorado Department of Transportation to defer to RC Southwest Development, LLC its right to be named as a permittee on an access permit at the intersection of Road K.3 and Hwy. 491, Cortez. Rob Pope and Susan Underwood represented RC Southwest Development, LLC. CDOT is requesting a letter from Montezuma County deferring to RC Southwest Development its right to be named as Permittee on the application/permit. Mr. Pope submitted a request for a proposed 19 lot major development off Road K.3 and traffic from the proposed development will be accessing the State Highway at the intersection of Road K.3 and Hwy. 491. A letter was written to CDOT. (See attached)

**WILDLIFE CONTROL:** Comm. Koppenhafer moved to sign the contract with U.S. Department of Agricultural, Animal and Plant Health Inspection Service, Wildlife Services in the amount of \$15,180.00 for wildlife control in Montezuma County, seconded by Comm. Chappell and carried. (See attached)

**VETERANS SERVICE:** Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and certification of pay for September, 2011, seconded by Comm. Chappell and motion carried (See attached)

**ACCOUNTS PAYABLE:** General Fund # 60358-60533 in the amount of \$278,203.34, Road & Bridge Fund # 24065-24121 in the amount of \$681,624.76, and Landfill # 7118-7151 in the amount of \$45,448.99 for the month of September, 2011 were approved for payment.



**MINUTES:** Commissioner Chappell moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 17, 2011 as presented. The motion was seconded by Commissioner Rule, and carried.

**ROAD: Road Supervisor Dean Roundtree** reported the sub-base is completed on Road 18. The Department is trimming trees on Road D. He said the blades have been received and the belly dumps are being worked on. An environmental company out of Durango has been found to do the assessment on Road 23. Blade work is being done on some dirt roads in the Pleasant View area. He said portions of Road 18 will be graveled to Road DD with a little better gravel. **LATER:** Supervisor Roundtree and Planning Director Susan Carver discussed the annexation by the Town of Mancos on a portion of Road J. **LETTER:** Comm. Chappell moved to sign the letter addressed to Town of Mancos Manager, Tom Yennerall, regarding the annexation of a portion of Road J to the Town of Mancos. Motion was seconded by Comm. Rule and carried. (See attached)

**KARL CLARK** met to discuss a portion of Road 12. Mr. Clark said Road 12 ends at Road Z. He asked if a small portion beyond that could be graveled so he could have better access to his property especially during inclement weather. It was stated the Road Department has no County jurisdiction beyond where the county road 12 and Z end.

**JAMES DIETRICH** discussed the appointments to the PLCC. He stated three terms are up and letters have been received from the following; Frank Green, Matt Clark, Dennis Atwater, and Travis Greenlee. **LATER:** Comm. Chappell moved to appoint Frank Green, Matt Clark, and Dennis Atwater to a 3 year term, Travis Greenlee to fulfill the term vacated by Rob Yates, and to appoint Rob Yates as an alternate to replace Ginger Black, seconded by Comm. Rule and carried. (See attached)

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

**SOUTHWEST MEMORIAL HOSPITAL: Kent Helwig and David Pike** gave the quarterly update on Southwest Memorial Hospital. They reported that the hospital is in good financial and operational condition. It was stated that 5 new physicians have been recruited and two are already here. They said plans for more physician recruitments are in the works for 2012.

**LIQUOR LICENSE:** Clerk Deputies Tammy Neely and Debby Largent presented a retail liquor license renewal for **Log Cabin Liquors**. Comm. Chappell moved to approve the liquor license renewal for Log Cabin Liquors, seconded by Comm. Rule and carried. A renewal for **Sophia Retreat and Conference Center** for a hotel/restaurant liquor license was presented. Comm. Chappell moved to approve the renewal for Sophia Retreat and Conference Center, seconded by Comm. Rule and carried. Deputy Neely informed the Board that **G Whil Liquors LLC** received a liquor license violation. (See attached)

**PLANNING:** Planning Director Susan Carver presented for review and determination a final plat for a proposed single lot development consisting of 30 acres, more or less, from a 66 acre parcel. Said property is owned by **Terry W. and Rodney J. Branson** and located at 18465 Road 23.5, Dolores. Director Carver gave an overview of the proposal. Terry Branson represented the application. Comm. Chappell moved to approve the final plat for a proposed single lot development consisting of 30 acres from a 66 acre parcel for the Branson Single Lot Development, seconded by Comm. Rule and carried. (See attached)

**PLANNING DIRECTOR** Susan Carver presented for review and determination a proposed 2-lot moderate development. The property is owned by Karen and Heather Hunsinger and located at 14041 Road 33, Mancos containing 9.74 acres. Director Carver explained the proposal stating the property is currently a 9.74 acre tract of land that was originally created by probate in 1979. She explained the proposal would create one 4.34 acre tract and one 5.0 acre tract. Comm. Chappell moved to approve the 2 lot moderate development for Cedar View Subdivision located at 14041 Hwy. 33, Mancos, owned by Karen and Heather Hunsinger, seconded by Comm. Rule and carried. (See attached)

**LAND USE CODE/PERMIT VIOLATIONS:** The following land use code violations was discussed. This violation deals with the construction of a building by Grant Smith in the Dolores River Valley and the use of TDR's. A letter was written to Mr. Smith with a copy kept on file in the Planning Department. A complaint was received regarding the alleged construction of an auxiliary structure not meeting the setback standards. A letter has been written to Mr. Frescas regarding the complaint. (See attached) Another complaint has been received dealing with the Simmons Asphalt Plant emitting particulate and odor. The hot mix plant supervisor explained the odor was due to the change in weather and occurred mostly during the early morning. (See attached) Director Carver discussed a letter received from CDOT regarding the access to the property located at 29400 Hwy. 160 owned by the Family Limited Partnership. CDOT informed the Department of an access application from the Family Limited Partnership. The application is for a proposed recycling center and that may constitute a change in use. The Planning Department wrote a letter to the Partnership regarding the change. (See attached)

