

1994 Montezuma County Commissioners' Minutes

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## **AUTHENTICITY CERTIFICATE**

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September 2004

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**Minutes 01/04/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 4, 1994

STATE OF COLORADO     )  
                                  )     JAN 11 1994  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, January 4, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, December 27, 1993, were read. Comm McClellan moved to approve these minutes, seconded by Comm Brubaker and carried. A correction was noted for the December 20th minutes to change the heading of Fairground Advisory Board Appointments to Fair Board Appointments.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for the month of December 1993 was received. Receipt of a Notice pursuant to C.R.S. #24-10-109 (liability claim) on behalf of Mr. Fullmer was noted.

PAYROLL: General fund payroll vouchers #10716 thru #10828 in the amount of \$126,981.74, #19384 in the amount of \$13,595.45, #19385 in the amount of \$78,444.15, and Road fund payroll vouchers #10829-10872 in the amount of \$61,986.59 and #7445 in the amount of \$42,721.39 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-01-94 to the Treasurer to transfer the amount of \$634.57 from the 911 account to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Brubaker and carried.

ROAD DEPARTMENT Supervisor Billy Striegel gave an updated report on the results from the Personnel Policy Memorandum dated December 20, 1993. He reported that all the chips have been hauled from the Ormiston pit to the Gardner pit. The owner of the Gardner pit will be notified of this. It was noted that Kelly Hill has not settled anymore, but Dunlap Hill is still settling. The Forest Service will be contacted for an update on Federal Highway reimbursement funds promised to the county for work done on these two hills, (see minutes of October 4, 1993). There was discussion about honoring only road projects addressed in 1993 and the possibility of a moratorium on any new road projects for 1994.

PLANNING: A verbal request for a variance to the subdivision regulations was tabled for Mary Lou Veach to sell a 9.22 acre parcel from 390 acres until sewer and water approvals are received and other areas of concern are checked. A verbal request for a variance to the subdivision regulations was tentatively approved for Ramsey Ranches to sell a 24.85 acre parcel to Lucky Pickens, an adjoining landowner.

FAIRGROUND Manager Ralph Thomas gave a report on monies generated last week at the fairgrounds from a concert and a roping event.

ELECTION OF OFFICIALS: Comm Brubaker made a motion to retain the same 1993 officials for the Board for the year of 1994: Comm Colbert as Chairman of the Board of Commissioners, Comm Brubaker as Vice-Chairman, and Comm McClellan as Commissioner of Deeds. The motion was seconded by Comm McClellan and carried.

APPOINTMENTS FOR 1994: Comm McClellan made a motion to appoint the following persons to the several different offices and boards. The motion was seconded by Comm Brubaker and carried.

County Attorney: Bob Slough

Road Supervisor: Billy Striegel

Administrator and Budget Officer: Thomas J. Weaver

Director of Social Services: Thomas J. Weaver

Health Officer: Dr. Kent Aiken

Auditor: Gale Greenlee

Montezuma County Housing Authority Board: Comm Brubaker

Southwest Community Resources Board: Terry Wheeler

Long-term Health Care Board: Comm McClellan

Region 9 Economic Development Board: Comm Colbert

Area Agency on Aging (AAA) Board: Comm McClellan

BOARD OF SOCIAL SERVICES was conducted.

ARA MESAVERDE COURT CASE: Comm Brubaker made a motion to authorize Attorney Slough to file an appeal to an Order of the Court on the ARA Mesa Verde Case. Motion was seconded by Comm McClellan and carried.

FAIRGROUNDS - STATE LAND BOARD AGREEMENTS: The agreements, which pertain to the land presently leased from the State Land Board for the Montezuma County fairgrounds, were presented and discussed. Comm Brubaker made a motion to sign the Agreement to Exchange Real Property and the Exhibit A - Escrow Agreement for the transaction between The State Land Board and Montezuma County. The motion was seconded by Comm McClellan and carried.

ADJOURNED at 11:30 a.m.

Deputy Clerk    Chairman

January 4, 1994

SEAL

**Minutes 01/10/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 10, 1994

STATE OF COLORADO     )  
                                  ) ss. JAN 18 1994

COUNTY OF MONTEZUMA

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 10, 1994, at the Courthouse to Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Tuesday, January 4, 1994, were read. Comm Brubaker moved to approve those minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's report for the month of December 1993 was received.

ACCOUNTS PAYABLE: General fund vouchers #19386 thru #19554 in the amount of \$194,776.99 and Road fund vouchers #7446 thru #7506 in the amount of \$28,193.63 were approved for payment.

LANDFILL ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-02-94 to the Treasurer to draw a warrant on the Landfill fund in the amount of \$4,973.77 payable to the Colorado Department of Health, ASD/AR/BI, 4300 Cherry Creek Drive South, Denver, CO 80222-1530, as the fourth quarter payment. Motion was seconded by Comm Brubaker and carried.

ASSESSOR Bob Cruzan reported that the purchase of computer equipment from Lake County is being finalized. As part of the agreement, Chief Assessor Jim Snow will help Lake County download files into their new system and bring back the equipment. Assessor Cruzan requested a vehicle or suggestions on how to haul back the equipment. A commercial van will be rented. The equipment will be paid for at the time of pick-up.

RESIDENT Chris Majors met to ask for help on a one mile section of road at the end of CR N that is classified as a non-county, Forest Service Schedule "A" road. This help was informally asked for in 1993. Road Supervisor Billy Striegel was present. A meeting will be scheduled with Mr. Majors, Supervisor Striegel, a Forest Service representative and if possible the County Commissioners to do an onsite inspection. An offer was made that the county will furnish the 3" base rack, put in culverts and blade, if Mr. Majors will furnish the hauling. The Forest Service will be asked to supply the 3/4" gravel for the top. It was noted that this section of road is bladed about two times a year.

ROAD DEPARTMENT Supervisor Billy Striegel reported on personnel changes in the department. The D-B cat is down and the cost to repair it is prohibitive. The department will continue to try and obtain a General Services' government listing for surplus equipment. Since further discussion is needed on the proposed maintenance and construction policy changes, action on the proposed changes was tabled. Supervisor Striegel stated that 216 yards of pit run have been put on CR G.2 where a new sewer line has been installed. It was noted that there may be a problem blading the road since the manholes were placed in the middle of the road. This was done contrary to the instructions of the Road Department.

COLORADO CUSTOM CENTER'S request for use of a county van and tractor-trailer to move vehicles from their Durango location to their new location in Cortez was discussed. It was affirmed that a grant will be made to the Montezuma County Economic Development Council to cover expenses to rent moving equipment for one day not to exceed the amount of \$500. The business's request for a \$20,000 County secured certificate of deposit was affirmed, contingent on the Citizens State Bank securing enough collateral to cover it.

ORMISTON GRAVEL PIT: The Special Use Permit for the Ormiston Gravel Pit expired June 30, 1993. As a result of personnel changes, the renewal was not done in a timely manner. An extension was asked for and granted until January 12, 1994. On Wednesday, January 12, 1994, an on-site inspection of the pit will be done by Road Supervisor Striegel, Administrator Weaver and the Commissioners. Later in the day, Engineer Roach reported that all the reclamation that is feasible will be completed by Wednesday. It was noted that the pit was dug deeper rather than as wide as the permit outlined.

CITY OF CORTEZ Manager Bill Ray presented an Intergovernmental Agreement "Regarding the Transfer and Administration of County Lodgers Tax Used for Area Marketing." The agreement was discussed and action was tabled until County Lodgers Tax Board Director Keith Tucker is contacted. Resolution #19-88 (see attached) was discussed. It was noted that the County Lodgers Tax Board needs to present updated reports throughout the year to the Commissioners.

PROPERTY OWNER Betty South, owner of two separate parcels, 344 acres and 34 acres, made a verbal request for a variance to the subdivision regulations to split off four, 3 to 6 acre parcels from the 344 acres and a three-way split on the 34 acres. The variances were denied. She was referred to the Planning Commission.

PLANNING: Planning Manager Ginger Black reported that resolution P-75-93 has been cancelled. The verbal request generating this resolution was tentatively approved November 1, 1993 for Warren Sly. A verbal request for a variance to the subdivision regulations was denied for Betty South to split off four, 3 to 6 acre parcels from 344 acres and a 3-way split on 34 acres. She was referred to the Planning Commission. A request for a variance and a letter from the Board giving Mark Johnson permission to split off 10 acres from 35 acres in the Merritt Properties Subdivision for mortgage purposes was considered. It was noted that the property is in a subdivision, and if a variance is given, all the landowners in the subdivision need to sign off on any change. A letter will be written stating that, in this particular situation, the Board does not require a variance as long as the property does not change ownership. A verbal request to the subdivision regulations was tentatively approved for Tim Moss to split 10 acres off of 44 acres for mortgage purposes.

COUNTY FAIRGROUND ADVISORY BOARD member Liz Tozer presented the Advisory Board's proposed Rental Rates for 1994 (see attached). She reported that all the clubs have had in-put in the changes. The Board affirmed these proposed changes. She reported that they want to do a brochure for local promotion of the fairgrounds. MCEDC representative Mike Talcott attended their last meeting and offered to help with it. If any money is needed to make up this or any future brochures, she was advised to go to the County Lodgers Tax Board for these monies. She asked if the Fairground Advisory Board could become a member of the Fairground Association of Colorado for a yearly fee of \$50. This was affirmed. The association would include the Montezuma County fairgrounds in their literature and the fairgrounds would receive useful information from them. She reported that the grill at the fairgrounds had blown up and needed to be repaired. This was affirmed. RESIDENT Galen Larson asked for an update on the proposed Land Use Plan for the county. This was given.

**Minutes 01/17/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 17, 1994

STATE OF COLORADO        )  
                                  ) ss.  
COUNTY OF MONTEZUMA    )

JAN 24 1994

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 17, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, January 10, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for the month of December 1993 was received.

CORTEZ VOLUNTEER FIRE DEPARTMENT ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-03-94 to the Treasurer to transfer the amount of \$6,800.00 from the Gaming Impact Fund and pay this amount to CASCO Industries, Incorporated for the Cortez Volunteer Fire Department. Motion was seconded by Comm Brubaker and carried.

ROAD DEPARTMENT Supervisor Billy Striegel reported that at this time any upgrading of the Forest Service Schedule "A" road at the end of CR W has been tabled, due to requirements that would have to be met. An additional 600 yards of pit run has been stockpiled for use on CR 24.5 off of CR G.2 where a new sewer line is being installed. An on-site inspection of the area will be made by the Board today. After this inspection, the extent of cooperation between the County and the contractor for the Sanitation Department will be addressed. The frozen fuel line at the fairgrounds has been dug up. They have plans this week to finish installing the new oil heaters. It was noted that someone needs to monitor all the used oil that is dumped at the collecting sites. A meeting with all the Road Department employees will be scheduled in the near future.

PUBLIC HEARING - AMENDED BUDGET 1993: At the request of Comm McClellan, Finance Officer Mary Ann Sanders explained the unanticipated revenues and expenditure of such funds that created the need for the amended budget. No public was present. There being no protest against the proposed amended budget, motion was made by Comm McClellan to approve Resolution #1-94, authorizing the supplemental budget and appropriation. The motion was seconded by Comm Brubaker and carried. It was noted that all the Commissioners were present.

RESIDENTS L. D. and Nettie Woodard expressed concerns about how the Old Age Pension (OAP) funds are being approved for issuance.

PLANNING Manager Ginger Black reported an unusual increase in requests for two and three way splits of acreages. Mike Preston was present. It was noted that subdivision requests and variances should be done by priority, according to the date that the request is received. A suggestion was made that more than a one-way split be platted as a subdivision and the utilities waived. The meetings and public hearing needed before the approval of the Land Use Ordinance were discussed. February 7, 1994, was set as a tentative date to begin scheduling the meetings involving the

public: A suggestion was made that members of the Planning Commission Board be encouraged to attend all the regular monthly planning board meetings. If for some reason they cannot fully participate, someone may need to be appointed in their place.

BOARD OF SOCIAL SERVICES was conducted.

SENIOR NUTRITION Manager Sue Fletcher and Mary Holaday reported they are completing the move into their new office space at the Annex. They asked if they might use Mary's old office to store supplies. This was affirmed. As a way to cut maintenance expenses, they asked if they might use volunteers to do some of the cleaning at the Annex. This would include the bathrooms and the hard wood floor. This was affirmed. Manager Fletcher reported the income generated by the Senior Center last year.

CLERK Joan DeGraff presented "Implementation of the TABOR Amendment", an analysis of the recent election, prepared by Hanifen, Imhoff, Inc., and her monthly report for December 1993. She reported that the clerk's office copier is in need of major repair. They will continue to use it until it is no longer usable. She has checked into renting a Canon copier for \$60 per month. The rental of the unit would include the company supplying toner and taking care of the maintenance. Clerk DeGraff asked for suggestions on what to do with old, non-repairable office equipment. It was affirmed that the items may be disposed of at the dump. Also presented for approval was the Precinct Polling Places for 1994 Primary and General Elections. Comm Brubaker moved to approve the Precinct Polling Places for 1994 Primary and General Elections (see attached), seconded by Comm McClellan and carried.

ADJOURNED to MEET WITH THE CONTRACTOR FOR THE Sanitation Department at CR 24.5.

EXTENSION OFFICE Director Kenny Smith and Office Manager Jan Brandt stated that their office has been asked to help get rural water to Goodman Point residents. After suggestions were made and discussed, they decided that their involvement at this time will be limited. They will hold a meeting with the residents interested in the project, and ask them to do what they can to get the proposed project approved. Any support that the Extension office can give, will be offered after the proposal is approved.

RESIDENT Glenn (Cotton) Fletcher met to report that the dump road needs to have the magnet run move often. Administrator Weaver noted that the magnet is run every time the road is graded. Mr. Fletcher stated that trash is still being lost off of vehicles and sometimes left in the middle of the road. He stated that he will contact the neighbors and schedule another meeting with the Board if same improvement is not noted in the next week or so.

ADJOURNED to do an on-site inspection with Galen Larson for a directional sign at CR 22 and L. It was affirmed that a sign will be installed at this intersection.

COLORADO UNIVERSITY (CU) CENTER representative Nancy Thomas thanked the Board for monies contributed to help with the operating expenses of the Center for 1994.

JOB SERVICE CENTER CONTRACT: Comm McClellan made a motion to sign the Lease Agreements between the Department of Labor and Employment and the Montezuma County Commissioners for the Cortez Job Service Center. The motion was seconded by Comm Brubaker and carried.



01-17-94

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INTERGOVERNMENTAL AGREEMENT: The request for the Board to sign the intergovernmental agreement submitted by City of Cortez Manager Bill Ray, January 10, 1994, was denied. Payments will continue to be made directly upon vouchers submitted by the County Lodgers Tax Board.

STATIONERY BID: Comm McClellan made a motion to accept the bid from Pleasant Press for printing and stationery for 1994. Motion was seconded by Comm Brubaker and carried. Pleasant Press was the only bidder.

ADJOURNED at 4:15 p.m.

Deputy Clerk Vice Chairman

January 17, 1994

SEAL

Online Copy

**Minutes 01/24/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 24, 1994

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF MONTEZUMA        )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 24, 1994, at the Courthouse in Cortez, Colorado, there were present:

Robert D. Brubaker, Vice-Chairman  
Helen McClellan, Commissioner of Deeds  
Bob Slough, County Attorney  
Thomas J. Weaver, Administrator  
Jean DeGraff, Clerk

Absent:       Thomas K. Colbert, Chairman

MINUTES of the previous meeting held Monday, January 17, 1994 were read. Comm McClellan moved to approve these minutes, seconded by Comm Brubaker and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's annual report, and the Treasurer's annual report were received. Also received was a letter from Groves & Price, attorneys for Dolores County School District requesting copies of the tape recordings of the Shell abatement/refund hearing.

ROAD DEPARTMENT Supervisor Billy Striegel and Assistant Kirk Stauffer reported on Road maintenance, brush cutting, ditch cleaning and other jobs done when there is not snow to remove. Comm Brubaker reported that the Combs family had reported a problem on CR L. Comm McClellan reported on the investigation of CR L and CR 22. County needs to put up a wordage caution sign warning of a sharp corner. Mr. Striegel and Mr. Stauffer then discussed personnel problems with the Board. After discussion, Comm McClellan made a motion to require a Commercial Driver's License for all Road Department employees, by March 1, 1994. Motion seconded by Comm Brubaker and carried.

RETIREMENTS - ROAD DEPARTMENT: Resolution 2-94 was presented whereby Montezuma County Commissioners congratulate and expresses appreciation to Royal Archie Leigh for 45 years of service. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. Resolution 3-94 was presented whereby Montezuma County Commissioners congratulate and expresses appreciation to Philip L. Sapp for his 42 years of service. Resolution 4-94 was presented whereby Montezuma County Commissioners congratulate and expresses appreciation to John W. Sturdevant for his 15 years of service. Resolution 5-94 was presented whereby the County congratulate and expresses appreciation to Jack Harris for his nine years of service. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. Mr. Harris was presented with a plaque.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented a renewal of a 3.2% beer license for Leonard Blanton dba Mesa Oasis Campgrounds. There being no problems with this outlet, Comm McClellan moved to approve the renewal, seconded by Comm Brubaker and carried.

FAIRGROUND ADVISORY BOARD member, Liz Tozer, reported that outsiders are showing horses for sale during nights reserved for youth activities. Fees are not being collected. She didn't feel that the manager was doing his job properly. The Board will meet with the Manager and the Fairground Advisory Board.

TREASURER Bobbie Spare presented a list of depositories and investment pools to be Approved by the Board. This was tabled for a full board.

HEALTH DEPARTMENT Nurse Bette Butter presented a contract for HIV testing and counseling, with the State Health Department. Comm McClellan moved to approve this contract, seconded by Comm Brubaker and carried. Her annual revenue report was also presented.

PLANNING: A planning resolution P-75-93, which was cancelled January 10, 1994, was reinstated and presented whereby Warren Sly, owner of 215 acres, would be granted a variance to the subdivision regulations to sell 20 acres in Section 21, T.37N., R.17W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A planning resolution P-1-94 was presented whereby Ramsey Ranches, Inc., owner of 200+ acres, would be granted a variance to the subdivision regulations to record a 24.85 acre tract which will be sold to an adjoining landowner, Larry "Lucky" Pickens, and is not a separate tract, in Section 35, T.37N., R.17W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-3-94 was presented whereby Tim Moss would be granted a variance to the subdivision regulations to record a 10 acre tract for mortgage purposes in Section 34, T.36N., R.16W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker, and carried. A planning resolution P-5-94 was presented whereby V. T. Boyd, owner of 7 acres, would be granted a variance to the subdivision regulations to split 7 acres into a .76 acre and a 6.24 acre tracts in Section 17, T.37N., R.15W. This property will be restricted to commercial use and can never be used as a residence. If a new septic system is ever-installed on either of these tracts it will need to be a closed system. This split was approved by the Planning Commission on December 16, 1993. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker.

BOARD OF SOCIAL SERVICE conducted.

EXTENSION OFFICE Manager Jan Brandt and Secretary Donna Vialpando appeared to discuss a pay raise which was offered to Mrs. Vialpando but which was turned down by the Administration department. Mrs. Brandt and Mrs. Vialpando both gave brief statements to the Board and although they weren't in total agreement with Administration department, they were willing to accept the decision.

OFFICE OF COMMUNITY SERVICES: Mike Preston and Susie Nobles gave a report on the Ecosystem Management of the Pine Zone project. Different maps were reviewed.

ADJOURNED at 3:00 p.m.

Deputy Clerk    Chairman

January 24, 1994

**Minutes 02/07/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 7, 1994

STATE OF COLORADO     )  
  )  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, hold an Monday, February 7, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting hold Monday, January 24, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report was received for the month of January 1994. The Treasurer's six month report and monthly reports for January 1994 were received. Also receipt of the Good Samaritan Center's 1993 annual report, and a proposed initiative on "Election Reform II" was noted.

PAYROLL: General fund payroll vouchers #10880 thru #11000 in the amount of \$133,529.14, #19558 in the amount of \$14,067.19, #19559 in the amount of \$81,906.86 and Road fund payroll vouchers #11001 thru 11044 in the amount of \$72,541.39 and #7507 in the amount of \$50,194.75 were approved for payment.

911 AUTHORITY BOARD ORDERS: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-04-94 to the Treasurer to pay \$634.57 from the 911 account, to U.S. West Communications, Denver, Colorado 80171., Motion was seconded by Comm Brubaker and carried. Comm Brubaker made a motion to direct the Clerk to issue Order Number 0-06-94 to the Treasurer to pay \$621.75, which represents Montezuma County's obligation of one-fourth of the total bill, from the 911 account, to the Rocky Mountain Poison Center. Motion was seconded by Comm McClellan and carried.

GAMING IMPACT FUND ORDER: Comm Brubaker made a motion to direct the Clerk to issue Order Number 0-05-94 to the Treasurer to pay monies from the Gaming Impact Fund, to the Sheriff's department in the amount of \$32,514.90, Lonnie's Glass in the amount of \$2,777.00 and Escalante Lumber in the amount of \$1,042.49. Motion was seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor Billy Striegel reported that they plowed snow Saturday. There were two small accidents involving county snow plows. He reported that they are crushing again. A letter will be written to request that the county have a higher priority to procure equipment from the BSA excess lists. Supervisor Striegel will continue to check other sources for the purchase of a dozer and a sweeper. Problems reported on CR 17 and CR L will be checked. A draft of the proposed Montezuma County Evaluation Report to be used by the Road Supervisor was presented for review. Supervisor Striegel will look at it and got back with any suggestions. A

request was received from Dolores County to trade out gravel against their gravel allotment from Montezuma County at the Ormiston pit, instead of paying for it. The gravel would be used to upgrade their CR F (a county line road), that to a certain extent is maintained by both counties. The request was tabled until the Board can meet with the Dolores County Commissioners to talk about it. It was noted that the trees have been cut at the Lewis-Arriola firehouse. A caution sign has been installed back from the intersection of CR 22 and CR L. Resident Galen Larson stated he might put up one closer to the intersection on his land next summer.

**ROAD DEPARTMENT POLICIES:** Comm Brubaker moved to approve effective January 1, 1994, the submitted Road Department Policies (see attached), seconded by Comm McClellan and carried.

**FOREST SERVICE SCHEDULE "A" ROADS:** Approval for the submitted list of Schedule "A" roads was tabled until the Board meets with Engineer Bud Roach to go over the list.

**ADMINISTRATOR** Weaver reported that the City of Cortez is putting together Energy Grant for Composting. The composting would include tree limbs and grass clippings. They have asked if the County is interested in being involved. This was affirmed. It was noted that one-third of the volume at the dump in the summer time is from grass clippings and trees limbs.

**WEED CONTROL PROGRAM** Manager Ron Lanier presented the noxious "Weed List" which was unanimous recommended by the Weed Board. Manager Lanier asked for input on when to schedule the public hearing. Comm Brubaker moved to set the Public Hearing for approval of the proposed "Wood List" for 10:00 a.m., Monday, the 28th of March 1994, seconded by Comm McClellan and carried. He also reported on the Memorandum of Understanding (MOU) signed by Blackfooted Ferret Work Group and the State of Colorado. A meeting will be scheduled by Manager Lanier for the Commissioners to meet with Mike Thraikill for further explanation of the MOU.

**FAIRGROUNDS - STATE LAND BOARD AGREEMENT:** Comm Brubaker made a motion to pay \$78,500.00 out of the Conservation Trust Fund for the Montezuma County fairground lands. The motion was seconded by Comm McClellan and carried.

**PLANNING:** A planning resolution P-6-94 was presented whereby James and Helen Suckla, owners of 21.05 acres, would be granted a variance to the subdivision regulations to record a 3.15 acre parcel on which their sari Steve's house is located, leaving a 17.90 acre tract in Section 9, T.36N., R.16W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A planning resolution P-7-94 was presented whereby Larry Everett, owner of 100 acres, would be granted a variance to the subdivision regulations to record a 16.03 acre tract in Section 8, T.36N., R.13W. This tract will be sold to an adjoining landowner. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request to the subdivision regulations was tabled until highway access is verified for David Counts to split ten acres into two 5 acre parcels. A verbal request to the subdivision regulations was tentatively approved for Billie and Shirley Floyd to split a 5+ acre parcel from 85 acres and give it to a grandson.

**TREASURER** Bobbie Spare presented her six-month report and monthly reports for January 1994. A shorter form for the monthly reports was submitted for consideration. After discussion, the longer form was reinstated, since it shows the collection and dispersement of monies, instead of just the ending balances. An order was requested to pay entities out of the Gaming Impact

Fund. It was affirmed that bills being paid out of the Gaming Impact Fund need to be submitted to the Board for review before they are paid. Comm Brubaker made a motion to approve the list of Depositories and Investment Pools submitted January 24, 1994, (see attached). Motion was seconded by Comm McClellan, and carried. In connection with the investment pools: (1) It was reiterated that "short-term" means a period of time less than one month; and (2) That banks are contacted first to ask if they want the short-term deposit, then the investment pools. Treasurer Spore will submit a report on the investment pools every three months. After checking statutes, Treasurer Spore determined that the Treasurer's office should continue to use warrants. To-date the First National Bank has not charged for using the warrants, as they earlier stated they would.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED FOR LUNCH with the City of Cortez. The Airport Committee approved the January 10, 1994 minutes.

STATUTES on Sales and Use Taxes were read and discussed.

1993 CONTIGUOUS COUNTY GAMING IMPACT PROGRAM GRANT DECISION was received showing that monies had been approved for the following: (1) Montezuma County Jail Monitoring System in the amount of \$13,954.00, (2) Montezuma County Court Computer Equipment in the amount of \$2,750.00, and (3) Montezuma County Sheriff Equipment in the amount of \$4,500.00. It was noted that requests for any of the remaining funds need to be submitted by June 30, 1994.

FAIRVIEW CEMETERY DISTRICT BOARD: Comm Brubaker made a motion to reappoint Laura H. Kennedy and Michael L. Reed to the Board of Directors. Motion was seconded by Comm McClellan and carried.

CLERK Jean DeGraff stated that she had received an inquiry about "how a resident could put an initiative on a ballot." The resident did not say what issue the initiative would address. Statutes were read and discussed. It was noted that the Clerk will (1) ask the resident to submit in writing what the initiative is about, (2) give this information to the County Attorney to research, and (3) then relay this information to the resident. Concerns from the smaller districts about the expense of the mail ballot were mentioned. It was noted that all the districts have to do the election the same, either by mail ballot or regular ballot.

HEALTH DEPARTMENT Nurse Bette Sutter presented the Physical Therapy contract with the Southwest Memorial Hospital. Comm McClellan moved to approve this contract, seconded by Comm Brubaker and carried. She reported that home health care is expanding and the 24 hour call system is very beneficial.

OFFICE OF COMMUNITY SERVICES: Comm Brubaker made a motion to sign the 1994 Assistance Agreement with the Office of Community Services. Motion was seconded by Comm McClellan and carried.

FAIRGROUNDS Manager Ralph Thomas and FAIRGROUND ADVISORY BOARD members Chuck Sullivan, Marry Lynn Lively, Jim Rodd, Liz Tozer, Stephen Decker, Bobbie Hunter and Lenetta Shull met to discuss several areas of concern. Manager Thomas reported that the oil heaters are operating. A record will be kept of the source and type of oil received and used for them. He presented an Energy Efficiency Survey, by Roger Echols of Empire Electric Association for the Montezuma County Fairgrounds (see attached). Mr. Echols was introduced and he explained the recommendations in the survey

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where the county could save money. Comm Brubaker moved to accept the proposals set forth in the survey, seconded by Comm McClellan and carried. It was affirmed that Mr. Echols will also look at the raceway lights and make recommendation. The Advisory Board members asked for clarification of wordage used in connection with Special Event fees affirmed January 10, 1994, and asked for input on the idea of boarding horses at the fairgrounds. Both these issues were discussed and the suggestions made will be presented to the Fair Board committee. The Advisory Board members will meet again with the Commissioners after the committee has considered and prepared proposals on the two issues. Liz Tozer submitted her resignation as a member of the Fairgrounds Advisory Board effective immediately, because of health problems. The Commissioners accepted her resignation and expressed their appreciation for all she has done.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

February 7, 1994

SEAL

Online Copy

**Minutes 02/14/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 14, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 14, 1994 at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, February 7, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report was received for the month of January 1994. Receipt of a letter about enforcement of the Flood Plain Ordinance was noted.

ACCOUNTS PAYABLE: General fund vouchers #19555 thru #19762 in the amount of \$252,299.55 and Road fund vouchers #7507 thru #7582 in the amount of \$148,217.39 were approved for payment.

ROAD DEPARTMENT Supervisor Billy Striegel reported on equipment used to seal cracks which was rented last year. Purchase of this type of equipment was discussed. Supervisor Striegel presented photos and information on two front-end sweepers that are for sale. It was recommended that he continue to look for a pull-behind model since they are cheaper. He reported on the cost of putting up the new road signs requested by the Assessor's office. It was noted that subdivision road signs are the responsibility of the developers. The signs should be ordered by the developers from the road department and be paid for by the developers. A request will be made to the EMS Council for funding for the other signs. It was affirmed that CPR training is helpful and will be given to all road department employees. Administrator Weaver will notify the local newspapers for publication of the new Road Department Policies. Supervisor Striegel stated that a 300 gallon tank has been installed on a trailer for use in collecting oil for the fairground heaters. The only item they still need is a pump, and he asked if they could purchase it. This was affirmed. The completed equipment will make it possible for the Fairground Manager to collect oil from any area in the county. Two overloads have been ordered for the two sander pickups. The department is still checking on replacement for the D8 cat. It was recommended that they continue looking for a good used one. Supervisor Striegel stated that the draft Evaluation Report was reviewed and affirmed. The condition and use of CR BB was discussed. It was noted that in the past the road was not maintained after the 1st of November. It was affirmed that the road could be designated as a seasonal road and closed during the winter months. Further checking will be done by Supervisor Striegel on what action should be taken. Problems on CR N will be checked this week.



**FOREST SERVICE SCHEDULE "A" ROAD AGREEMENT:** Forest Service representatives Gary Jones and Jim Cannon met to address the Schedule "A" Road Agreement between the Forest Service and Montezuma County. Road Supervisor Billy Striegel and County Engineer Bud Roach were also present. Clarification of what the Forest Service expects Montezuma County to do on the approximately 8-1/2 miles of asphalt Schedule "A" roads was the main concern. In the past, maintenance included crack-sealing and pot-patching only on nominal cracks and small surface failures, not sub-grade failures; and shoulders were bladed as necessary. Supervisor Striegel stated that the county does not have enough money or manpower to do any cracksealing on the asphalt Schedule "A" roads. It was noted that if the Forest Service expects the county to do major maintenance, the county will have to be paid for it. It was agreed that the wordage "nominal" needs to be defined by the Forest Service. Mr. Jones stated that he would present these requests for clarification to the appropriate personnel. The Forest Service will write a cover letter to address these issues and it will be made a part of the Schedule "A" Road Agreement. Approval for the agreement was tabled until the letter is received and reviewed. It was affirmed that no new roads were added to this year's agreement, and that there is no problem with the gravelled roads.

**LIQUOR LICENSE:** Deputy Clerk Betty Davis presented an application for renewal of a retail liquor license for Hilltop Liquor and an application for renewal for a 3.2% beer license for Skyline Foodmart. The Sheriff's Department reported no problems with theme outlets. Comm Brubaker moved to approve these applications, seconded by Comm McClellan and carried.

**BOARD OF SOCIAL SERVICES** was conducted.

**PLANNING:** A planning resolution P-10-94 was presented whereby Dwight L. and Jackie E. Wallace, owners of 100 acres, would be granted a variance to the subdivision regulations to record a 3.28 tract in Section 34, T.36N., R.18W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request to the subdivision regulations was tabled for Mr. Reidhead, owner of 40 acres, to put in 6 spaces for-recreational vehicles until further checking with him. A verbal request was tentatively approved for Donald Fox to split a 6 acre parcel from 43 acres to sell. A verbal request to the subdivision regulations was tabled for Jim and Sally Robertson to split 41 acres into a 10 acre parcel and a 31 acre parcel until a court order is clarified. A verbal request to the subdivision regulations was tentatively approved for Kenny Williamson to create a 9.95 acre parcel and a 3.53 acre parcel. Mr. Williamson went to the Planning Commission in January and got approval to do a 3-way split for the acreage, but decided to do only a 2-way split. It was noted that the proposed Land Use Plan needs to address the issue that fire hydrants need to be installed by subdivision developers at the entrance of the subdivision.

**LANDOWNER** Mark Johnson reported that he obtained approval from the Planning Commission to split 10 acres into four tracts (see January 10, 1994 minutes). He has decided not to create these four tracts, and is now requesting a variance to the subdivision regulations to split 3.87 acres from his 34+ acres in the Merritt Subdivision. The verbal request was tentatively approved, contingent upon receipt of an Amended Subdivision Plat that has been signed off on by all the residents of the Merritt Subdivision.

**JAIL INSPECTION** was done.

**ADJOURNED FOR LUNCH** with Cortez Senior Citizens.

**PREDATOR ANIMAL CONTROL AGREEMENT:** Comm McClellan made a motion to sign the Predator Animal Control Cooperative Agreement for Fiscal Year 1994 between the Department of Agriculture and Montezuma County. The motion was seconded by Comm Brubaker and carried.