**DENTIST AGREEMENT:** Comm. Chappell moved to sign the agreement between Montezuma County Health Department, DBA Montezuma County Smile Makers and Joseph Baumgart, DDS, seconded by Comm. Rule and carried. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted:  
Dolores Water Conservancy District Board of Directors meeting and minutes of Aug. 22, 2011. (See attached)  
Letter from U.S. Department of Interior regarding the environmental assessment for the development of a soundscape management plan for SE Utah Group. (See attached)  
Introduction letter introducing **C.J. Mucklow** as the Western Region Director for the Colorado State University Extension. (See attached)  
Notice of public hearing for the State Board of Equalization. (See attached)  
Notice of public rulemaking hearing on Core Public Health Services. (See attached)  
Notice of regular board meeting of the Southwest Water Conservation District. (See attached)  
Routine compliance inspection of the Montezuma County Landfill for 07/19/2011. (See attached)  
Notice of upcoming public rule-making hearings before the Colorado Board of Health. (See attached)  
MSHA new miner training for 2012. (See attached)  
Findings and order of the State Board of Equalization of reappraisal of oil and gas personal property, Docket No. 274. (See attached)  
Colorado Board of Health agenda for Oct. 19, 2011

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

**MEETING ADJOURNED 11:30 a.m.**

---

Clerk October 24, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
October 31, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday October 31, 2011 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

**MINUTES:** Commissioner Chappell moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 24, 2011 as corrected. The motion was seconded by Commissioner Koppenhafer and carried.

**ROAD: Road Supervisor Dean Roundtree** reported the Department is hauling gravel on Road 18 north of Yellow Jacket. He stated they are also doing some brush trimming. Supervisor Roundtree said he checked on a problem on Road 23.2 where the ditches reported plugged. The ditches were cleaned and the culverts will be cleared. He said the Department purchased a 644 John Deere loader from CDOT.

**INSURANCE:** Bids for the property and casualty liability insurance were opened at this time. Attorney Slough recused himself from this proceeding. Bids were received from Wolcott Insurance Services Inc., agent Bentley Colbert and CTSI. Amber Kingery with the Administration Department presented the bids from Wolcott Insurance Services Inc. in the amount of \$189,128.00 with the terrorism option, without the terrorism option the amount would be \$187,214.00. The bid from CTSI is \$249,159.00. CTSI's amount with the County discounts is \$187,500.00. After considering the bids presented Comm. Koppenhafer moved to accept the bid from Wolcott Insurance Services Inc. through Trident for the property and casualty liability insurance in the amount of \$189,128.00 which includes the terrorism coverage for 2012, seconded by Comm. Chappell and carried. (See attached)

**LUNCH: 12:00**

**Comm. Rule absent for the afternoon session:**

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. The proposed master zoning plan summary was presented by the Montezuma County Planning and Zoning Commission and the Planning Department staff. Said summary shall include public input from various workshops held throughout the County. These workshops were designed to inform the public about the specifics of the proposed zoning changes and the proposed commercial/industrial preference overlay. Said master zoning plan is applicable to properties located in the unincorporated areas of Montezuma County and is not applicable to properties located within a municipality. **Tim Hunter** with the Planning and Zoning Commission gave an overview of the proposed zoning plan. He explained how they talked to municipalities and utility providers first then held meetings throughout the County as well as conducted online surveys. He discussed the commercial/industrial overlay in identifying preferred areas for future commercial/industrial development. Planning Director Susan Carver talked about various zoning options. She talked about administrative changes to the land use code to make it flow better. Comm. Chappell opened the hearing up to public comments. **Bud Garner** talked about private property rights and limiting said rights. **Ryan Maloney** with the Town of Dolores talked about the zoning overlay with regard to the effects it might have on the various municipalities. **Greg Kemp** thanked the Planning and Zoning Commission for all their work with this proposed plan. He talked about the predictability of zoning throughout the county. He mentioned the different zoning areas stating some areas are not industrial such as the entrance to Mesa Verde and around Summit Lake. **Tom Yenneral** along with **Rebecca Levy** represented the Town of Mancos by saying the Town is supportive of the zoning project. **Jon Callender** addressed the Board about the plan approval process. **Rebecca Levy** thanked the Board for including the Town of Mancos in this process. Hearing no further comments Comm. Chappell closed that portion. A draft public hearing notice will be presented for approval regarding a resolution to address said proposed master zoning plan at the next meeting of the Board of County Commissioners. No action was taken at this time. Comm. Chappell closed this hearing.

**EXEMPTION REQUEST:** Planning Director Susan Carver presented a preliminary determination of an exemption request to adjust common lot lines for property located at 22877 Road D, Cortez, owned by William D. Edgerton; for property located at 4500 Hwy 160-491, Cortez, owned by Patrick A. & Tracy M. Mullane; and

property located at 4510 Hwy. 160-491, Cortez also owned by Patrick and Tracy Mullane. Director Carver stated the request will not result in the creation of a new tract of land. She explained the exemption stating there are 5 tracts with one small tract being noncompliant. She said Mr. Edgerton wishes to purchase 30 acres and the request is for a preliminary exemption at this time. Mr. Edgerton will talk to Road Supervisor Roundtree regarding access to the County Road before proceeding.