**TRANSFER PARK TRAILS FOR THE HANDICAP:** PAWS representative Judi Lichliter and Forest Service representative Bill Ivy met to ask if the County would be the lead agency in qualifying for grant monies. The monies would be used to create more handicap trails in the Transfer Park area. The wordage in the grant request was discussed and some changes were made. Comm Brubaker moved that the document be signed with the county as the lead agency. Comm Colbert seconded the motion. Comm McClellan voted "no", Comm Colbert voted "yes" and Comm Brubaker voted "yes"; the motion was carried. It was noted that Bill Ivy assured the Board that a cooperative agreement will be prepared for approval that will show the obligations of each party. The agreement will state that the County is the sponsor for the grant request, and that the Forest Service will assume all the responsibilities involved in the grant.

**1994 CSBG PROJECT PLAN:** Comm McClellan made a motion to sign the multi-county service area 1994 CSBG Project Plan for the Senior Nutritional Program. The motion was seconded by Comm Brubaker and carried.

**DEPARTMENT HEADS:** Treasurer Bobbie Spore, Extension Office Manager Jan Brandt, Assessor Bob Cruzan and Health Department Nurse Bette Sutter were present. Assessor Cruzan reported they are pleased with the new computer system. He mentioned several areas where an adjustment of personnel may need to be done in his office. Chairman Colbert asked for opinions on a proposed county sales tax. This was discussed. Extension Office Manager Brandt reported problems with their vehicle.

**PROPOSED HOUSE BILL 94-1280** was discussed. A letter will be written opposing it.

**OFFICE OF COMMUNITY SERVICES:** Mike Preston gave an updated report on the Pine Zone Project. He invited the Board to a meeting scheduled this week with the Farm Bureau to address the proposed Land Use Plan.

**UNDERSHERIFF** Bob McDonald explained the proposed purchase of six vehicles for the Sheriff's Department. One care will be paid for with a DUI Grant and the other five will be purchased with the understanding that they will be repossessed, if the money is not appropriated for the 1995 and 1996 payments. A suggestion was made that only two cars be purchased and paid for in full this year. Undersheriff McDonald did not agree to this suggestion. Comm McClellan moved to sign the agreement for financing the purchase of six vehicles for one year, Comm Brubaker seconded and carried.

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

Deputy Clerk    Chairman

February 14, 1994

SEAL

**Minutes 02/28/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 28, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF                 )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 28, 1994 at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, February 14, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report was received for the month of February 1994. A copy of a letter to the Sheriff from an attorney about a death in the County jail was noted.

PAYROLL: General fund vouchers #11052 thru #11170 in the amount of \$135,791.72, #19759 in the amount of \$13,973.39, #19760 in the amount of \$82,555.32 and Road fund vouchers #11171 thru #11209 in the amount of \$57,019.14 and #7583 in the amount of \$40,133.38 were approved for payment.

SOUTHWEST COMMUNITY RESOURCES, INC. ORDER: Comm Brubaker made a motion to direct the Clerk to issue Order Number 0-07-94 to the Treasurer to pay \$11,100.00 from the Southwest Community Resources, Inc. account, to TRES NYC/CTR/BNF, HOME PROGRAM – Montezuma County, Grant Number – Home #93-014A, Project Number – 1573800013, ATTN: HOME CPD. The motion was seconded by Comm McClellan and carried.

ROAD DEPARTMENT: Assistant Road Supervisor Kirk Stauffer stated that they received a report that there is a problem on CR G.3 – CR 24. This section of road is not maintained by the county. The section has not been returned to its original state after the installation of a sewer line. An on-site inspection will be made by the Board. Road Department employee Lloyd Everett gave updated reports on pull-behind sweepers and self-propelled sweepers. After discussion, it was affirmed that he will check into the option of leasing a sweeper. Prices for leasing both type of sweepers, with the option to buy, will be compiled and reported back to the Board. He also gave a report on available used D-8 cats. If possible, an inspection will be done on a 1978 model. If the 1978 cat is not satisfactory, they will do further checking on an available 1982 model. These results will be brought back to the Board. Lloyd stated he had done everything possible to increase the county's chances for procuring equipment from GSA, to no avail. A report of damage to a culvert by the county road crew and trash being dumped on CR D.6 will be checked. Any culverts damaged by the road department will have to be fixed by the county. Other reports of culverts being damaged due to poor installation were discussed. It was noted that if the county is not directing residents in the proper way to install culverts in driveways, then the county will have to assume the installation.

BOARD OF SOCIAL SERVICES was conducted.

SOUTHWEST OPEN SCHOOL teacher Sandy Davis and students Nancy S. Clark, Lettina Yazzie and Rebecca Cole were present until noon.

CROW CANYON CAMPUS CENTER FOR AMERICAN ARCHEOLOGY representatives Rick Bell and Ricky Lightfoot met to ask if the County would be the lead agency in qualifying for grant monies from the legal gambling fund, through the State Historical Society. They presented the grant application for review. The County Regional Survey and Preservation Program. This project would include working with the Bureau of Land Management to put in an interpretive trail at the big pueblo site at Sand Canyon, taking aerial and ground photos of the area, and preparing exhibits for school children and other entities. Comm McClellan made a motion to sign the grant request with the County as the lead agency. The motion was seconded by Comm Brubaker and carried. It was noted that the County is the sponsor for the grant request, and that Crow Canyon will assume all the responsibilities involved in the grant.

An explanation of the grant request was given to the students. Other items discussed with the group were the duties of the County Commissioners, the proposed Land Use Plan, and the proposed Sales Tax.

TREASURER Bobbie Spore presented a Uniform Resolution from the Government Asset Pool (GAP) for signature. GAP is one of the depositories approved for short-term investments (see February 7, 1994 minutes). Comm Brubaker made a motion to sign the resolution. The motion was seconded by Comm McClellan and carried.

The Treasurer explained her duties to the students.

RESIDENT Nita Koppenhafer stated that she would like a job with the county. She was directed to the Administration office to complete the necessary application.

CORTEZ NEWSPAPER reporter Jerome Magg was briefed on the Shell Western E&P informational tour conducted last week for elected officials. Comm Brubaker, Comm McClellan, and County Attorney Slough attended the tour. The tour included informational brochures, and a tour of the production plant and the Cortez pipeline. Shell representatives offered three contracts for inspection. Attorney Slough attempted to look at the contracts, but was informed that a confidential agreement would have to be signed before the contents could be viewed. To date the question of the value of lease hold interest has not been answered to the satisfaction of the County. Shell indicated that several other informational tours are planned for different entities. A need for the newspaper to be contacted for this type of invitation to elected officials was discussed. The county representatives felt that it was the responsibility of Shell, as host for the tour, to contact the press. It was affirmed that the press should have been contacted and in the future will be notified of the Board's attending this type of activity.

ADJOURNED FOR LUNCH with the Dolores Town Board.

122 REPORT was presented by Finance Officer Mary Ann Sanders. The report showed the overall expenditures for the month of January 1994, in conjunction with approved budgets.

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HEALTH DEPARTMENT Nurse Bette Sutter presented the Home Health Care Contract and the Immunization Contract for approval. Comm McClellan moved to approve and sign both these contracts, seconded by Comm Brubaker and carried. Nurse Sutter reported that training will be made available for employees of the HCBS program to help eliminate on-the-job injuries in connection with the program.

PLANNING: A planning resolution P-8-94 was presented whereby Shirley and Billie Floyd, owners of 85 acres, would be granted a variance to the subdivision regulations to record a 6.87 acre tract, which they are giving to their grandson. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal for an "after the fact" variance to the subdivision regulations was tabled for Norman Butler to give to his daughter a 1.38 acre parcel, until the parcel is increased to a total of 3 acres. A verbal for a variance to the subdivision regulations was tentatively approved for Patrick Harden to split a 9 acre parcel for mortgage purposes from 42 acres. This approval is contingent on the land not being split out to sell. A verbal for a variance to the subdivision regulations was tentatively approved for Edward G. Merritt to sell a 32 acre parcel from 70 acres. A verbal for a variance to the subdivision regulations was tabled for Cegrid Davidson to give his son 5 acres out of a 40-acre parcel until the parcel, which is too narrow, is made wider. A verbal for a variance to the subdivision regulations was tabled for Frank Boskovich to split 12 acres into two 6-acre parcels, until access is clarified. The final plat for the Cooper Vineyard Subdivision was signed. It was affirmed that planning resolution P-75-93 for Warren Sty is rescinded, per the request of Coldwell Banker Realtor Donna Durant.

COUNTY FAIRGROUND ADVISORY BOARD representatives Lenetta Shull, Bobbie Hunter and Shirley Yoder asked if the fees in the amount of \$80.00 could be waived for the Horse Show scheduled for June. Comm McClellan made a motion to donate the \$80.00 to the 4-H Club in lieu of waiving the amount. The motion was seconded by Comm Brubaker and carried. Grievance letters about the management and conditions at the fairgrounds were presented. It was noted that the Advisory Board duties are to recommend fees and policies for the fairgrounds, not take care of grievances. They were told to refer all future problems to the Commissioners.

STATUTES on Sales and Use Taxes were read and discussed.

ADJOURNED at 4:00 p.m.

Deputy Clerk    Chairman

February 28, 1994

SEAL

02-28-94

**Minutes 03/07/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 7, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 7, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

Absent: Thomas K. Colbert, Chairman

MINUTES of the previous meeting hold Monday, February 28, 1994, were read. Comm moved to approve these minutes, seconded by Comm and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-08-94 to the Treasurer to pay \$634.57 from the 911 account, to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Brubaker and carried.

LANDFILL: Engineer Bud Roach gave a report on the construction under way for the permanent road into the new landfill area. Landfill Manager Rail Lanier presented price figures for developing the approximately 52 acres in full compliance with landfill regulations. Road Supervisor Billy Striegel was also present.

RESIDENT Daisy Mahaffey requested that CR 18 off of CR P be graded and improved. This section of road is an unimproved county road. It was reiterated to Ms. Mahaffey that the county can only improve the road if they haul the base gravel. She was told that if they agree to haul the gravel, written permission to do any work involving the right-of-way along the roadway must be obtained from all the landowners. Road Supervisor Billy Striegel was present.

ROAD DEPARTMENT Supervisor Billy Striegel submitted figures for leasing a self propelled sweeper, with the option to buy. No pull sweepers were available for rent. Leasing of a sweeper was tabled until next week. Supervisor Striegel reported that all the evaluations are done. CPR classes are scheduled for two days next week. Supervisor Striegel was reminded that all road department employees must be in the process of obtaining a Commercial Driver's License (CDL) to ensure continued employment with the county. An EEO claim filed by a former county employee was noted. A request for maintenance of Road K-6 in the Highland Terrace Subdivision will be checked.

PLANNING: A planning resolution P-11-94 was presented whereby Patrick Harden, owner of 42 acres, would be granted a variance to the subdivision regulations to record a variance for 9.96 acres in Section 36, T.36N., R.18W. This variance is granted for mortgage purposes only. The 9.96 acres cannot be sold as a separate tract. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A planning resolution P-12-94 was presented whereby Edward S. Merritt, owner of 69.34 acres, would be granted a variance to the subdivision regulations to record a 33.254 tract in Section 31, T.37N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for a variance to the subdivision regulations was tentatively approved for Mark Bayles to split 3 acres from 117 acres to sell to his son. Mr. Bayles will be informed that no further split can be done for 5 years. A verbal request for a variance to the subdivision regulations was tentatively approved for Everett Sperry to split approximately 6 acres from 37 acres. Mr. Sperry was granted approval for a 3-way split by the Planning Commission but decided to go with a 2-way split of the acreage. A verbal request for a variance to the subdivision regulations was tabled for Donald Fox to split off 4 acres from 43 acres, until a 60-foot access is established. A verbal request for a variance to the subdivision regulations was tentatively approved for John Richey to split 14 acres from 33 acres and sell the acreage to Val Robichaux, an adjoining landowner. A verbal request for a variance to the subdivision regulations was tentatively approved for Richard Wagner to take out a 5 acre parcel from 30 acres. A verbal request for a variance to the subdivision regulations was tabled for Pat Janz to split off one or two 5-acre parcels from 262 acres, until a 60' easement is established. Mr. Janz will be contacted and informed that this property is approximately one-half mile from a county road, and the roadway into this property is not a county road. A verbal request for a variance to the subdivision regulations was denied for Ed Kelly to split approximately 9 acres into two parcels, since this property was split in 1992. This request will be referred to the Planning Commission. A verbal request for a variance to the subdivision regulations was denied for Ray LeBlanc to do a three-way split of 9.3 acres. This request will be referred to the Planning Commission. The "after the fact" verbal request for a variance to the subdivision regulations tabled February 28, 1994, for Kurtis and Ina Warren (Norman Butler to give to his daughter, Ina Warren a 1.38-acre parcel) was discussed. It was noted that a large ditch was given as the reason for the small parcel. The request was tabled until next week. Administrator Weaver stated that subdivision owner, Larry Everett has asked if he can build the subdivision road to county specs, but not dedicate it as a public road. If approved, a Homeowners's Association will be created to maintain the road, with a gate installed at the entrance that can be locked. He stated that when the gate is locked a guard will be posted to let in any emergency vehicles, etc. The applicable title company does not have a problem with the proposal. This was affirmed.

BOARD OF SOCIAL SERVICES was conducted.

MONTELORES BABE RUTH LEAGUE representative Roy Lane made a request for monies from the lottery fund. Comm McClellan made a motion to give \$2,500.00 to the Babe Ruth League program. The motion was seconded by Comm Brubaker and carried.

CLUB 20 representative Bill Bauer gave a report on a recent Club 20 meeting held in Grand Junction, Colorado.

ADJOURNED FOR LUNCH with the City of Cortez. The Airport Committee approved the February 7, 1994 minutes

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SHERIFF Tim Wood, at the Board's request, gave a report in connection with the recent death of an inmate at the County jail. He stated that he has notified the County's insurance company of the death. He felt he could not release any information to the deceased's family attorney until he is contacted by the insurance company. It was noted that, if the Insurance Company does not respond within a reasonable timeframe, the Sheriff should give any records relating to the incident to the deceased's family attorney. Administrator Weaver stated he will follow-up with the Insurance Company.

SANITATION DISTRICT representative Chuck Jordan met with the Board about a sludge centrifuge. He asked for a letter from the Board giving their support before the district pursues the matter any further. It was affirmed that a Letter of Agreement will be written.

STATE LAND BOARD AGREEMENT: Comm McClellan moved to sign the Right-Of-Way 2941 (Book 29) Agreement between the State of Colorado acting by the State Board of Land Commission and Montezuma County Board of Commissioners, as corrected, seconded by Comm Brubaker and carried.

ADMINISTRATOR Weaver asked if a 1990 pickup could be procured for use at the landfill. This was affirmed.

ADJOURNED at 3:00 p.m.

Deputy Clerk    Chairman

March 7, 1994

SEAL

Online Copy



**Minutes 03/14/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 14, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 14, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, March 7, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Brubaker and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report and the Treasurer's reports were received for the month of February 1994. A letter objecting to a proposal by the U.S. Army to conduct missile test flights over the Four Corners area will be written to the appropriate person.

ACCOUNTS PAYABLE: General fund vouchers #19758 thru #19922 in the amount of \$184,000.14 and Road fund vouchers #7590 thru #7656 in the amount of \$36,893.14 were approved for payment.

GAMING IMPACT FUND ORDERS: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-09-94 to the Treasurer to pay monies from the Gaming Impact Fund, to Lonnie's Glass in the amount of \$303.95 and to Superior Alarm in the amount of \$4,961.27 for work done and equipment installed for the Sheriff's Department. Motion was seconded by Comm Brubaker and carried.

ROAD DEPARTMENT Supervisor Billy Striegel and Assistant Supervisor Kirk Stauffer asked if the self-propelled sweeper reported an last week may be leased. It was affirmed that it may be leased for 3 months, with the option to buy. They reported that the 1978 D-8 cat inspected last week was not satisfactory. It was affirmed that the 1982 D-8 cat in North Dakota may be inspected. The crusher is down again. It was affirmed that they may have a factory mechanic do the needed repairs. The request for permission to hire a truck driver was denied due to lack of funds. Supervisor reported that all the road department employees have taken the written test for their Commercial Driver Licenses and temporary licenses have been issued to those that have not gotten their permanent license yet. They are still hauling base rack for the new landfill road. Assistant Supervisor Stauffer stated there is still a problem on CR G.3 CR 24. The Board will do an on-site inspection with a representative from the Sanitation Department and the Road Department this afternoon. A requirement that a cash bond be posted by utility companies with the county was discussed. The bond would cover any damage by a company, not corrected within a certain timeframe to the satisfaction of the county. A meeting of all the utility companies will be attended April 6, 1994, to address this issue. The Road Department will compile specific figures for presentation at this meeting. The figures will show projected costs that could incur from damages to county roadways.

RESIDENT Galen Larsen expressed his support for the proposed county Land Use Plan.

LANDOWNER Ina Warren met to discuss a request that an "after the fact" variance to the subdivision regulations be given for Norman Butler, her dad, to give her a 1.38 acre parcel. The request was tabled until the Ms. Warren checks into purchasing acreage from the adjoining landowner to increase the size of the parcel.

PLANNING: A verbal request for a variance to the subdivision regulations was tentatively approved for Lewis Walck to split 5 acres from 24 acres for mortgage purposes only. The parcel cannot be sold as a separate parcel. A verbal request for a variance to the subdivision regulations for Richard Tibbits, owner of 31 acres on a hillside, to split this acreage into several parcels and sell them to adjoining landowners was tabled, until proof is received that the adjoining landowners will purchase the parcels. A verbal request for an "after the fact" variance to the subdivision regulations was tentatively approved for Scott Bell to split and sell two 3-acre parcels from 80 acres. An on-site inspection was done of the parcel. A verbal request for a variance to the subdivision regulations was tentatively approved for Cordell Uptain to split 3 acres from 70 acres. A verbal request from Cyril Ty and Irene Williams to amend wording in resolution P-25-93, about the source of water for the subject property, was discussed. The request was tabled until (1) a letter is submitted by the Mr. and Mrs. Williams requesting the change, and (2) a letter is received from the State Water Department stating that a well permit can be obtained for the property. After these letters are made a part of the file, the request will be reconsidered.

BOARD OF SOCIAL SERVICES was conducted.

LANDOWNER Nicholas Bagierek asked for advice concerning an easement problem with his property within the city limits of Mancos, Colorado. He was referred to the Assessor's office.

DOLORES COUNTY COMMISSIONERS Billy Moffat and Renay Neely, Dolores County Sheriff Jerry Martin, and phone company representative Dan Fernandez met for in-put in organizing a 911 Authority Board in Dolores County. A copy of Montezuma County's 911 Authority Board Agreement was given to them as an example. It was noted that the Montezuma County 911 Authority Board is not in charge of the dispatch services. It was suggested that they (1) organize their 911 Authority Board, (2) install equipment, and (3) work with Montezuma County and the City of Cortez for use of dispatch service at the Justice Building. Other items discussed were; (1) Montezuma's dust control program. (2) Use of the Montezuma County Landfill by Dolores County April 1st. (3) Montezuma County's proposed Land Use Plan.

LIQUOR LICENSE: Clerk Jean DeGraff presented a new application for a beer and wine license for the Wild Wild Rest. A Public Hearing will be scheduled for April 18, 1994, at 10:00 a.m. An investigation will be done by the Sheriff's Department with a set radius of 2 miles. Sheriff Department Investigator Larry Staats was present.

DEPARTMENT HEADS: Clerk Jean DeGraff, Sheriff Tim Wood, Extensions Office Manager Jan Brandt, Health Department Nurse Bette Sutter, Finance Officer Mary Ann Sanders, and Senior Nutrition Manager Sue Fletcher were present. Finance Officer Sanders asked that all departments notify both U.S. West and AT&T, if any telephone or fax line is disconnected or connected. She noted that AT&T is the only approved long distance carrier for the county.

Sheriff Wood reported that the City of Cortez is not accepting any more workers thru the Municipal Court, Useful Public Service Agreement program. The agreement guidelines will be checked. Extension Office Manager Brandt reported that the individual contacted about the acoustics at the Annex will be in the area in May. He will be contacted for an evaluation of the Annex problems. It was affirmed that she will temporarily do scheduling for the fairgrounds until a new manager is hired. She asked if the space that the Veterans Office has vacated in the basement could be used as a meeting room. This was affirmed. Clerk DeGraff stated that the room would also be useful for meetings with election judges. Senior Nutrition Manager Fletcher showed a plaque with names of persons and entities who have made donations to the Senior Center. The plaque will hang at the Center and future donor names can be added. Installation of carpet at the Annex will be postponed until an evaluation is done on the acoustics.

MONTEZUME WATER COMPANY representatives Mike Bauer and Pat DeGagne asked for clarification of Road Department Permit Fees and the roads to which they apply. A list of subdivision roads accepted for the county maintenance in the past will be given to them. They presented a list of landowners that paid all the necessary fees for a water tap, before the implementation of the new permit fees by the County. After discussion, it was affirmed that the county will grandfather in the permit fees for these residences. A copy of the list of these landowners will be given to Road Department personnel. The need for utility companies to post a Cash Bond with the county to take care of any unresolved damage to county roads was discussed. They invited the Board to a meeting with all the utility companies on April 6, 1994, at the Bureau of Reclamation Building at 10:00 a.m., to discuss the bond issue. It was affirmed that the Water Company can purchase a block of permits once a month from the Road Department. Changes that need to be made in the adopted Road Department Permit Fees were discussed.

ROAD DEPARTMENT POLICIES: It was affirmed that the "Residential driveway and utility installation policy" wording in No. 3 will be replaced by the below:

Residential Driveway:

\$100 per permit per location (to be purchased by resident).

Ag access – no charge.

Right-of-way Use Permit:

\$100 per permit per location (to be purchased by the utility company).

JOB SERVICES Manager Maxine Maestas presented their Plan of Services for signature. Comm Brubaker moved to sign the Plan of Services for the Job Services, seconded by Comm McClellan and carried.

SOUTHWEST EMERGENCY MEDICAL SERVICES COUNCIL: Comm Brubaker made a motion to appoint the following to serve on the council: Chris Carlisle – 1 year, Bill White – 2 years, and Chuck Melvin – 3 years. The motion was seconded by Comm McClellan and carried.

ADJOURNED at 4:15 p.m.

Deputy Clerk     Chairman

March 14, 1994

SEAL

**Minutes 03/21/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 21, 1994

STATE OF COLORADO    )  
                              ) ss.  
                              )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 21, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

Absent: Robert D. Brubaker, Vice-Chairman

MINUTES of the previous meeting held Monday, March 14, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT Supervisor Billy Striegel reported that the 1982 D-8 Cat in North Dakota is no longer available. Another one has been located and will be checked on. The self-propelled sweeper in Denver is not available but another one has been located in Farmington, NM. Supervisor Striegel asked if this one could be leased. This was affirmed. A copy of an Equipment Rental Lease Agreement for the self propelled sweeper was received in the afternoon. Changes in the contract were made and other areas of concern will be checked before the agreement is signed. All the trucks are at Ormiston. The crusher is still down, but is scheduled to be repaired in Grand Junction by a factory mechanic. Supervisor Striegel asked what to do with old tracks for a D-6, now stored at the Mancos Shop. It was affirmed that they should be bid out. There was discussion about the new road at the landfill. As much as possible the county road crews and equipment will be used as in-kind to cut expenses on building the road. Engineer Roach was present. It was affirmed that Glen Humiston may install a water line under a new culvert being installed on CR F. Mr. Humiston will pay the county for the time spent making the ditch deeper for the line. It was noted that only the Board was at the on-site inspection of CR G.3 - CR 24, and it is concluded that this is a contractor problem.

LANDOWNERS Charles and Donna Stallard met to request a variance to the subdivision regulations to split off 2.8 acres from 320 acres for mortgage purposes. This request was tentatively approved with the restriction that the 2.8 acre parcel cannot be sold as a separate parcel, since it is less than 3 acres.

ABATEMENTS: Assessor Cruzan being present, a petition for abatement of property tax was presented for Mesa Verde Soaring, #12-8803-000-00-003-P, 1993, erroneous assessment, \$941.14. Comm McClellan moved to approve this petition, seconded by Comm Colbert and carried. Petition for abatement of property tax was presented for Progressive Wood Products, #11-8801-000-00-832-P, 1993, erroneous assessment, \$809.12. Comm McClellan moved to approve this petition, seconded by Comm Colbert and carried. Petition for

abatement of property tax was presented for Sheek, P I & CO, #62-5645-232-00-019-H2T2, 1992, erroneous assessment, \$220.29 and 1993, erroneous assessment, \$366.97. Comm McClellan moved to approve this petition, seconded by Comm Colbert and carried. Petition for abatement of property tax was presented for Sheek, J C & CO, #62-5645-232-00-019-H1T2, 19929 erroneous assessment, \$220.29 and 1993, erroneous assessment, \$366.97. Comm McClellan moved to approve this petition, seconded by Comm Colbert and carried. Petition for abatement of property tax was presented for Kirby L. and Dana Weaver, #62-5649-062-00-036, 1993, erroneous assessment, \$625.85. Comm McClellan moved to approve this petition, seconded by Comm Colbert and carried. All proceedings were taped for the record. It was noted that the Assessor, Comm Colbert and Comm McClellan were present; Comm Brubaker was absent.

PLANNING: A planning resolution P-13-94 was presented whereby John and Tanya Richey, owners of 35.08 acres, would be granted a variance to the subdivision regulations to record a 14.00 acre tract in Section 32, T.37N., R.16W. This tract is being sold to an adjoining landowner and is not considered a separate tract to be sold. A variance was recorded by Edward B. Merritt, P-12-94 on this some property. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. It was noted that a variance to the subdivision regulations for Teddy Cordova to split 18.2 acres into 3 parcels is still pending. The finalization of the 3-way-split. which was approved by the Planning Commission is contingent an the access road being brought up to county specs, which he has failed to do. Since the property is adjacent to the City limits, he will be advised to check with the City of Cortez for annexation. A verbal request for a variance to the subdivision regulations was denied for Jim Linens to split 21 acres into three 7-acre tracts. Mr. Linnens will be advised to go to the Planning Commission. A verbal request for a variance to the subdivision regulations was tentatively approved for Jerry Leigh to split off 6 acres with a house from 36 acres to sell. A verbal request for a variance to the subdivision regulations was denied for Johnny Burris to split a two acres tract into two 1-acre parcels. A verbal request for a variance to the subdivision regulations was tabled for Paul Sweetland to split 9.94 acres into two tracts, until a 60-foot access is established. The request from Irene Williams to change the source of water for subject property in planning resolution P-25-93 was discussed. Letters are still a pre-requisite to the change.

122 BUDGET REPORT was presented by Finance Officer Mary Ann Sanders for the month of February 1994.

PROPOSED LAND USE PLAN: Mike Preston and Ginger Black presented ideas about scheduling items for discussion at the upcoming public meetings on the proposed Land Use Plan. It was suggested that each meeting cover only one area of concern at a time. It was affirmed that the first area that needs to be considered is the current Subdivision Regulations. The Planning Commission will be informed of these suggestions and will be asked for their in-put.

LANDOWNER Dick Swanner requested a variance to the subdivision regulations to split 8 acres from 36 acres. This was tentatively approved.

HEALTH DEPARTMENT Nurse Bette Sutter presented the San Juan Basin Area Agency on Aging Contract for signature. Comm McClellan moved to sign the contract, seconded by Comm Colbert and carried.

03-21-94

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OFFICE OF COMMUNITY SERVICES: Mike Preston reported that grant monies are available for a feasibility study on the use of Landfill Waste Products. He asked if he should prepare and submit an application for the grant. This was affirmed. He also noted that a draft plan has been completed for the Mancos Hydro-Powerplant.

PERSONNEL HEARING – NOTICE OF SUSPENSION AND INTENT TO TERMINATE EFFECTIVE MARCH 21, 1994 – RALPH THOMAS: It being the time set aside, a Personnel Hearing to address the “Notice of Suspension and Intent to Terminate, effective March 21, 1994” Ralph Thomas was called to order. Donn Kremer, John Rice, Sheriff Department Lt. Steve Nowlin and Kim Thomas were present. Mr. Thomas was informed that he had the right to a closed hearing, but he requested that the hearing be open. Mr. Thomas then requested that the hearing be postponed until next week, since his attorney could not be present due to other commitments. This was granted. The hearing is continued until March 28, 1994, at 3:00 p.m. These proceedings were tape recorded and the role was called. It was noted that Comm Brubaker was absent.

ADJOURNED at 3:30 p.m.

Deputy Clerk    Chairman

March 21, 1994

SEAL

Online Copy

**Minutes 03/28/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 28, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 28, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, March 21, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT Supervisor Billy Striegel reported that he will check with Tibbits Construction about obtaining, for county use, asphalt that is being torn up on Main Street. A D-8 cat coming from California on the way to Texas will be inspected for possible purchase. Supervisor Striegel stated that after looking at the roads designated to need chip and sealing, it was determined that some of these roads could wait to be done. This would free up some money to purchase the sweeper. Comm Brubaker made a motion to buy the self-propelled sweeper. The motion was seconded by Comm McClellan and carried. A report was given on the crusher's split shaft. After discussion, it was affirmed that the Company that the crusher was; purchased from should be contacted. A request will be made (1) that they prepare a written quote for the cost of fixing the shaft; and, (2) that all the work be guaranteed. The other crusher is being moved to Gardner. The trucks are still at Ormiston. It was noted that instead of bids for old D-6 tracks, the tracks will be taken to Belt Salvage for credit. Engineer Bud Roach reported on work at the landfill and asked for a truck and one man for the day. this was agreed. Later in the day Engineer Roach reported that he had hired a water truck for the work at the landfill, since the cooperation with the Road Department seemed to be a problem. The problem will be checked. A request for maintenance on CR 14 and CR BB was discussed. It was determined that this section of road is county maintained.

PUBLIC HEARING - REVISED UNDESIRABLE PLANT MANAGEMENT PLAN: It being the time set aside, a Public Hearing to consider the revised Undesirable Plant Management Plan as recommended by the members and advisors of the Montezuma County Weed Advisory Commission was called to order. The roll was called and Proof of Publication was read. Bob Bement, Les Nunn, Tom Hager, Donald and Della Wood and Forest Service representative Tom Kelly were present. Weed Manager Ron Lanier presented a slide show on the impact of weeds and how spread. It was noted that continued education to make people aware of the problem is needed. Also discussed was that the county gravel pits should be weed free. After discussion, Mr. Bement recommended that thirteen additional weeds be added to the County's Noxious Weed List. Comm Brubaker moved that the thirteen (13) additional weeds be added to the County's Noxious Wood List, and become a part of the County's Undesirable Plant Management Plan. For the record, Comm Colbert read the list of weeds to be added (see attached list). The motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

DEPARTMENT OF SOCIAL SERVICES was conducted.

OFFICE OF COMMUNITY SERVICES: Mike Preston reviewed the suggestions made last week for discussion at the upcoming public meetings on the proposed Land Use Plan. Comm McClellan made a motion that the Board not grant any variances to the subdivision regulations for anything smaller than 5 acre parcels. No second was made. After discussion, it was affirmed that a work session to address these suggestions will be scheduled with the Planning Commission in April.

HEALTH DEPARTMENT Nurse Bette Sutter presented an Amendment to the Women, Infants and Children (WIC) Contract for signature. The amended contract increased funding for the program. The contract was signed. Also presented for signature was the Immigration Reform and Control Act of 1986 Contract. This contract was "after-the-fact" and covered reimbursement for thru 1992. The contract was signed. Nurse Sutter gave her annual summary of the Health Programs for 1993.

PUEBLO COMMUNITY COLLEGE representative Levi Garrett asked for a letter of support from the Board for Pueblo Community College's grant proposal to the U.S. Department of Education under the Title III, Developing Institution Program. The funds would be used to establish an inter-active distance learning education system to serve SW Colorado, and make available an Automated Manufacturing Technology degree. This was affirmed.

LANDOWNER Cordell Uptain met about his request for a variance to the subdivision regulations, which was tentatively approved on March 14, 1994. After the original request, it was discovered that the parcel he wanted to split from 70 acres was only 2.3 acres instead of 3 acres. The request was tabled until he increases the parcel to 3 acres.

LANDOWNER Johnny Burris, Sr. met to discuss his mother's request for a variance to the subdivision regulations, to split two acres into two 1-acre parcels which was denied March 21, 1994. Mr. Burris also presented a request for a variance to the subdivision regulations to split approximately 17.87 acres of his own property into 2 parcels in the same area. Consideration of these requests were tabled until Mr. Burris has the area platted, showing an increase in his mother's parcel, and obtains a letter from the State Highway Department about access to the properties. Johnny Burris, Jr. was also present.

LANDOWNER John Meadows and his daughters Liddie and Beverly met to request a variance to the subdivision regulations to do a 5-way split on 21 acres. A split was done in 1990. They were advised to, go to the Planning Commission.