**CORRESPONDENCE:** The following correspondence was read and noted:  
Final Determination from the State of Colorado Division of property Taxation for Community Radio Project, Inc. regarding property's eligibility for property tax exemption. Property located at 2-8 East Main, Cortez. (See attached)  
Letter from Robert Loewe regarding the U.S. Air Force air war practice. (See attached)

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

**MEETING ADJOURNED 3:25 p.m.**

\_\_\_\_\_  
Clerk October 31, 2011

\_\_\_\_\_  
Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 7, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 7, 2011 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

**MINUTES:** Commissioner Chappell moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated October 31, 2011 as corrected. The motion was seconded by Commissioner Koppenhafer and carried.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of October, 2011. (See attached).

**ROAD: Road Supervisor Dean Roundtree** reported the work on Road 18 is almost done, they are now doing the clean up. He said all the gravel has been hauled and the turnaround is being finished. He said he has been contacted to sell the snow blower so he will put it out for bids. Supervisor Roundtree said the Department is working on Road V.6 today.

**EMERGENCY MANAGER: Emergency Manager Doug Parker** gave his monthly report. He said he participated in the regional communication exercises in the area. Manager Parker said the draft for the wildfire program is almost completed.

**County Attorney Slough had to leave the meeting due to a family emergency.**

**PLANNING AND ZONING:** Letters of interest to serve on the Planning and Zoning Commission Board was presented for review. Planning Director Carver said three letters of interest were received. Those expressing interest are John J. Hernandez, Gala Pock, and Orly Lucero. She stated Tim Hunter will be resigning his seat and she recommended John Callender fill the remaining term of Mr. Hunter and appoint someone to fill Mr. Callender's seat. Comm. Chappell moved to appoint John Callender to fill the vacancy created by the resignation of Tim Hunter for the remainder of his term of one year, seconded by Comm. Koppenhafer and carried. The Board will consider the applications before making any decisions.

**LETTER:** Planning Director Susan Carver brought a draft letter to CDOT regarding an access permit on a portion of Road 42, Mancos. Comm. Koppenhafer moved to send a letter to CDOT Region 5 access manager concerning Grene, LLC Development's application for access off Road 42, seconded by Comm. Chappell and carried. (See attached)

**EXEMPTION AMENDMENT:** Director Carver presented a request to amend exemption no. P-47-94 which consists of 3 acres, more or less. The request was submitted by David C. & Sharon L. Awdish. The property is located at 14921 Road 26, Dolores. Said request would add an additional 7 acres from a tract of land owned by the Ruth Smoot Revocable Living Trust consisting of 230 acres, more or less, located at 14921 Road 26, Dolores. Director Carver explained the request stating the Awdish property was originally created in 1994 by Resolution P-47-94 and the Awdish's wish to amend the common lot line between the two properties. Susan explained no new tract of land would be created. Comm. Chappell moved to grant preliminary approval to amend the exemption of planning resolution P-47-94, seconded by Comm. Koppenhafer and carried. (See attached)

**MAINTENANCE AGREEMENT:** A road maintenance agreement on a section of Road J was presented for review. The Town of Mancos has proposed to annex a portion of Road J into the Town limits. Comm. Chappell moved to forward the draft of the road maintenance agreement on to the Town of Mancos for consideration, seconded by Comm. Koppenhafer and carried. (See attached)

**PLANNING Director Carver** presented for review a request to schedule a public hearing for the proposed Land Use Code Amendments and other actions related to the proposed amendments. Tim Hunter with the Planning and Zoning Commission and Planning Director Carver explained the proposed changes saying most of the changes were administrative in nature. They explained the proposed changes to section 2102 Commercial and (or) Industrial Overlay Zones as well as other proposed changes throughout the Code. Planning Director Carver discussed a draft public notice. Comm. Chappell moved to set for public hearing the amendments to the

Land Use Code for December 19, 2011 at 1:30 p.m., seconded by Comm. Koppenhafer and carried. (See attached)

**LUNCH: 12:00**

**Comm. Rule was absent for the afternoon session**

**VETERANS SERVICE:** Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and certification of pay for October, 2011, seconded by Comm. Chappell and carried. (See attached)

**PAYROLL:** General fund checks in the amount of \$366,396.35, District Attorney fund check #60540 in the amount of \$37,729.28, Treasurer fund check #60541 in the amount of \$301,047.78, Road department fund checks in the amount of \$80,616.37, Treasurer fund check #24123 in the amount of \$69,664.12; and Landfill fund checks in the amount of \$16,725.76, Treasurer fund check #7152 in the amount of \$13,094.01 were approved for payment.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice was read, and the proceedings were recorded for the record. This hearing is for the purpose of compliance concerns with the performance standards and conditions of high impact permit number 52. The property consists of 10 acres, more or less and is located at 33350 Hwy 184, Mancos. Director Carver explained the high impact permit no. 52 deals with the Dog Hotel located at 33350 Hwy. 184, Mancos. Said non-compliance issue deals with placement of hay bales around the perimeter of the dog runs and tarps over the runs as mitigation measures regarding the noise impacts from the dogs. It appears that the hay bales have been eaten by sheep and there are no tarps over the runs. She said she has sent a letter by certified mail to the owner but the letter was refused by the owner. She suggested notice to the owner be sent via the Sheriff's Office. Comm. Chappell opened the hearing up to public comment. **Susie Bauemel** said the business has not been very busy but when there are numerous dogs the noise is greater. She said the hay bales helped mitigate the noise. Comm. Chappell closed that portion after hearing no further comments. Comm. Koppenhafer moved to continue this public hearing to a date to be set in the future and to allow the County Attorney, who is absent due to a family emergency, to advise the Board on how to proceed in notifying the owner of the next hearing of his required appearance. Seconded by Comm. Chappell and carried. (See attached)

**IMMUNIZATION AGREEMENT:** County Administrator Harrison presented an immunization agreement between the Montezuma County Health Department and Rocky Mountain HMO. Comm. Koppenhafer moved to authorize Health Director Lori Cooper to sign the immunization services agreement between Montezuma County Health Department and Rocky Mountain HMO, seconded by Comm. Chappell and carried.