PLANNING: A planning resolution P-14-94 was presented whereby Everett Sperry, owner of 36.91 acres, would be granted, variance to the subdivision regulations to record a 27 acre tract and a 9.91 acre tract in Section 32, T.35N., R.16W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A planning resolution P-15-94 was presented whereby Charles Stallard of S&S Farming Corp. owner of 320 acres, would be granted a variance to the subdivision regulations to record a 3.01 acre tract in Section 6, T.38N., R.18W. This 3.01 acre tract is for mortgage purposes only and cannot be sold as a separate tract. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-16-94 was presented whereby Richard A. and Isabell Brymer and David R. and Dorothy A. Courts, owners of 11.78 acres, would be granted a variance to the subdivision regulations to record two 5.89 acre tracts in Section 17, T.36N.,m R.13W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A verbal



03-28-94

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request for a variance to the subdivision regulations was tentatively approved for Jim and Cathy Kingery to split off an 18 acre parcel and a 20 acre parcel from 160 acres. A verbal request for a variance to the subdivision regulations was denied for Elbert and Lorraine Shippy to split a 6.10 acre tract into two 3-acre parcels, since a split has been done within the last 5 years.

RESIDENT Gary Caughey met to ask for advise on how to collect money that he stated Ralph Thomas owed him. He was advised to contact Mr. Thomas.

CONTINUATION OF PERSONNEL HEARING – NOTICE OF SUSPENSION AND INTENT TO TERMINATE EFFECTIVE MARCH 21, 1994 – RALPH THOMAS: It being the time set aside, the continuation of the Personnel Hearing of March 21, 1994, was called to order. The roll was called. Mr. Ralph Thomas chose not to attend the hearing. Donn Kremer and Sheriff Department Lt. Steve Nowlin were present. Administrator Weaver presented the following letters from Mr. Thomas: (1) A letter to the Board withdrawing his request for a personnel hearing; and, (2) A letter to Administrator Weaver resigning his position as Manager of the Fairgrounds, effective March 21, 1994. Comm Colbert read these documents for the record. Administrator Weaver withdrew the "Notice of Suspension and Intent to Terminate Effective March 21, 1994 – Ralph Thomas. These proceedings were taped for the record.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

March 28, 1994

SEAL

Online Copy

**Minutes 04/04/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 4, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 4, 1994, at the Courthouse in Cortez, Colorado, there were present:

- Thomas K. Colbert, Chairman
- Robert D. Brubaker, Vice-Chairman
- Bob Slough, County Attorney
- Thomas J. Weaver, Administrator
- Nelda Jenkins, Deputy Clerk

Absent: Helen McClellan, Commissioner of Deeds

MINUTES of the previous meeting held Monday, March 28, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report was received for the month of March 1994.

PAYROLL: General fund vouchers #11220 thru #11332 in the amount of \$134,271.96, #19926 in the amount of \$13,973.39, #19927 in the amount of \$82,841.29 and Road vouchers #11333 thru #13371 in the amount of \$56,970.48 and #7658 in the amount of \$39,963.73 were approved for payment.

ROAD DEPARTMENT Supervisor Billy Striegel, Assistant Supervisor Kirk Stauffer and Lloyd Everett met with the Board. They reported that the Road Department has purchased a used D-8 cat from California for \$70,750.00, and a self-propelled sweeper for \$16,500.00. Lloyd Everett explained how he arrived at permit charges. The charge of \$100 to cover the cost of normal maintenance for the installation of a utility, and the need for a "cash" bond to cover damages over and above normal maintenance for installation were discussed. These items will be discussed in detail at the meeting scheduled for 9:00 a.m., Wednesday, April 9, 1994 at the Bureau of Reclamation Office with all the utility companies.

COLORADO EXTENSION OFFICE Director Jan Brandt stated that she felt that a job description should be written for the Manager position at the fairgrounds. Administrator Weaver disagreed. She reported that the double and triple scheduling at the fairgrounds has been corrected. The signed contracts were honored, and others listed to use the facility were scheduled according to who had paid first. At this time the Extension Office will do scheduling for the fairgrounds. It was affirmed that before a firm date is scheduled that:

- (1) the Booking fee needs to be paid to either the Fairgrounds Manager or the Extension Office, and
- (2) a contract signed by the company renting the facility needs to be on file and signed by either the Fairgrounds Manager or the Extension Office secretary.

The Advisory Board's recommendation that the fee of \$35.00 an hour with a two hour minimum for rental of the main arena be included in the rental rates was discussed. Comm Brubaker moved to accept the recommendation of a fee of \$35.00 an hour with a two hour minimum for rental of the main arena, seconded by Comm Colbert and carried. After some discussion, Comm Brubaker, moved that fees for use of the canopy area (lower barns) be the same as the main arena, seconded by Comm Colbert and carried. The Advisory Board will be notified of these two changes of the Rental Rates (see attached). Director Brandt stated that she had informed the former fairgrounds manager, that if any part-time personnel needed to be hired, time-sheets should be submitted for these individuals. It was stated that it is a conflict of interest for the manager of the fairgrounds, as a County employee, to act as a "promoter" of any specific event. Also noted was that the fairgrounds manager does not have the authority to hire personnel, unless there has been prior approval by the Board of Commissioners. It was noted that the fairgrounds rental contract will be reviewed.

LANDOWNER Rodney Carriker (Kelly's Place) asked for a variance to the subdivision regulations to split a 25 acre parcel from 100 acres. There is only a 30' easement to the properties. The request was tabled until a source of domestic water is determined. Tentative approval of the variance will then be contingent on the restriction that neither the 75 acre parcel nor the 24 acre parcel will have any further development without a 60' easement.

PLANNING: A planning resolution P-17-94 was presented whereby the Reed Bayles Estate, that owns 117 acres, would be granted a variance to the subdivision regulations to record a 3.00 acre parcel to Shawn and Justine Bayles in Section 12, T.36N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm Colbert and carried. A verbal request for a variance to the subdivision regulations was tentatively approved for Elbert and Lorraine Shippy to split a 6.10 acre tract into two 3-acre parcels after it was determined that a split has not been done in the last 5 years. A verbal request for a variance to the subdivision regulations was tentatively approved for Ida Marie Ramsey to sell 6 acres in the Summit West Subdivision which was split by planning resolution P-57-86, but not tied to other properties owned by her.

BOARD OF SOCIAL SERVICES was conducted.

RESIDENT Gary Caughey appeared again to ask how to collect money that he stated Ralph Thomas owed him. He defined the work he did for the Now Year's Eve concert held at the fairgrounds. A portion of the fairgrounds standard contract for use of the facility was read. It was reiterated that he should continue to try and contact Mr. Thomas to collect the monies, but if this is impossible, a bill should be submitted to the County for consideration.

UNDERSHERIFF Bob McDonald presented paperwork on the Forfeiture account for signature. This was signed.

ADJOURNED FOR LUNCH with the City of Cortez. The Airport Committee approved the March 7, 1994 minutes.

PUEBLO COMMUNITY COLLEGE Coordinator of Community Services Elaine Saville stated that she is compiling continuing educational courses for the College. Through that program an event (HorseFest 1994) is scheduled to be held at the fairgrounds in October. She asked if the current fairgrounds contract can be submitted to the College for signature. This was affirmed. She also asked about advice on insurance coverage for the event. She was advised to check with the Pueblo Community College, to determine if they have insurance for these types of activities.

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PROPOSED HOUSE JOINT RESOLUTION 94-1035 was discussed. A letter will be written supporting it.  
LANDOWNER Ray Hauck, Owner, of 175 acres on CR M, asked about the Rules and regulations for creating  
a subdivision on 70 acres of this parcel. A copy of the subdivision regulations was purchased by him.

ADJOURNED at 2:30 p.m.

Deputy Clerk    Chairman

April 4, 1994

SEAL

Online Copy

**Minutes 04/11/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 11, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 11, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, April 4, 1994, were read. Comm Brubaker moved to approve theme minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports were received for the month of March 1994.

ACCOUNTS PAYABLE: General fund vouchers #19924 thru #20106 in the amount of \$168,186.11 and Road fund vouchers #7665 thru #7731 in the amount of \$85,483.70 were approved for payment.

BRAISER ASPHALT owner Clarence Braiser presented his company's program for recycling asphalt. He will submit figures to the Road Department. Road Supervisor Striegel, Bill McLaughlin, and Lloyd Everett were also present.

ROAD DEPARTMENT Supervisor Billy Striegel reported that Tibbets Construction has offered to sell the asphalt being turn up an Main Street to the County for \$7.50/ton. Tibbets will submit a bid for applying the asphalt. The asphalt would be stockpiled for future use. A decision was tabled until the bid is submitted. Lloyd Everett reported that 6,000 yards of gravel have been used by Dolores County from the Ormiston gravel pit. He asked if the gravel made available to Dolores County can be limited to 8,000 yards. This was affirmed. The trade agreement between Dolores and Montezuma Counties for gravel and the upkeep of county line roads will be checked. A now shaft is being made for the crusher. A company representative will come to supervise the installation. The repair will have a 6 month warranty. It was affirmed that the representative will be on hand when they start using it, in case there is any problem. They are hauling gravel from the Ormiston pit this week. Reports of damage to CR 10 and CR BB from oil rigs using the two roads were discussed. Later in the day after inspecting the roads, Jim Beecher reported that they will be bladed.

MONTEZUMA WATER COMPANY representatives Chris Kramer and Mike Bauer met to talk about the following issues: (1) the difference between the list of residents whose permit fees were grandfathered in (March 14, 1994 minutes), and the adjusted list, which included the 29 working taps from the list originally approved, and an additional list of 90 old taps; (Z) Montezuma Water Company's Surety bond versus a Cash bond; and (3) the policy of paying in advance fop permits. Another meeting will be scheduled to further discuss these issues April 11, 1994

SENIOR NUTRITION Manager Sue Fletcher and Jim Antholtz presented a statistical review of the differences between monies received from the Area Agency of Aging (AAA) for meals served in Montezuma County and other counties. As a result of the review, AAA will now contribute more for-meals served in Montezuma County than it has in the past. Due to this increase of funds, Manager Fletcher asked if the Cortez, Mancos and Dolores Senior Centers can be released from paying \$2,000 each to the program. This was affirmed and the Board of Commissioners will notify each center of this decision. A request was also made for \$2,500 from the lottery funds for the bus replacement fund. This was affirmed.

FEDERAL FLOOD INSURANCE: A letter received from the Federal Emergency Management Agency (FEMA) was presented. It addressed the requirements that must be met in order for Montezuma County to continue as a participating community in the National Insurance Program (NFIP) Representatives from Citizens State Bank - Don Etnier, Centennial Savings Bank (Durango) Margie Sittner, John Tate, Centennial Savings Bank (Cortez) - Jan Hart, and William Brown, Dolores State Bank - Ed Merritt, First National Bank Harold Wilage, and Valley National Bank - Kayde Shields met to discuss the impact this would have on their operations as lending entities. They expressed a desire for Montezuma County to remain as a participating community. Several options were considered. It was affirmed that the current Septic permit policy will be amended to include a Floodplain permit, thus giving the County the check point to assume more fully the responsibilities of administering the requirements of the NFIP. This will be submitted to FEMA for review and approval.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented a change in the new application for the Wild Wild Rest. Raymond E. and Sandra McCarty dba the Wild Wild Rest submitted a written request to cancel the application for a beer and wine license for the establishment (see minutes March 14, 1994). A new application for a 3.2% beer license "on and off premises" and new maps of the premises and store area were presented. As a result of this request, the April 18, 1994, public hearing was cancelled; premises will be re-posted with the new information; and, an investigation will be done by the Sheriff's Department with a set radius of 2 miles. Comm Brubaker moved to schedule a Public Hearing for May 9, 1994, at 10:00 a.m., seconded by Comm McClellan and carried.

BOARD OF SOCIAL SERVICES was conducted.

FREE DAY AT THE LANDFILL was approved. A tentative date was set for, May 7th.

DEPARTMENT HEADS: Clerk Jean DeGraff, Treasurer Bobbie Spore, Extension Office Director Jan Brandt, Finance Officer Mary Ann Sanders and Assessor Bob Cruzan were present. Treasurer Spore presented her reports for the month of March 1994. The recent meetings on the proposed sales tax were discussed. Assessor Cruzan reported on taxes assessed on real property at Woody's Food Store. Finance Officer Sanders asked that all the department heads watch timesheets for employees who have more vacation time than policy allows. Brandt stated everything is going well at the fairgrounds. She asked if the changes have been done in the master contract for the fairgrounds. This was affirmed and a copy will be given to the Extension Office. She reported on the proposed rural water project for the Goodman Point area.

04-11-94

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PLANNING: A planning resolution P-46-92 Amended was presented whereby Donald and Sandy Story, owners of 82 acres desire to Amend P-46-92 to show that Tract A now consists of 3.260 acres in Section 6, T.36N., R.15W. This variance is intended to have one residence and the existing 20" access easement is limited to use by one residence only. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-18-94 was presented whereby Lewis Walck, owner of 43 acres desires to record a 5.067 acre tract in Section 9, T.35N., R.16W. This variance is recorded for mortgage only and this tract cannot be sold as a separate parcel. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for a variance to the subdivision regulations was tentatively approved for Scott Bell to sell 7 acres as one parcel instead of two parcels, as tentatively approved in the March 14, 1994 minutes. Planning Officer Ginger Black reported that Betty South whose request for a variance was denied January 10, 1994, has been approved by the Planning Commission to do a two-way split and create a 5 acre and an 8 acre parcel from 344 acres.

ADJOURNED at 3:10 p.m.

Deputy Clerk    Chairman

April 11, 1994

SEAL

Online Copy

**Minutes 04/18/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 18, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 18, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, April 11, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clark's report was received for the month of March 1994.

RESIDENT Gary Caughey's letter requesting pay for work as a Security Guard for the Hwy 101 Concert, held December 31, 1993, at the fairgrounds was received. Comm McClellan moved to pay the claim in the amount of \$100.00, seconded by Comm Brubaker and carried.

GAMING IMPACT FUND CONTRACT: Comm Brubaker moved to sign the discretionary award from the Contiguous County Limited Gaming Impact Fund ("Gaming Impact Fund") contract between the State of Colorado and the Montezuma County Board of Commissioners, seconded by Comm McClellan and carried.

LE PEW SEPTIC TANK SERVICE owner Bill Edgerton stated that at this time there is no one in the area that will accept sewer grease, while in a liquid form. His company collects the grease from several entities on a monthly basis. It was noted that the new Montezuma County landfill cannot accept any liquid. Manager Ron Lanier stated that he has been checking with other counties for their solution to similar problems. He reported that the majority of contacts he has made indicate that it is a private sector problem. If a way can be found to remove the liquid, the remaining grease can then be tested and possibly disposed at the landfill. He will continue to check on new options and ideas.

WILD WILD REST owner Ray McCarty met for the cancelled public hearing, which he was informed had been postponed until May 9, 1994. Deputy Clerk Betty Davis explained the process for his new application for a 3.2% beer-license "on and off premises."

DEPUTY CLERK Betty Davis reported that she would like to attend a training seminar on processing liquor licenses, even tho the seminar was not included in this year budget. The seminar will address new changes in the law, new forms, etc. She stated she felt she needed to keep up on these types of changes, especially since Clerk DeGraff is not seeking another term and is the only other person familiar with processing liquor licenses. She does have plans to start training someone as backup. The Board will talk with Clerk DeGraff about the request.



LIQUOR LICENSE: Deputy Betty Davis presented a renewal application for a retail liquor license for Smitty's Liquor. The Sheriff's Department reported no problems with this outlet. Comm Brubaker moved to approve this application, seconded by Comm McClellan and carried.

PLANNING: A planning resolution P-41-93 Amended was presented whereby Jim Roszko, owner of 390 acres, would be granted a variance to the subdivision regulations to amend planning resolution P-41-93 to show Tract A containing 7.63 acres and Tract B containing 5.63 acres in Section 31, T.37N., R.14W. This resolution is being amended due to a fence line dispute with an adjoining landowner. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A planning resolution P-20-94 was presented whereby Carlton Wofford, owner of 30.62 acres, would be granted a variance to the subdivision regulations to record a 20.41 acre parcel and a 10.21 acre parcel in Section 13, T.36N., R.17W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-21-94 was presented whereby Kenneth Williamson, owner of 13.47 acres, would be granted a variance to the subdivision regulations to record a 3.72 acre parcel and a 9.75 acre parcel in Section 8, T.36N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-22-94 was presented whereby James L. Robertson and Sally Beth Robertson McAfee, owners of 41.46 acres, would be granted a variance to the subdivision regulations to record a 10.35 acre parcel and a 31.11 acre parcel in Section 9, T.36N., R.13W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request to the subdivision regulations was tentatively approved for Delbert Gray to split off and sell 3 acres from an 11 acre parcel, contingent on the 40' easement being limited to the 3-acre parcel. A verbal request to the subdivision regulations was tentatively approved for Micah Morris to split 10 acres from a 20 acre parcel. A verbal request to the subdivision regulations from Tim Swisse and Phil Mohrman (non-property owners) in connection with the Peterson Estate property was denied to split a 9.5 acre parcel into two parcels. The request was denied since one parcel is not big enough to constitute a variance and would have to be tied to a lot within the city limits. The city has expressed a desire to annex the 9.5 acres. A verbal request to the subdivision regulations was tentatively approved for Robert and Suzy Myer (Clarence Calhoun property) to split 8 acres into a 2-acre parcel and a 6-acre parcel. The 2-acre parcel will be tied to an adjoining landowner's property. A request was received from William Wolfgram for a variance number for an 1.8 acre parcel. It was determined that a number is not required since his parcel of land was created before 1972. It was noted that variances can only be applied for by current landowners.

LUNCH was had with the Dolores County Commissioners. The following items were noted, per Deputy Clerk Tom Weaver: (1) The 911 Contract between the Dolores and Montezuma County was discussed. (2) A proposal to take maintenance of the West Fork road in exchange for lodging jail prisoners from Dolores County was discussed. (3) It was affirmed that Dolores County will construct one mile of county-line road west of Highway 666. It will take \$26,000 to construct this section of road, with the cost being split between Dolores and Montezuma County. Montezuma County's cost will be \$13,000 and will be paid by giving credit to Dolores County for gravel purchased from the Ormiston Pit. Dolores County will do all the work.

BOARD OF SOCIAL SERVICES was conducted.

MONTEZUMA COUNTY FAIRGROUNDS SPEEDWAY representative Gayel Alexander asked what would be the charge to use the speedway for a practice run scheduled for April 24th. A charge of \$20.00 per hour was affirmed for the April 24th practice run.

04-18-94

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HEALTH DEPARTMENT Nurse Bette Butter and Larry Williams asked for a letter from the Board to support Montezuma Health Department as the single entry point for elderly long-term care for Dolores and Montezuma County. This was affirmed. The proposed Nursing Contract was presented for review. The gap in services between Community Connections and the Health Department for a certain age group of children was discussed. Nurse Butter stated she would contact Community Services with these concerns. She reported that a "Community of Needs Assessment" report to be done every 5 years and administered by the County Board of Health is now part of a new law. It was affirmed that the Board of County Commissioners will continue to act as the County Board of Health. The immunization contract has been changed, and as a result more monies are available. Some of these monies will be used to purchase a new computer. Nurse Sutter submitted a proposal for an increase in charges for septic permits. The increase was tabled until the floodplain permit fee can be included.

VISITING STUDENTS FROM DENMARK, Mathias Hansen, Eva Falster, and Signe Jensen, were given an overview of County government.

ASSESSOR Bob Cruzan, at the request of the Board, explained his April 15th letter to Colorado Assessor Association lobbyist Jane Martin on the effect of SB94-080 on carbon dioxide value.

ADJOURNED at 4:40 p.m.

Deputy Clerk    Chairman

April 18, 1994

SEAL

**Minutes 04/25/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 25, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, hold an Monday, April 25, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, April 18, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Brubaker, and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Receipt of a letter from Shell Oil Company in regard to the Shell Western E & P, Inc.

Abatement was noted.

LANDFILL ORDER: Comm Brubaker made a motion to direct the Clerk to issue Order Number 0-12-94 to the Treasurer to draw a warrant on the Landfill fund in the amount of \$4,781.98, payable to the Colorado Department of Health, ASE/AR/BI, 4300 Cherry Creek Drive south, Denver, CO 80222-1530, as the first quarter payment. Motion was seconded by Comm McClellan and carried.

ROAD DEPARTMENT Foreman Kirk Stauffer reported that they will be starting earlier this year with the mag-chloride program. He asked if there could be a cut-off date of June 30th for the program. This was affirmed. It was affirmed that the price would remain the same as last year, which was \$200 to cover 400 feet. Last year's customers will be notified of the cut-off date, etc. Information about the program will be published in the paper. He asked if anything further has been received about funding for the repairs of Dunlap Hill and Kelly Hill. Engineer Bud Roach stated that funding for both the projects was approved April 22nd. Engineer Roach will meet with Forest Service representatives this week to work out the final details. Foreman Stauffer stated that they will start blade patching in two weeks. He reported that permits are not being bought by the Montezuma Water Company prior to some installations. Foreman Stauffer will contact the Montezuma Water Board and ask that they meet with the County Commissioners next Monday with at least a quorum of members. Issues discussed at the April 11, 1994, meeting with the Commissioners will be re-addressed.

RESIDENT Bob Moore asked if the county has the right to impose a fuel tax. The highway users tax was explained. The proposed 1% county sales tax was discussed with Mr. Moore.

RESIDENT Don Slater stated he felt that planning resolution P-78-93 approved December 6, 1993, should be null and void (see copy). His concern was the possible jeopardy to his one share of irrigation water. The irrigation ditch crosses the two parcels covered in P-78-93. He quoted the county subdivision regulations in regard to variances, and stated that he does not feel that the requirements to approve a variance were followed. He asked that the decision to adopt the resolution be reversed. No action was taken by the Board.

04-25-94

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DEPUTY CLERK Betty Davis presented a packet with the new application forms for liquor licenses. She reported that they have added a new liquor license classification for a "Bed and Breakfast" permit.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for renewal of a 3.2% beer license for the Maverik County Store. The Sheriff and Health Departments reported no problems with this outlet. Comm Brubaker moved to approve this application, seconded by Comm Brubaker and carried.

RESIDENT James Lambert asked if the Board was aware of actions being taken in New Mexico in connection with land use. This was affirmed. Comm Colbert explained the county's current process and cooperation with government entities in connection with the Federal Land Use plan.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: a VERBAL REQUEST FOR A VARIANCE TO THE SUBDIVISION REGULATIONS WAS TENTATIVELY APPROVED FOR J. Rex Douglas to split 3 acres from 33 acres for mortgage purposes only. The parcel is not to be sold as a separate tract. A verbal request for a variance to the subdivision regulations was tentatively approved for Rodney Reidhead to split off 3 acres from 40 acres to sell. A verbal request for a variance to the subdivision regulations was tentatively approved for Tommy Carver to split off 3.5 acres from 9.7 acres to sell.

EMERGENCY 911 TELEPHONE SERVICE: Comm Brubaker moved to sign the Memorandum of Understanding between the Montezuma County Emergency Telephone Service Authority and the Dolores County Emergency Telephone Service Authority, seconded by Comm McClellan and carried.

ADJOURNED at 12:10 p.m.

Deputy Clerk    Chairman

April 25, 1994

SEAL

**Minutes 05/02/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 2, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 2, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, April 25, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for the month of April 1994 was received.

PAYROLL: General fund vouchers #11379 thru #11495 in the amount of \$132,437.08, #20109 in the amount of \$15,758.18, #20110 in the amount of \$81,878.71 and Road fund vouchers #11496 thru #11535 in the amount of \$57,560.18 and #7734 in the amount of \$40,097.19 were approved for payment.

RESIDENTS Charles and Daisy Mahaffey, Harold Hensley and Florence Daly presented petitions signed by approximately 20 landowners. The petitions requested that CR 18, south of CR P and CR L.5, west of CR 18 be widened and graded and that base rock and gravel be applied. The residents were asked if they were willing to haul the base rock for these roads, which are listed on the official county map as unimproved county roads. In accordance with policy, the county would then bring the roads up to county specifications for year round maintenance. The residents refused.

ROAD DEPARTMENT Foreman Kirk Stauffer reported that the shaft for the crusher is being picked up at Grand Junction this week. He stated that he contacted the members of the Montezuma Water Company Board, and a meeting is scheduled with the Commissioners today at 2:00 p.m. A final inspection of CR 24A and CR G1 will be done Wednesday with the Cortez Sanitation District.

RESIDENT Buford Rule met to ask if he could sell 20 acres to an adjoining landowner who owns 7 acres. The request for a variance to the subdivision regulations was tentatively approved, contingent on a survey being done to show the buyers tract as a total of 27 acres. Any other splits will have to go thru the Planning Commission.

ASSESSOR Bob Cruzan was asked to compile figures on establishing an assessment for the Shell E & P Inc. CO2 field, based on the actual value of the leasehold estate.

ABATEMENT: Assessor Cruzan being present, a petition for abatement of property tax was presented for Safeway Inc #7855 c/o Property Dev, #11-5611-261-00-030, 1993, erroneous assessment, \$3,918.36. Assessor Cruzan recommended the abatement on the 1993 tax bill. Comm Brubaker moved to approve this petition, seconded by Comm McClellan and carried. All proceedings were taped for the record. It was noted that the Assessor and all the Commissioners were present.

COMM McClellan was excused for possible Jury Duty.

LEWIS-ARRIOLA ELEMENTARY SCHOOL WILDLIFE SANCTUARY PROPOSAL was presented by Roy R. Brown. John A. Richey, Jr., Carol Hurley, Jacqueline Bloink, Patricia Robichaux, Colleen Honaker were also present (see attached list). They asked for \$5,000 to build a pond for the proposed educational and recreational project. Comm Brubaker suggested that the Army Corp of Engineers look at the proposed wet land site. This will be done. Comm Brubaker made a motion to pay \$5,000 from the Lottery fund to the Lewis-Arriola Elementary School for the construction of a pond. The motion was seconded by Comm Colbert and carried.

RESIDENT Charles Buff asked for help in contacting the appropriate Colorado Department of Transportation about a flooding problem around his home. In past years the highway roadway has been raised, and the culverts that were installed are too small to handle the run-off water from heavy rains. A letter will be written to the Colorado Department of Transportation, and, if possible, an on-site meeting will be scheduled.

MANCOS FAMILY CENTER: Jim Wilson met to inform the Board about a possible new facility for a day care -headstart - pre-school center, in connection with the Mancos Family Center. He stated that persons involved wanted the Board to be aware of the proposed project. Sometime in the future they may ask for a letter of support from the Board to help qualify for grant monies. The Board affirmed their support.

PLANNING: A planning resolution P-09-94 was presented whereby Donald B. Fox, owner of 43 acres, would be granted a variance to the subdivision regulations to record a 4.69 acre tract in Section 10, T.36N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm Colbert and carried. A planning resolution P-23-94 was presented whereby Keith Evans, owner of 29.18 acres, would be granted a variance to the subdivision regulations to record a .785 acre tract and a 28.391 acre tract in Section 23, T.36N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm Colbert and carried. A planning resolution P-24-94 was presented whereby Jerry and Sally Leigh, owners of 37 acres, would be granted a variance to the subdivision regulations to record a 26.75 acre tract and a 10.25 acre tract in Section 16, T.35N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm Colbert and carried. A planning resolution P-25-94 was presented whereby Gerald and Betty South, owners of 344 acres, would be granted a variance to the subdivision regulations to record a 7.01 acre tract and a 4.85 acre tract in Section 3, T.37N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm Colbert and carried. A planning resolution P-26-94 was presented whereby Lorna Jean Wilson, owner of 20.24 acres, would be granted a variance to the subdivision regulations to record a 11.76 acre tract and a 8.48 acre tract in Section 17, T.36N., R.16W. This was tentatively approval April 18th, under the name of Micah Morris. Comm Brubaker moved to adopt this resolution, seconded by Comm Colbert and carried. A verbal request for a variance to the subdivision regulations was tentatively approved for Ernie Guerrero and Francine Olsen to split 3 acres from 40 acres to sell. A verbal request for a variance to the subdivision regulations was tentatively approved for Alvin Sattley to split 5 to 6 acres from 58 acres and sell the parcel to an adjoining landowner, Ron Eberts. A verbal request for a variance to the subdivision regulations was tentatively approved for Lewis and Nancy Schultz to split two 10 acre parcels from 71 acres. A verbal request for a variance to the subdivision regulations was denied for Lawanna Milhoan to sell approximately 2.92 acres. The property needs to be 3 acres net, excluding the easement. It was affirmed that before any splits are done in the LaVerde Estates, everyone needs to sign off on a plat, and the road needs to be built to county specifications.

05-02-94

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ADJOURNED FOR LUNCH with the City of Cortez.

BOARD OF SOCIAL SERVICES was conducted.

COMMUNITY SERVICE OFFICE: Mike Preston gave a follow-up report on the proposed Land Use Plan. MONTEZUMA WATER COMPANY BOARD members Ray Coulon, David Sanford, Bill Fulks, Mike Bauer, Jim Snow, and Jim Youngs and Attorney Cliff Fossum met to discuss the County's policy in connection with the Right-of-Way permit fee (see February 7 and March 14, 1994 minutes). Road Foreman Kirk Stauffer and Lloyd Everett were also present. Comm Colbert stated that the permit fee was to cover the costs of normal damage done to any county road, from the installation of utility lines. Attorney Fossum stated that the Water Board felt this was a type of tax imposed by the county, therefore the county should be responsible for collecting such from the property owner. It was noted that any company doing damage to county roads will be held responsible for that damage. After discussion, it was affirmed that the permit fee should, in the future, be referred to as a charge for "reimbursement for damages". Attorney Fossum also asked that the Commissioners consider Letter of Credits in lieu of a Cash Bond. This will be considered. The Commissioners affirmed that a letter, addressing proposals about these issues, will be written to the Montezuma Water Company Board for presentation at their May 10<sup>th</sup> Board meeting.

LANDOWNER Pat Janz asked for a variance to the subdivision regulations to split from 200 acres, two 5-acre tracts for mortgage purposes. A letter will be written stating that the Board does not feel that a variance needs to be granted for mortgage purposes. It will be noted that the letter does not guarantee access, and does not constitute separate parcels for sale.

ORMISTON PIT AGREEMENT was signed.

GAMING IMPACT FUND judicial request was signed.

ADJOURNED at 4:35 p.m.

Deputy Clerk    Chairman

May 2, 1994

SEAL

**Minutes 05/09/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 9, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, hold an Monday, May 9, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting hold Monday, May 2, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-13-94 to the Treasurer to pay \$634.57 from the 911, account, to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Brubaker and carried.

RESIDENT Louis Caughey met to complain about being charged \$5.00 to dispose of a water heater at the dump on the designated free day. Since appliances were included in the free day, the \$5.00 was refunded to him.

BASE SEALANT Region Director John McKay presented information an liquid soil stabilizer base seal and dust seal products sold by the company. A video was shown. Foreman Kirk Stauffer and Engineer Bud Roach were also present. Mr. McKay offered to reduce the price for one barrel of dust seal by \$50.00 and ship it free, if the county purchased one. It was affirmed that the county would purchase one 55 gal drum of dust seal. It will be applied to approximately 1/4 mile at one end of the now dump road, and then a comparison will be done between it and mag-chloride.

ROAD DEPARTMENT Foreman Kirk Stauffer reported that sections of Lebanon Road (CR 25) are deteriorating and that approximately two miles have become dangerous to public safety. An on-site inspection will be done by the Commissioners, Foreman Stauffer, Foreman Jim Beecher and Billy Striegel at 3:00 p.m. today. Foreman Stauffer reported that the inspection of CR 24A and CR G1 with the Sanitation Department was done last Wednesday as planned. After discussion with the Sanitation Department and their contractor, it was agreed that the roads had not been restored to their, former condition and are not up to county specs. The Sanitation Department confirmed that they will not pay the contractor until the County approves the road. The type of gravel used by the contractor will be checked by the Road Department. Foreman Stauffer reported that U.S. West Communication line installers have bought all the necessary permits, but further damage costs may need to be assessed by the county. He reported that the Montezuma Water Company cooperation with the county is better. Two options for reimbursement for damages were discussed, (1) Companies pay up front, or (2) Companies pay after work is done with possible "Letters of Credit." They will start the mag-chloride program next week. The shaft was received for the crusher and installed by county personnel. An inspector is due today to inspect the installation and sign off on it,



so that a written warranty may be issued to the county. Dolores County has completed the work on the county line road and has no further-authorization for any more gravel from the Ormiston gravel pit.

**PUBLIC HEARING - WILD WILD REST:** It being the time set aside, a Public: Hearing was conducted for the consideration of a 3.2% beer license "on and off premises" for the Wild Wild Rest establishment. The roll was called and proof of publication was read. Deputy Clerk Betty Davis presented the application for a 3.2% beer license from owners, Raymond E. and Sandra McCarty. Present were Deputy Clerk Betty Davis, owner Ray McCarty, and Sheriff Department Investigator Larry Staats. No public was present. Investigator Staats submitted a Report of Investigation. The polling report showed that within the radius of two miles, 15 residents were polled. The following questions were asked: (1) Do you feel there is a need for this license? and (2) Do you want this license issued? The survey showed 11 affirmative, 3 against, and 1 no opinion for both questions. Investigator Staats also reported that an investigation was done of Mr. McCarty's financial and character background, and the establishment was physically inspected. All were accepted. Clerk Betty Davis explained that the first public hearing scheduled April 18, 1994, was cancelled because Mr. McCarty submitted a written request that his application for at beer and wine license be changed to a 3.2% beer license "an and off premises." Comm McClellan moved to approve this application, seconded by Comm Brubaker and carried. These proceedings were taped for the record.