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

Case Number 11CV176 District Court Summons Marion O. Harper V Montezuma County Sheriff's Department and Montezuma County Board of Commissioners. (See attached)

Appointment letter of CJ Mucklow as the CSU Extension's Director for the Western Region. (See attached)

Letter from Miscelle Allison regarding the closure of the Yellow Jacket Post Office. (See attached)

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

**MEETING ADJOURNED 2:25 p.m.**

---

Clerk November 7, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 14, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 14, 2011 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

**MINUTES:** Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 7, 2011 as presented The motion was seconded by Commissioner Chappell and carried.

**ROAD: Road Supervisor Dean Roundtree** reported the Environmental Report on Road 23 came back clear and Dean will contact CDOT with the results. He said the Department has put gravel on Roads 28.2 and 28.3. Supervisor Roundtree said some brush cutting is being done.

**APPOINTMENT;** One letter of interest was received to serve on the Cortez Cemetery Board of Directors. The letter was received from Eve Boellstorff. This appointment is to fulfill the term vacated by Dick Donahoo. Mr. Donahoo's term expires January, 2017. Comm. Koppenhafer moved to appoint Eve Boellstorff to the Cortez Cemetery Board of Directors to fulfill the term vacated by Dick Donahoo, seconded by Comm. Chappell and carried. (See attached)

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of October, 2011. She talked about the special disposals that came into the Landfill. They are looking at speeding up the ability to do composting operations. She stated the E-waste quantity is way down. Manager Barton discussed the proposed Landfill rate structure for calendar year 2012. Comm. Koppenhafer moved to approve the proposed rates for the Landfill for calendar year 2012 as proposed, seconded by Comm. Chappell and carried. (See attached)

**TOM HOOTEN:** Mr. Hooten, CSU Cooperative Extension agent did not appear.

**JAMES DIETRICH** met to discuss the status of the Glade/Boggy Draw management plan. He said the comment period on this plan will end on November 23, 2011. Mr. Dietrich talked about the November 26, 2011 comment deadline on the Draft Supplemental Plan on the Oil and Gas exploration. He informed the Board of the Rangeland Stewardship Committee meeting for Tuesday, November 15, 2011 at 6:00 p.m.

**PLANNING COMMISSION:** Letters of interest for the Planning and Zoning Commission were discussed. Planning Director informed the Board that Guy Drew wishes to take a break and will not be submitting a letter of interest. A letter thanking him for his service will be sent. A letter was also sent to Jon Callender informing him of his reappointment to serve as a Planning and Zoning Board Member for an additional year term, ending in December 2012. She suggested leaving the Board at 5 members and not appointing any new members at this time. The Board took the letters and Director Carver's suggestions into consideration. No action was taken at this time.

**CORTEZ ELECTRIC, INC:** Planning Director Susan Carver presented an after the fact exemption for Cortez Electric, Inc for preliminary approval. The property is located at 25723 Road N, Cortez, owned by Gerald and Verinia Fosnot. Director Carver gave an overview of the request. Mr. Fosnot stated they are wishing to zone the property and want to bring it into compliance. Comm. Chappell moved to grant preliminary approval for an after the fact exemption for Cortez Electric, Inc., seconded by Comm. Koppenhafer and carried. (See attached)

**SITE VISIT** was conducted on Road 18.

**LUNCH:**

**2012 HOLIDAY CALENDAR:** The official Montezuma County holiday schedule for 2012 was presented. Comm. Koppenhafer moved to approve the Official Holiday schedule for calendar year 2012 as presented, seconded by Comm. Chappell and carried. (See attached)

**HISTORIC PRESERVATION** update of the Flume was given. Linda Towle, Lynn Dyer, and Susan Thomas discussed the procedure to getting the flume listed as a historical site. Ms. Towle talked about getting the flume eligible with the State for historical designation and CPI (Colorado Preservation, Inc). securing a grant for the historic structure assessment. Lynn Dyer explained a grant from the Colorado State Historic Fund. Susan

Thomas mentioned the National Scenic Byways Program. Comm. Chappell moved to allow Colorado Preservation Inc to apply for a Colorado State Historical Assessment grant, seconded by Comm. Koppenhafer and carried. Comm. Chappell moved to allow Trail of the Ancients/Mesa Verde Country to apply for a scenic byway grant from the Federal Highway's Program Interpretative kiosk and safety pull out preservation work, seconded by Comm. Koppenhafer and carried.

**LETTER:** Comm. Koppenhafer moved to sign the letter to Mark Lambert, Interim Manager, Dolores Public Lands Office commenting on the Glade/Boggy Draw Travel Management Plan, seconded by Comm. Chappell and carried. (See attached)

**SCHEDULE OF RECEIPTS AND DISBURSEMENTS:** Reviewed the Schedule of Receipts and Disbursements for October 1, 2011 through October 31, 2011. (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted:  
Information for the Court on Marion Harper V Montezuma County Sheriff's Office and BOCC. (See attached)  
CDPHE Hazardous Material and Waste Management Division regarding first amendment to compliance order number 11-10-03-01 and letter to Mr. Mat Bradshaw, Junior L. and Jeanne Smith. (See attached)  
Dolores Water Conservancy District regular meeting agenda and minutes. (See attached)

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

**MEETING ADJOURNED 2:10 p.m.**

---

Clerk November 14, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
November 21, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday November 21, 2011 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

**MINUTES:** Commissioner Chappell moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 14, 2011 as presented. The motion was seconded by Commissioner Koppenhafer and carried.