**OFFICE OF COMMUNITY SERVICES:** Mike Preston and Ginger Black reported that they are working on the final draft of the proposed changes to the subdivision regulations. Comm Brubaker made a motion to set the public hearing for public review of the proposed subdivision regulations for, Wednesday, June 1, 1994, at the Cortez Convention Center at 7:30 p.m. The motion was seconded by Comm McClellan and carried. The announcement of the proposed public hearing will be published May 12th in the Cortez newspaper, and will state that copies of the document are available for, review before the scheduled hearing.

**PLANNING:** A planning resolution P-27-94 was presented whereby Richard and Evelyn Wagner, owners of 29.44, would be granted a variance to the subdivision regulations to record a 3.09 acre tract and a 26.35 acre tract in Section 4, T.36N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for a variance to the subdivision regulations was tentatively approved for Felipe Gallegos to be issued an "after the fact" variance. Mr. Gallegos needs a variance number in order that a septic system can be approved by the Sanitation District for the property. He purchased the 26 acres from a party that did not get an approved variance before selling it to him.

**PUBLIC HEARING - MANUAL HASTINGS SUBDIVISION:** It being the time set aside, a public hearing was scheduled the proposed Manual Hastings Subdivision. The hearing was cancelled since no one showed up to represent the subdivision. It was noted that Mr. Hastings will be told that the road is not approved, and the plat was not signed.

**BOARD OF REALTOR** President Bob Durant, Century 21 representative Terry Parker, and Coldwell Banker representative John Paquin met to discuss several items. Mr. Durant asked that effective dates be put on amended variance policies. The proposed land use plan, the upcoming public hearing on the subdivision regulations, and the method of appointing Planning Commission Board members were discussed. They expressed a desire to cooperate and participate with the County on the proposed land use plan.

05-09-94

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REALTOR John Paquin asked for input about access to 150 acres which he owns. Old CR 29.5 was officially abandoned on the county map in 1984. According to Mr. Paquin, this old county road is still being used by the public. He stated that his concern is that without the old county road, his property only has 45' access. He asked if one entrance into the property was all he needed. This was affirmed. The Commissioners informed him that if the property is developed, a 60' access is required. It was suggested that he continue to work with Empire Electric and adjoining landowners to obtain enough additional land to increase the 45' access to the needed 60' access.

PROPOSED COMMUNICATION TOWERS: Cellular One representatives Leon Beuhan and Larry Woolley submitted an application for a permit to construct a cellular communication facility on an existing communications site at Goodman Point. The proposed facility includes a 300-foot cellular tower and a 12'x16' building. An application was received and noted earlier in the day from CommNet Center for a permit to construct a cellular communication facility on an existing communications site on Menefee Mountain. This proposed facility includes an 80-foot cellular tower and a 10' x 20' building. Comm Brubaker moved to set a public hearing to consider the application from Cellular One for Monday, May 23, 1994, at 10:00 a.m. Comm Brubaker moved to amend the motion, since an earlier application had been received from CommNet Center, to set a public hearing to consider the application from CommNet Center for Monday, May 23, 1994, at 10:00 a.m. and to set a public hearing to consider the application from Cellular One for Monday, May 23, 1994, at 2:00 p.m. The amended motion was seconded by Comm McClellan and carried.

DEPARTMENT HEADS: Nurse Bette Sutter was present. She presented the proposed restructuring law concerning the creation of a Local Service Area restructuring process for the local administration and delivery of human services. Several programs are being put on computers and the State will supply the computers needed for implementation. The department has received the refund from Medicare. She presented a fact sheet about the area prepared by the Health Department for distribution to tourists. She asked if a designated physician can be appointed to do the initial evaluation for Workmen Comp claims. This will be considered.

NOTICE OF INTENT TO FILE SUIT was presented to the Board in regard to Claimants Denise Martina Mason by her mother and next friend, Michelle Atcity and Derrick Martinez Mason by his mother and next friend, Theresa Begay. The claim, which was a result of the death of Donald Martinez Mason in the Montezuma County jail, has been referred to the Insurance Company.

LANDOWNER Jack Hindall met to express concern about an adjoining neighbor who has use of a 30' easement into his property. The neighbor wants to use the access to move a house into a parcel of adjoining land. Some of Mr. Hindall's trees may have to be cut to make this possible. No action was taken.

ADJOURNED at 3:30 p.m. to do an on-site inspection of Lebanon Road.

Deputy Clerk    Chairman

May 9, 1994

SEAL

**Minutes 05/16/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 16, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 16, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, May 9, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Brubaker and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report and the Treasurer's reports were received for the month of April 1994.

ACCOUNTS PAYABLE: General fund vouchers #20108 thru #20296 in the amount of \$158,691.53 and Road fund vouchers #7740 thru #7807 in the amount of \$45,322.79 were approved for payment.

CLERK Jean DeGraff presented a letter concerning voter registration places and branch registration (see attached.) A letter had been received from Republican Chairman Pam Long stating that branch registration is not needed this year. The new federal law effective July 1, 1994, which will allow persons to register in any public office, was discussed. Clerk DeGraff did not recommend branch registration for Montezuma County this year. Comm McClellan made a motion that Montezuma County not have Branch Registration this year. Motion was seconded by Comm Brubaker and carried.

STUDENTS FROM SOUTHWEST OPEN HIGH SCHOOL, Holly Meredith and Monica Farrar were present until 10:00 a.m.

ADMINISTRATOR Weaver presented a letter written to the City of Cortez outlining a proposal for implementation of the American Disability Act requirements for the jointly administrated Justice Building. This was approved.

TOWN OF MANCOS Mayor Ed Hallam asked if the town of Mancos could sign up for the mag-chloride program to have 1/4 mile of road done in town. He stated that the town and one business would pay for the dust retardant, if the county could furnish the water truck. He was informed that the county can provide the magchloride, if Mancos hires a contractor to do the work. He will check into that, and if he cannot locate a contractor, he will come back to the Board.

**GAMING IMPACT:** Governor Romer's representative Director of Revenue Renney Fagan, Director of Gaming George Turner, Attorney General office representative Sue Beck-Ferkiss, Division of Gaming representative Tom Kitts met to discuss "outside" gaming impacts on the county. They stated they will discuss these concerns with the Ute Mountain Ute Tribal members. Department of Local Affairs representative Ken Charles, Town of Ignacio representative Balty Quintana and La Plata County representative Wayne Bedor were also present. Impacts discussed were: day care services, family disturbances, DUIs, traffic, roads and reduced enrollment in adult educational programs. It was noted that due to the strenuous reporting system, administration costs are high to qualify for money from the Contiguous Gaming program. Sheriff Wood explained the current compact agreement between the County and the Tribe. He stated that at this time it is satisfactory.

**LANDOWNERS** Mr. and Mrs. Wes Sprague presented a petition signed by residents on CR N west of Hwy 666 (see attached). Foreman Kirk Stauffer was present. They requested that speed limit signs be posted on CR N, that "no passing zone" stripes be painted on Hwy 666 for 1/4 mile on each side of the turn off to CR N, and that dust retardant be put in front of residences by companies using the road. The Sheriff's department will do an on-site inspection of the road for speed limit signs, and notify the Road department of their decision. They were advised to have the Sheriff's department patrol the road more. The request for the "no passing zone" on Hwy 666 has to go through the Colorado Department of Transportation. The Commissioners will bring it up for discussion at an upcoming meeting with the State Highway engineer. The mag-chloride program was explained to them.

**ROAD DEPARTMENT** Foreman Kirk Stauffer reported that the crusher is now operating. It was inspected, approved, and a written warranty was received by the Road department. They will start blade patching CR 25 (Lebanon Road) this week. Recent changes in the 1994 Road Department Plan will be submitted to the Board. The suggestion that subdivision inspections be done by the District Foremen, instead of Engineer Roach, will be discussed at a District Foreman meeting this week. Foreman Stauffer reported that they are busy inspecting work being done by U.S. West Communications. He was asked to check U.S. West's activity on CR M to be sure that the permit purchased covers the work. A problem with trucks leaving the shop area with no fuel was discussed, Culvert on CR BB will be checked. Foreman Stauffer will also check on locating a contractor to do mag-chloride for the town of Mancos. If no contractor is available, Foreman Stauffer will contact Mancos personnel, and schedule to do the road in Mancos when they are doing others in the area. The town of Mancos will have to do the blading. Businessman Lou Jarmon will be informed of the new culvert policy.

**NEW CULVERT POLICY:** Metal or plastic culverts are acceptable if installed to county specs, inspected, and approved by the County Road Department. If a culvert installed to county specs is damaged by a county blade operator, the county will replace or repair the culvert. These changes will replace the policy stated in the October 18, 1993 minutes.

**STATE SOCIAL SERVICES** representative Tom Graham and State Merit Social Service Department employee Kathy Talcott met to discuss the Match Act. Ms. Talcott is presently a candidate for the elected office of County Treasurer. Ms. Talcott stated that she did check with the Secretary of State office and other entities before she made the decision to become a candidate. Mr. Graham will check on: (1) Approval to change funding for Ms. Talcott's present position to all county funds; and, (2) If, funding cannot be changed, the consequences to the County by the State if no corrective action is taken by the Board.

05-16-94

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ADJOURNED FOR LUNCH with the Dolores Senior Citizens.

PLANNING: A planning resolution P-28-94 was presented whereby J. Rex Douglas, owner of 32.75 acres, would be granted a variance to the subdivision regulations to record a 3.05 acre tract. This variance is recorded for mortgage purposes only and this tract cannot be sold as separate parcel. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried.

UNDERSHERIFF Bob McDonald submitted for signature an amended agreement for financing the purchase of six vehicles for one year (see February 14, 1994 minutes). This amended agreement reflects the lower interest rates now available. This was signed.

ADJOURNED at 2:30 p.m.

Deputy Clerk    Chairman

May 16, 1994

SEAL

Online Copy

**Minutes 05/23/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 23, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 23, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held Monday, May 16, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Brubaker and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. A letter was received from the Montezuma County Democratic party stating they do not support branch registration (see attached).

RESIDENTS Larrie Rule and Pat Delgado stated that a section of CR L where the county installed a mat last year is very dusty, and asked when it was scheduled for mag-chloride. Also, due to the road work their driveway is now lower than the road, and they asked if additional gravel could be put on to correct the problem. Foreman Kirk Stauffer explained that mag-chloride had not been put down until it was determined that the mat would work to stop water seepage on this section of road. He stated that it had been determined that the application of magchloride would not be a deterrent to the planned chip and sealing scheduled for next year. It was affirmed that more gravel will be put in the driveway and the mag-chloride will be done this week. They also asked if there was some type of policy against private residents dumping garbage and trash on their own property. They were advised to contact the Montezuma Health Department for any health problems associated with this practice of their neighbor.

ROAD FOREMAN Kirk Stauffer stated that the City of Cortez has asked to borrow the compactor for most of the summer for use in the construction of the new park. He was advised that it is sometimes used at the fairground raceway. He will check with the raceway association. If possible, he will work out some type of scheduling with the City. Foreman Stauffer reported that the application of magchloride is finished in the Cortez District, except for the dump road. This road will be done after U.S. West Communications has resolved problems with rights-of-way and complete their installation of lines. It was noted that for accurate county right-of-way deeds, they need to check files in the Engineer's office. Trucks will be re-routed by Utley Construction due to road damage. No private contractor was located to do mag-chloride for town streets. They are hauling chips for the landfill road. The crusher is working great; chips are very clean.

BAKER SANITATION owner Les Baker thanked the Board for the free use of the landfill for the county wide clean-up day, which he felt was a big success. He asked if his company could continue to use the landfill for trash from outside the county. He presented figures and fees paid in 1993 and the projected space he would use in the new landfill. He stated a new landfill will be completed sometime this fall in Blanding, Utah, but he would prefer to continue using the Montezuma landfill if possible for trash he picks up out-of-state. It was affirmed that he can continue using the landfill for Dolores County and Montezuma County trash. Use for the landfill for out-of-state trash was tabled until Administrator Weaver and Landfill Manager Lanier compile projected figures comparing use and expenses with fees collected.

LA VERDE ESTATES landowner Mike Mikkelson asked for advice on enforcement of subdivision covenants. It was stated that the only way to enforce any documents such as covenants, etc. is to go to Court. He also asked what can be done about dogs running loose. He was advised to report this to the Sheriff's department. The county's vicious dog ordinance was explained to him.

PUBLIC HEARING - COMM NET CELLULAR TOWER: It being the time set aside, a Public Hearing was conducted for an application for a permit to construct a proposed cellular communication facility for CommNet of Englewood, Colorado on the existing communication site at Menefee Mountain. The roll was called and the Public Notice was read. CommNet representative Michael Kemp was present. No public was present and no adverse comments were received about the proposed tower. Project Manager Kemp stated that the proposed 80'- tower has been registered with the FCC and FAA. A 10'x20' building will be constructed at the site. This tower was proposed and approved in 1992 (see August 17th minutes) under the name Cellular, Inc. They are just now ready to start construction. Comm McClellan made a motion to approve the application and issue the permit. The motion was seconded by Comm Brubaker and carried. These proceedings were taped for the record.

ABATEMENT: Assessor Cruzan being present, a petition for abatement of property tax was presented for Irving L. and Dana Norton, #12-5343-031-00-008, 1993, erroneous assessment, \$1,097.49. Assessor Cruzan recommended approval of this petition. Comm Brubaker moved to approve this petition, seconded by Comm McClellan and carried. It was noted that all the Commissioners were present and the proceedings were taped for the record.

PUBLIC HEARING - SUNDANCE CANYON SUBDIVISION: It being the time set aside, a Public Hearing was conducted for Sundance Canyon Subdivision. The roll was called and the Public Notice was read. Sundance Canyon Subdivision representative Michael Fleming was present. No public was present. The subdivision has met all the specifications of the Planning Commission and no adverse comments about the subdivision were received. The plat was not signed. Comm Brubaker made a motion to approve the Sundance Canyon Subdivision, contingent on the completion of the subdivision road(s) to county specs. The motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

SUMMONS; A summons (Case #94CV57) was served to the Deputy Clerk to the Board of Commissioners from Don Slater vs Montezuma County Board of Commissioners, Thomas K. Colbert, Robert D. Brubaker and Helen McClellan. This "Petition to Review Variances to Subdivision Regulations Granted by the Commissioners of Montezuma County" has been filed with the District Court, County of Montezuma, State of Colorado.

LANDFILL MANAGER Ran Lanier discussed the pros and cons for extending Baker Sanitation's use of the landfill for out-of-state trash. Figures will be compiled and presented next week.

ADJOURNED FOR LUNCH with the Mancos Senior Citizens.

OFFICE OF COMMUNITY SERVICES: Mike Preston gave an update on the Federal Lands program and scheduled meetings. He asked if a biologist could be hired to bring all the scientific facts together on the "pine zone project." The salary of \$8,000 would come from the Forest Service grant for the "pine zone project". This was affirmed.

PUBLIC HEARING - CELLULAR ONE TOWER: It being the time set aside a Public Hearing was conducted for an application for a permit to construct a proposed cellular communications facility for Cellular One, formerly Liberty Cellular, on private land at Goodman Point. The roll was called and the Public Notice was read. Representatives of Cellular One, Larry Woolley, Davis Wilbourn, Randy Blair and Dave Dole were present. No public was present and no adverse comments about the proposed tower were received. Representative Randy Blair stated that the proposed 300-foot cellular tower has been registered with the FCC and FAA. A 12'x16' building will be constructed at the site. He stated that they do have a contract with the private landowner. It was noted that there are other towers in the area and that this tower will not create any interference problems. Comm McClellan made a motion to approve the application and issue the permit. The motion was seconded by Comm Brubaker and carried. These proceedings were taped for the record.

PLANNING: A planning resolution P-27-94 was presented whereby the Cortez Church of the First Born, owner of 9.79 acres, would be granted a variance to the subdivision regulations to record a 3.5 acre tract in Section 11, T.35N., R.16W., (Carter - Lippis). Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for a variance to the subdivision regulations was tentatively approved for Robert Kennedy, owner of 160 acres, to split off 5 acres to keep and sell the remaining 155 acres. A verbal request for a variance to the subdivision regulations was tabled for Keith Hart to split off acreage from an approximately 14 acre tract. Concerns will be checked about the creating of two flagged lots, the long 60' easement and the problem with the front lot not meeting the width and length requirements. An amended plat signed by all the landowners in the Merritt Properties was received and signed. The amended plat changed the boundaries on one lot in tract #6, owned by Mark Johnson, into two lots. It was noted that a correction is made to show that the Manual Hastings Subdivision (see May 9, 1994 minutes) road was not approved.