**BILL BEDKER** discussed the purchase of a bobcat for the Maintenance Department.

**ROAD: Road Supervisor Dean Roundtree** stated the Department is graveling Road P and blading county roads. He said they are preparing for the snow season.

**Richard McClellan** met to discuss a road being shut off to his property. He said there is an historical fence between his property and the Bang's property being torn down and said the fence should be considered the

boundary line. He said he needs access to his property. The road is listed as a red signed road according to the County map and is not a county road. It was stated the county has no jurisdiction over said road.

**Debbie Kill, Mark Lambert, and Penny Wu** with the U.S. Forest Service met to discuss a turn around on Roads 27 and 41. They stated there is not a suitable spot for a turn around on the road 27 due to the area being a cultural artifacts area. The Forest Service placed boulders on Road 27 which closed that portion to the lake. The Board said a county road cannot be gated or blocked off and that there is a process to close a county road and that process has not been done regarding roads 27 and 28. The County could be given a key to access the lake on Road 28 and place the boulders at waters edge on road 27. Gates are also placed on portions of road 41. Penny Wu suggested to leave the gates open in the winter but stated that may be misleading to the public. The gates will be left open and the county will place warning signs concerning travel hazards.

**FAIRGROUNDS:** Fairgrounds Manager Tanner Young gave the monthly report. Mr. Young stated the visitors to the fairgrounds so far this year numbers at 57,196. He informed the Board of upcoming events. The grandstand fence work is beginning today. The work on the roof is coming along nicely. Manager Young said he has the survey findings he has received after each event and will inform the Board of the survey at a later date. He talked about the income statement.

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

**EXTENSION OFFICE: Tom Hooten**, with the Extension Office presented a Memorandum of Understanding for the use of the yellow building at the Fairgrounds. Commissioner Koppenhafer moved to sign the Memorandum of Understanding for year 2012 between Montezuma County and the Montezuma County 4H / FFA stakeholders regarding the use of the yellow building located at the Montezuma County Fairgrounds. Seconded by Commissioner Chappell, motion carried. (See attached)

**RICHARD BURNS:** Did not appear

**PLANNING:** Planning Director Susan Carver presented an exemption request on property owned by the Lewis-Arriola Community Center. The property is located at 21615 Road S, Cortez and consists of 5 acres, more or less, and property owned by Dolores State Bank. This property is located at 21254 Road S, Cortez and consists of 192 acres, more or less. Dolores State Bank wishes to convey 1.2 acres, more or less, to the Lewis-Arriola Community Center property. Director Carver explained that no new tract shall be created. Chan Chaffin with the Lewis-Arriola Community Center said the acre would be used for excess parking. Comm. Koppenhafer moved to approve the exemption request for the Lewis- Arriola Community Center to add 1.2 acres to the existing property from Dolores State Bank to increase the parking area and to waive the exemption and access fees, seconded by Comm. Chappell and carried. (See attached)

**LETTER TO SJPL:** Comm. Koppenhafer moved to send this letter to SJPL Supplement Comments regarding comments on the supplement to the Draft Environmental Impact Statement/San Juan Forest Plan Revision, seconded by Comm. Chappell and carried. (See attached)

**RESIGNATION LETTER** was received from Tim Hunter resigning from the Montezuma County Planning and Zoning Commission. Comm. Chappell moved to send a letter of appreciation and thank you to Tim Hunter for his service on the Planning and Zoning Commission Board, seconded by Comm. Koppenhafer and carried. (See attached)

**ACCOUNTS PAYABLE:** General Fund # 60534-60717 the amount of \$483,715.69, Road and Bridge Fund # 24122-24185 in the amount of \$687,856.63, and Landfill # 7153-7186 in the amount of \$88,855.44 for the month of October, 2011 were approved for payment.

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

Letter from Richard Burns requesting the County furnish a dinner for volunteer VA drivers and their spouses on Valentine's Day. (See attached)

Letter from Colorado Association of Funders. (See attached)

Letter from Tri-State Generation and Transmission Association regarding the ten-year transmission plan-stakeholder meeting. (See attached)  
Colorado Board of Health agenda November 16, 2011. (See attached)

**MOTION TO ADJOURN** was made by Comm. Koppenhafer, seconded by Comm. Chappell and carried.  
**MEETING ADJOURNED 12:10 p.m.**

---

Clerk November 21, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
December 5, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 5, 2011 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

**MINUTES:** Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated November 21, 2011 as presented. The motion was seconded by Commissioner Rule and carried.

**ROAD:** Road Supervisor Dean Roundtree informed the Board that Rancho no longer builds belly dumps. He reported on recent damage to a truck and trailer. The Department is sanding intersections today and still trimming trees when they can as well as maintenance on other roads.

**COOPERATIVE WEATHER OBSERVER NOAA, NWS** representative **James Andrus** presented the precipitation report through the month of November, 2011. (See attached).

**EMERGENCY MANAGER: Emergency Manager Doug Parker** did not appear.

**SHERIFF'S OFFICE:** Wanda Martin, Sheriff Dennis Spruell and Undersheriff Robin Cronk presented 2 gaming grants for signatures. The first is for public safety to pay for overtime and dispatch fees and the second is for the Drug Task Force in the amount of \$60,000.00 to pay for personnel and operating costs. Comm. Koppenhafer moved to sign the agreement between the State of Colorado Department of Local Affairs and Board of County Commissioners for the Montezuma County Sheriff's public safety gaming grant in the amount of \$22,500.00 specific to the Ute Mountain Casino, seconded by Comm. Rule and carried.

Comm. Koppenhafer moved to approve signing the agreement between the State of Colorado Department of Local Affairs and the Board of County Commissioners gaming impact grant for \$60,000.00 for the Montezuma County Drug Task Force, seconded by Comm. Rule and carried. (See attached) Sheriff Spruell reported that Doug Parker is resigning from the position of Emergency Manager and he is hiring Mr. Parker as Lieutenant in the Sheriff's Office. Sheriff Spruell stated the position will be advertised and filled.

**JESS DUFUR** met to discuss his property taxes on property at Granet Mesa. He is requesting his agricultural status back. James Fuller with the Assessor's Office reported he inspected the property and said there is a cabin on the property and the land has been plowed. He said the land will be listed as qualifying agriculture status and will be classified as agriculture for tax year 2012. Mr. Fuller said the protest period ended the end of October and the property is currently listed as residential. He stated the primary use of the land will be agricultural for 2012. No action was taken

**LIQUOR LICENSE RENEWAL:** Deputies Tammy Neely and Debby Largent presented a renewal of the retail liquor license for the **Maverik, Inc.** Comm. Koppenhafer moved to approve the retail liquor license for Maverik Inc., for 3.2% beer on-premises located at 10223 Hwy. 491, Cortez, seconded by Comm. Rule and carried. Deputy Neely informed the Board the liquor license application for Mary Jane's at Stoner was denied by the State.

**EXTENSION OFFICE: Tom Hooten** with the Extension Office discussed the director position in the Office. Comm. Koppenhafer moved the Board of County Commissioners of Montezuma County support Tom Hooten as the permanent Director of the Extension Office in Montezuma County, seconded by Comm. Rule and carried. Mr. Hooten informed the Board on what the Extension Office is doing.

**SONIE BUFFINGTON and District Court Judge Doug Walker** discussed a Resolution to establish a Juvenile Community Review Board. It was stated often times the juvenile is paroled and they return back to this district. They explained the Review Board would have input into the conditions of said paroled juvenile. Comm. Koppenhafer moved to approve Resolution 8-2011, a resolution to establish a Juvenile Committee Review Board for Montezuma County, State of Colorado effective December 5, 2011, seconded by Comm. Rule and carried. (See attached)

**BOARD OF HEALTH:** Health Department Director Lori Cooper gave the quarterly update for the Public Health Department. Director Cooper said that Dr. Kent Aiken has agreed to take the Public Health Officer position when Dr. Griebel retires. She informed the Board that the Core Public Health Services Rule was passed in October. (See attached) The Health Department has updated job descriptions for the Department and they have passed by the MSEC and will go to the County Administrator for approval. Director Cooper will be scheduling next year's quarterly reports for 2012.

## **LUNCH: 12:00**

**PUBLIC HEARING:** It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 re-zoning request and pre-sketch plan. The roll was called, the public notice read, and the proceedings were recorded for the record. Planning Director Susan Carver presented a request from Leonard A. and Edith A. Maez. The Maez's wish to re-zone 3 acres more or less from a 230 acre tract for a proposed single lot development located at 23107 Road P, Dolores. They also wish to zone the remaining tracts as AR35+. Leonard Maez, Sr. and Leonard Maez, Jr. and Cindy Culbertson represented the request. Director Carver stated the property is currently un-zoned. Comm. Rule opened the hearing up to public comments at this time. Hearing no comments, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve the AR3-9 zoning and pre-sketch plan on property located at 23107 Road P, Dolores and to approve the AR35+ zoning for the larger tract located at the same address for Leonard and Edith Maez, seconded by Comm. Rule and carried. Comm. Rule closed the hearing at this time. (See attached)

**FINAL PLAT:** Comm. Koppenhafer moved to approve the final plat for the Gaasch Acres single lot development as presented, seconded by Comm. Rule and carried.

**PUBLIC HEARING:** It being the time set aside a public hearing is held. The roll was called, the public notice read, and the proceedings were recorded for the record. Planning Director Susan Carver presented a zoning request and pre-sketch plan for a proposed 2 lot minor development consisting of 22.68 acres. The request is for AR3-9 and AR10-34 zoning and pre-sketch plan on property owned by Coy and Camela Gray located at 4115 Road 21, Cortez. Director Carver said if approved, Lot 1 will consist of 18.17 acres, more or less and lot 2 will consist of 4.5 acres, more or less. She stated the property was foreclosed upon and that is when Coy and Camela Gray purchased the property. Coy Gray and Eric Hackett represented the application. Mr. Gray said there are currently no shares of water on the property however they wish to purchase some shares in the future. The Gray's would like to sell a portion to Eric Hackett. Comm. Rule opened the hearing up to public comment at this time. **Sherrie Wright** stated she is an adjacent property owner and is asking for this application to be denied. She said her livelihood is farming and ranching and uses heavy equipment at times and feels that she would not be able to farm her land appropriately if the development is approved. She said there is a portion known as "whiskey alley" where a lot of parties are held and she is trying to get that shut down. **Bob Clayton** appeared as a resident of the County. He said he has worked with Eric Hackett. He said the property needs cleaned up and feels they will clean up the property. **Sherrie Wright** said she agrees that the property needs a lot of attention. Hearing no further comments, Comm. Rule closed that portion. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the AR3-9 zoning request for Coy and Camela Gray on property located at 4115 Road 21, Cortez and AR10-34 zoning on the larger portion of the same property and pre sketch plan for a proposed 2 lot minor development for Coy and Camela Gray, seconded by Comm. Rule and carried. Comm. Rule closed the hearing. (See attached)

**PLANNING DIRECTOR CARVER** presented a preliminary plan for a proposed 19 lot major development on property owned by RC Southwest Development, LLC, Maness and Associated, Inc., agents. Said property is located at 23701 Road K.3 known as Hartman Heights Subdivision and consists of 85 acres, more or less. Director Susan Carver discussed the plan in detail. She said applicants are still working with CDOT regarding the access. Susan Underwood with Maness and Associates and Rob Pope talked about the development. Comm. Koppenhafer moved to approve the residential plan for a 19 lot major development for R C Southwest Development located at 23701 Road K.3, Cortez on 85 acres, more or less, and be in compliance with CDOT and county road standards, seconded by Comm. Rule and carried. (See attached)

**PERSONNEL ISSUE:** An employee is appealing his termination to the Board. Comm. Rule asked the employee if he wanted the meeting closed or open to the public. The employee requested the hearing closed. Present were Commissioners Rule and Koppenhafer, County Administrator Harrison, Clerk Tullis, and Attorney Slough, along with County Road Supervisor Dean Roundtree and Kirk Stauffer with the Road Department. Comm. Koppenhafer moved to uphold the termination, seconded by Comm. Rule and carried. The Clerk's records of this hearing are sealed.

**PAYROLL:** General fund checks in the amount of \$371,572.72, District Attorney fund check #60719 in the amount of \$36,966.65, Treasurer fund check #60720 in the amount of \$299,674.06, Road department fund checks in the amount of \$81,056.85, Treasurer fund check #24186 in the amount of \$69,132.10; and Landfill fund checks in the amount of \$16,409.81, Treasurer fund check #7187 in the amount of \$13,481.80 were approved for payment.

**ORDERS:** The following orders were submitted for approval;

**Comm. Koppenhafer** moved to approve **Order number 12** to transfer from the Capital Fund to the General Fund the amount of \$492,700.00 for the roof repair at the Fairgrounds, seconded by Comm. Rule and carried.

**Comm. Koppenhafer** moved to approve **Order number 13** to transfer from the LEA Fund to the General Fund the amount of 48,858.95 for October LEA expenditures, seconded by Comm. Rule and carried.

**Comm. Koppenhafer** moved to approve **Order number 14** to transfer from the Conservation Trust Fund to the General Fund the amount of \$41,221.69 for operations of the County Fairgrounds from October-December.

**Comm. Koppenhafer** moved to approve **Order number 15** to transfer from the Conservation Trust Fund to the General Fund \$51,242.46 for McPhee Marina breakwater project July-December, seconded by Comm. Rule and carried.

**Comm. Koppenhafer** moved to approve **Order number 16** to transfer from LEA Fund to the General Fund \$110,000.00 for estimated November and December expenditures, seconded by Comm. Rule and carried. (See attached)

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

Affidavit to Carol Tullis regarding 11CV176. Marion Harper. (See attached)

Information for the Court for case number 11CV176 from Marion Harper. (See attached)

Letter from State of Colorado Medical Marijuana Enforcement Division regarding withdrawal of application from Mile High Cannabis, LLC. (See attached)

Letter from Shannon Manfredl regarding concerns with the process of exploration drilling and processing of gas. (See attached)

Notice of board meeting for Southwest Water Conservation District. (See attached)

Letter from the Fundamentalist Church of Jesus Christ of Later-day Saints.(See attached)

Invitation from the U S Department of Interior on December 11, 2011 to celebrate the opening of an exhibit of the Pieces of the Puzzle. (See attached)

Comments letter from San Juan Public Lands Center to the draft environmental impact statement for the draft land management plan. (See attached)

Mancos Fire Protection District stating the District will provide EMS services for Alpaca Raft Co. (See attached)

Letter from Mike Francisco regarding the closing of the Yellow Jacket Post Office. (See attached)

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

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

---

Clerk December 5, 2011

---

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
December 12, 2011**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday December 12, 2011 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

**MINUTES:** Commissioner Koppenhafer moved to approve the Proceedings of the Board of Commissioners Montezuma County, Colorado dated December 5, 2011 as corrected. The motion was seconded by Commissioner Rule and carried.

**ROAD: Road Supervisor Dean Roundtree** talked about the distance and the road impact fees on the Road 25 project. Comm. Koppenhafer moved to use the road impact fees for road projects to be within a five mile radius for normal use and roads with high usage that most of the people in the county use to be a 10 mile radius, seconded by Comm. Chappell and carried. (See attached). Supervisor Roundtree reported on other activities of the Department. He said the Cortez crew has been cleaning under guard rails as well as other cleaning. He said he has been contacted by Mesa Verde National Park wishing to put a parking lot on Road P. It was stated the County will furnish some gravel for the project.

**ORDER: Order # 17** to transfer from the Road Impact Fund to Road and Bridge Fund the amount of \$112,145.00 for County Road 25 was presented. The order stated that high use by the entire community of said road justifies the use of impact fees collected within a 10 mile radius. Comm. Koppenhafer moved to approve Order #17 to transfer \$112,145.00 from the Road Impact Fund to the Road and Bridge Fund for the paving of Road 25, seconded by Comm. Chappell and carried. (See attached)

**JAMES DIETRICH** discussed a letter regarding the Chicken Creek Nordic cross-country ski area. The Board of Directors of the Chicken Creek Nordic are asking to have a gate on Road 41/FS road 385 be closed. A letter will be written to the Chicken Creek Nordic stating the gate will be left open. (See attached)

**STATIONARY:** Amber Kingery presented the only bid received for the stationary needs for the County for 2012. She said the bid was from Cortez Copy and Print. Comm. Koppenhafer moved to accept the bid from Cortez Copy and Print for the printing of stationary and envelopes for the County for 2012, seconded by Comm. Chappell and carried. (See attached)

**LANDFILL: Landfill Manager Debby Barton** presented the profit and loss statement for the month of November, 2011. She explained the Landfill has the opportunity of purchasing a used Wildcat Compost Turner. Comm. Chappell moved to approve the purchase of an FX70 Wildcat Compost Turner machine from Dove Creek Implement for \$9,750.00, seconded by Comm. Koppenhafer and carried. (See attached)

**SHERIFF SPRUELL** met to discuss pre-trial services. **Wanda Martin** presented a local law enforcement contract for signature. Comm. Koppenhafer moved to sign the grant with the Colorado Division of Criminal Justice for the Operation M.P.H. grant number 29-JI-10-6-1 and the Certification of Compliance Grant, seconded by Comm. Chappell and carried. (See attached) Undersheriff Robin Cronk presented the contract between the Town of Dolores and the Montezuma County Sheriff's Office. Comm. Chappell moved to sign the Town of Dolores resolution number 325-2012 between Montezuma County, Montezuma County Sheriff's Office and the Town of Dolores for law enforcement protection, seconded by Comm. Koppenhafer and carried. (See attached) **Sheriff Spruell** talked about a pre-trial services program. He said this program with alternative sentencing and pre-trial services could reduce overcrowding in the Jail. It was stated this program would not require additional personnel.

**PUBLIC HEARING:** It being the time set aside a public hearing is held to amend the 2011 budget. The roll was called, the public notice was read and the proceedings were recorded for the record. County Administrator Ashton Harrison and Finance Officer Amber Kingery presented the amendments to the 2011 budget. Administrator Harrison explained the amendments stating Social Services adjustments were to line items that required adjustments and that Social Services was not overspent. The amendments were to the other funds that affected the County budget were explained. Comm. Rule opened the hearing up to public comment. **Stuart Hanold** asked about the lodger's tax possible increase for next year. Administrator Harrison will explain that tax for the 2012 budget. Hearing no further public comment, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve **Resolution number 9-2011** a resolution to amend the 2011 budget, seconded by Comm. Chappell and carried. Comm. Chappell moved to approve **Resolution 10-2011**, a resolution amending the 2011 Social Services budget, seconded by Comm. Koppenhafer and carried. Comm. Rule closed the hearing. (See attached)

**PUBLIC HEARING:** It being the time set aside a public hearing is held to adopt the 2012 budget. The roll was called, the public notice was read and the proceedings were recorded for the record. County Administrator Harrison and Finance Officer Amber Kingery explained the 2012 budget in detail Administrator Harrison explained there are 16 funds administered in said budget and informed the Board regarding each fund. Comm. Rule opened the hearing

up to public comments. **Bud Garner** talked about future income and expenditures stating the Board and Administrator have done an excellent job in administering the Budget and recommended approval. Hearing no further public comments, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve **Resolution 11-2011** a resolution adopting a budget for Montezuma County, Colorado for the calendar year beginning on the first day of January 2012 and ending on the last day of December 2012, seconded by Comm. Chappell and carried. Comm. Rule closed the hearing at this time. (See attached)

**RESOLUTION 12-2011** was presented. Comm. Chappell moved to approve Resolution #12-2011, a resolution levying general property taxes for the year 2011 to help defray the costs of government for Montezuma County, Colorado for the 2012 budget, seconded by Comm. Koppenhafer and carried. (See attached)

**RESOLUTION 13-2011:** Comm. Koppenhafer moved to approve Resolution #13-2011, a resolution levying general property taxes for the year 2011 to help defray the costs of the Law Enforcement Authority of Montezuma County, Colorado for the 2012 budget, seconded by Comm. Chappell and carried. (See attached)

**RESOLUTION 14-2011:** Comm. Koppenhafer moved to approve Resolution #14-2011, a resolution to appropriate sums of money for the annual budget in accordance with the local government budget law of 2011, seconded by Comm. Chappell and carried. (See attached)

#### **LUNCH:**

**EXEMPTION:** Planning Director Carver presented an application for an exemption from Charlotte A. Wood on property located at 22910 Hwy. 491, Yellow Jacket, Co. Director Carver explained the applicant owns 4 separate parcels of land. This request is to allow them to make these 2 non-compliant parcels compliant again by adding the 4 acre parcel, the 28 acre parcel and the 35 acre parcel together making it a 64 acre parcel. She stated this will allow the adjustment of the common lot line of the properties to make the existing 3 acre parcel a 4.5 acre parcel. And will maximize the properties uses. Wilson Bradfield explained the exemption request further. Comm. Chappell moved to approve preliminary approval for an exemption request for Charlotte A. Wood on property described on Hwy. 491, Yellow Jacket, Co., seconded by Comm. Koppenhafer and carried. (See attached)

**PLANNING:** Planning Director Susan Carver presented for review and determination of a class II composting facility design and operations plan submitted by 49 Square Ventures, LLC. **Milton Williams** represented 49 Square Ventures, LLC in this matter. Comm. Koppenhafer moved to forward on to the State Department of Health and Environment the 49 Square Ventures, LLC., for a major compost facility design and operations plan, seconded by Comm. Chappell and carried. (See attached)

**VETERANS SERVICE:** Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and certification of pay for November, 2011, seconded by Comm. Koppenhafer and motion carried (See attached)

**CORRESPONDENCE:** The following correspondence was read and noted:  
Schedule of receipts and disbursements for 11/01/11 to 11/30/11. (See attached)  
Christmas card from CTSI. (See attached)

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

**MEETING ADJOURNED 2:10 p.m.**

---

Clerk December 12, 2011

Chairman

Online Copy