REGION 9 Executive Director Ed Morlan presented for review the proposed application for a new Community Development Block Grant (CDBG) contract for, additional Business Revolving Loan Funds. The CDBG involves five counties with La Plata County being the lead county. A public hearing is scheduled for June 1, 1994, at the Annex Building to discuss the proposed contract. A cover letter for an Economic Development District Planning Grant application was presented and signed.



05-23-94

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ROAD DEPARTMENT District Foremen and road department employees, Billy Striegel, Tim McComb, Bill McLaughlin, Layne Leffel, Daren Stone, Kirk Stauffer, Don Yeomans and Jim Becher met to discuss the need to or not to fill the position of Road Supervisor. The majority stated there was a need. A poll was taken to determine who they would support from the road department. The results will be taken into consideration, before the position is filled. It was noted that Kirk Stauffer withdrew his application for the position. Other items discussed were: (1) Maintenance on West Fork road in Montezuma County - Dolores County will only plow snow for this section, other maintenance will be done by Montezuma County. (2) Reminder that the county is not graveling any roads that are not presently graveled, unless approved by the Board. (3) Need for a cab for the broom. (4) Suggestion to trade some equipment to purchase a compactor.

ADJOURNED at 4:15 p.m.

Deputy Clerk    Chairman

May 23, 1994

SEAL

Online Copy

**Minutes 05/31/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 31, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, May 31, 1994, at the Courthouse in Cortez, Colorado, there were present.

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

MINUTES of the previous meeting held Monday, May 23, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General fund vouchers #11544 thru #11665 in the amount \$137,952.71, #20298 in the amount of \$16,472.05, #20299 in the amount of \$84,619.65 and Road fund vouchers #11666 thru #11705 in the amount of \$57,858.62 and #7810 in the amount of \$39,886.15 were approved for payment.

ROAD SUPERVISOR POSITION: Comm Brubaker made a motion to appoint Tim McComb as the County Road Supervisor, effective Wednesday, May 25, 1994. The motion was seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that mag-chloride is now done for the Cortez and Roundup districts. They will start in the Mancos district this week. Blade patching will begin this week. Personnel reorganization in the department was discussed. The cab for the broom (sweeper) has been ordered. The shop personnel will install it. Mag-chloride was put on CR L. The crusher is at Hay Camp still crushing chips for the landfill. A request for an update on gravel for the Joe Moore Reservoir (FS Road 693) road was received. Administrator Weaver will check with the appropriate Forest Service personnel. (See October 4 and October, 11, 1993 minutes.)

OFFICE OF COMMUNITY SERVICES: Mike Preston asked for in-put on agenda for Public Hearing on the proposed changes in the Subdivision regulations scheduled for June 1, 1994.

AIRPORT AGREEMENT between United Express operated by Mesa Airlines and the Cortez Montezuma County Airport was signed.

PUBLIC HEARING - MANUAL C. HASTINGS SUBDIVISION: It being the time set aside, a Public Hearing was conducted and sign the final plat for the Manual Hastings Subdivision. The roll was called and the Public Notice was read. Subdivision owner, Manual Hastings, Engineer Ernest Maness and Glenn and Marjorie Smith were present. Administrator Weaver reported that the subdivision has met all the specifications of the Planning Commission and no adverse comments about the subdivision were

received. He also reported that Engineer Roach has inspected the subdivision road and found that the road meets all county specs. Mr. Hastings expressed his appreciation for the support from the Commissioners and the Planning and Zoning Commission in this endeavor. Comm Colbert asked if there were any comments from the public. Mr. Smith stated he and others own the minerals rights of the area. He asked if the subdivision would create any problems with developing these. He was advised to check with the State of Colorado Oil and Gas Commission for regulations, etc. Comm Brubaker made a motion to approve and sign the final plat for the Manual Hastings Subdivision. The motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

PLANNING: A planning resolution P-19-94 was presented whereby Dan Tripp, owner of 40 acres, would be granted a variance to the subdivision regulations to record a 10 acre tract and a 30 acre tract in Section 10, T.37N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-30-94 was presented whereby Jim and Cathy Kingery, owners of 160 acres, would be granted a variance to the subdivision regulations to record a 10.41 acre tract and a 20.40 acre tract in Section 13, T.36N., R.17W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A planning resolution P-31-94 was presented whereby Henry Ewing, owner of 15 acres, would be granted a variance to the subdivision regulations to record a 3.34 acre tract and a 11.66 acre tract in Section 41 T.,35N., R.13W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-32-94 was presented whereby Ralph and Gyanne Cellar, owners of 18.49 acres, would be granted a variance to the subdivision regulations to record a 7.86 acre tract and a 10.63 acre tract in Section 24, T.37N., R.17W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A verbal request for a variance to the subdivision regulations was tentatively approved for Jack McCracken to split 4 acres from 30 acres to sell. A verbal request for a variance to the subdivision regulations was tentatively approved for Bill Edgerton, his father and sister to change boundary lines to square up their respective properties. The three parties agreed to the changes. A verbal request that was proposed in May 1993, for a variance to the subdivision regulations for Elmer Jones to split off 3 acres was re-discussed. It was pointed out that it was denied at that time, because of lack of proof of access and length and depth. To date, the Sanitation Manager has denied additional septic permits. No change was made in the 1993 decision.

ADJOURNED at 11:30 a.m.

Deputy Clerk    Chairman

May 31, 1994

SEAL

**Minutes 06/01/1994 Special**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 1, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Wednesday, June 1, 1994, at the Cortez Conference Center in Cortez, Colorado, there were present:

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

PUBLIC HEARING - PROPOSED SUBDIVISION REGULATIONS: It being the time set aside, a Public Hearing was conducted to discuss the subdivision regulation changes as set forth and proposed in Montezuma County Subdivision Resolution 1-94. The roll was called and the Public Notice was read. Comm Brubaker was absent. Office of Community Services representative Mike Preston gave an overview on: Figure 1 -Comparison of Major Changes Between Existing and Proposed Montezuma County Subdivision Resolution, and Figure 2 - Comparison of Existing and Proposed Montezuma County Subdivision Review Process (Article 3 of Proposed Resolution), see attached. Approximately 30 people, representing a variety of entities, were present (see attached list). Planning Board members, Daryll Veach, Vernal Aulston, Cindy Dvergsten and Joe Arado were introduced. Bill Williams, Bob Diederich, Cliff Fossum, Russell Martin, Bob Durant, and Bill Ray, in that order, formally stated their ideas and concerns, and submitted suggestions for the resolution. Russell Martin submitted a letter stating his comments for record. Chairman Colbert stated that other written comments can be submitted for consideration until Monday, June 13, 1994, at 10:00 a.m. It was noted that no further hearings would have to be held before adoption of the resolution, unless the Board chose to schedule them. During the informal question and answer period the following people had additional comments: Bill Thompson, Chris Eastin, Jim Riffey, Dale Ainsworth, and Vernal Aulston. The platting process was explained. Clarification was made that the subdivision fees set forth in the proposed resolution arm not impact fees, but fees to cover administration costs. Exemptions to the subdivision regulations were discussed. An issue summary will be submitted by Mike Preston to the Board by June 13, 1994. No decisions were made at this time. These proceedings were taped for the record.

ADJOURNED at 9:20 p.m.

Deputy Clerk                   Chairman  
June 1, 1994  
SEAL

**Minutes 06/06/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 6, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 6, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous regular meeting held Tuesday, May 31, 1994, at the Courthouse were read. Comm McClellan moved to approve these minutes, seconded by Comm Brubaker and carried. MINUTES of the special meeting held Wednesday, June 1, 1994, at 7:30 p.m. at the Cortez Conference Center were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for May 1994 was received.

911 AUTHORITY BOAR: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-14-94 to the Treasure to pay \$445.50 from the 911 account, to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Brubaker and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that scheduled mag-chloride is about done. They are still getting calls for additional applications. A list is being kept of these requests and another time will be scheduled for these. The mag-chloride was shot by the county for the one street in Mancos, with the town doing all the other work involved. It was noted that the patches on CR 25 look good. By the middle of this month CR N will be chip and sealed; other chip and seal work is scheduled for the third week of July. Supervisor McComb stated that the water truck at the fairgrounds has been repaired and returned to the fairgrounds. He asked if the department could use it as an extra truck when it is not in use at the raceway. This was affirmed and encouraged. No more complaints have been received about dust on CR N, west of Hwy 666. Supervisor McComb reported that he has been in touch with Forest Service employee Bill Ivy about the Forest Service supplying 3/4" top gravel for the due Moore Reservoir (FS Road 693) road. Mr. Ivy requested that clarification be made about whose road it will be after the top gravel is put on. Administration Weaver will write a letter requesting that the Forest Service be responsible for supplying and hauling the 3/4" top gravel for the road, as verbally agreed to at the on-site inspection of the road October 4, 1993, with the county doing the blading. The letter will also reflect that the county will maintain the road from CR 40 to the cattleguard. It was affirmed that everyone in the road department must have a Commercial Drivers License (CDL). It was noted that everyone has a permit, but some have not taken the driving test. Arrangements will be made for everyone to complete the necessary testing. There was a reminder that evaluations need to be

scheduled. Supervisor McComb reported that after blade patching was completed at the intersection of CR H and CR 27, Cory Veach ran a bulldozer across the new patching, damaging it. Repairing the damage cost \$458.00. The Sheriff was notified and a citation was written. Restitution for the county's expense can either be by a court order, or from the filing of a civil case by the county. The Board asked that Supervisor McComb give copies of the bill and any photos taken at the scene to the Sheriff and the District Attorney offices.

RESIDENT Tom Hagar met to state that a piece of property he wants to sell is landlocked due to his agreement with the Bureau of Reclamation concerning use of a bridge in the area. He was advised to check with the Bureau of Reclamation.

DOWNEY GRADE SCHOOL PLAYGROUND EQUIPMENT: Downey Principal Cindy Smart asked if any funds were available to help purchase playground equipment for the Downey Grade School. They have raised \$3,500.00 of the \$10,000.00 needed. She presented the proposed plan. Comm Brubaker made a motion to approve \$5,000.00 from the lottery funds for playground equipment. The motion was seconded by Comm McClellan and carried.

COLORADO STATE UNIVERSITY EXTENSION OFFICE: Extension Office Manager Jan Brandt introduced the Southwest District Director Dale Edwards. Director Edwards explained his position. He asked for ideas about what issues would the Board would like to see being addressed by the cooperation between the extension office and the county in five to ten years. The following ideas were discussed: (1) education for school children about how environmental concerns relate to agriculture concerns, (2) diversity because of changes in farming brought about by the availability of water to the county, (3) use of technology, (4) education on Public issues, (5) need for record keeping by farmers, and (6) uses for CRP lands.

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

SUMMONS: A draft response to the summons (Case #94CV57), Dan Slater vs Montezuma County Board of Commissioners served May 23, 1994, was discussed and affirmed.

BOARD OF SOCIAL SERVICES was conducted.

WEED CONTROL PROGRAM MANAGER Ran Lanier reported that weeds are being sprayed at the Ormiston gravel pit. He asked that any complaints about the Weed Free Forage program, which is being managed by the Department of Agriculture, be referred to him.

PLANNING: A planning resolution P-34-94 was presented whereby Lawanna Milhoan, owner of 35.95 acres, would be granted a variance to the subdivision regulations to record a 3.89 acre tract and a 32.06 acre tract in Section 13, T.37N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for it variance to the subdivision regulations was tentatively approved for Howard Acott to split 3 acres from 60 acres.

06-06-94

3

CSU EXTENSION Agent Kenny Smith presented the agenda for Governor Romer and the now Commissioner of Agriculture visit to the area. He reported that the Conservation Reserve Program (CRP) report his office received last week is a fact sheet, and did not give any recommendations for use of these lands. It was noted that information needs to be presented to the public about possible uses of the farmlands after the CRP is discontinued this fall.

ADJOURNED at 2:00 p.m.

Deputy Clerk Chairman

June 6, 1994

SEAL

Online Copy

**Minutes 06/13/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 13, 1994

STATE OF COLORADO     )  
  )  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 13, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous regular meeting held on Monday, June 6, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports for May 1994 were received.

ACCOUNTS PAYABLE: General fund vouchers #20300 thru #20471 in the amount of \$136,025.63 and Road Fund vouchers #7809 thru #7887 in the amount of \$56,042.34 were approved for payment.

PROPERTY OWNER Chuck Schroeder met to ask if the county had jurisdiction over how many dwellings are allowed on one acre of land, even if the septic system is large enough to accommodate them. The Board stated they did not have jurisdiction, but Sanitation Manager Periman will be contacted to be sure that the septic situation is sufficient.

ROAD DEPARTMENT Supervisor Tim McComb reported that additional mag-chloride is still being done. Cory Veach has not offered to pay for the damage on CR H and CR 27. The cab has not been installed on the sweeper yet. Supervisor McComb will contact Forest Service employee Bill Ivy with the offer on the Joe Moore Reservoir (FS Road 693) road, see June 6, 1994 minutes. It was noted that any replacement of parts for equipment rented by the county, should be the responsibility of the rental company.

PROPOSED SUBDIVISION REGULATIONS: Mike Preston was present. Realtor Wayne Lee stated he was in favor of new regulations, but expressed concern about the following: (1) proposed fee charge per lot, (2) increase of personnel for implementation of the regulations, and (3) an increase of duties for the Planning Commission. Mr. Lee also stated that he recommended a building permit program. It was agreed that this issue needs to be considered in the near future. Engineer Ernest Maness submitted a letter for the record, and stated that it expressed his concern with the proposed fee charge for a corrected plat. Additional comment letters (see attached) were noted. All these concerns and letters were discussed. Developer Jerry McComb asked for an extension for The Canyon Subdivision, which was submitted in February 1994. This extension was tentatively approved. \*\*\*\* Mike Preston submitted and reviewed the Summary of Public Hearing Comments on Subdivision Resolution, June 1, 1994 (see attached). The summary was discussed. Jerry McComb, Lance Michaels, Pat Blackmer, and JoAnn Cauley were present. Later in the day, further discussion was held and other changes proposed for the subdivision regulations. Assistant Administrator Ginger Black was present. Minor, moderate and major for subdivisions were discussed. All these proceedings were taped for the record. Discussion is continued till Tuesday, June 14, 1994.



06-13-94

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REALTOR Pat Blackmer, representing Vance McCabe and Clyde Whitney, asked for a variance to the subdivision regulations for Mr. McCabe to purchase from Mr. Whitney 3 to 4 acres for access. This request is contingent on this acreage being attached to property owned by Mr. McCabe, which he may eventually sell. This request was tentatively approved.

LANDOWNER Betty Porter asked if a variance to the subdivision regulations could be granted if she decided to purchase an additional 2-1/2 acres from Jackie Wallace, an adjoining landowner. She would add this acreage to her property for better access. Ms. Porter was told that the property owner, Ms. Wallace would have to complete and submit all the necessary forms. It was noted that there would be no problem with giving a tentative approval, since the land would be tied to an adjoining property.

LANDOWNER Lyle Survstrom met to ask if a road off of CR F was a county maintained road. It was determined that it is in a subdivision, and not a county maintained road. He was advised to create a Home Owner's Association or seek legal advice to enforce any covenants addressing the maintenance of the road.

DEPARTMENT HEADS: Senior Nutrition representative Mary Holaday, Undersheriff Bob McDonald, Health Nurse Bette Sutter, Road Supervisor Tim McComb, Clerk Joan DeGraff and Extension Office Manager Jan Brandt were present. Clerk DeGraff mentioned that there is a time-limit on submitting the resolution to put a sales tax on the ballot for the November 8, 1994, election. The time-limit and pro and con requirements will be checked on and reported to the Board. Clerk DeGraff also reported on Colorado State Bill 1294, which satisfies the requirements of federally mandated HR2 - Voters Branch Registration, which is effective January 1, 1995. It was noted that for implementation of HR2 there will be an increase in administrative costs and people will have to be trained to help people register. Nurse Sutter presented the HIV Testing Contract and a 1993-94 Amendment for the County Contract Program (sanitation) for signature. These were signed. She also presented the Home Health Care Contract for approval. Comm McClellan moved to approve the Home Health Care Contract between the State of Colorado and Montezuma County Nursing Services effective December 31, 1993, through December 31, 1994. Undersheriff Bob McDonald stated that it is time to submit justifications for gaming impact monies. He noted that any of the entities that completed the applications and received funds last year from the Gaming Impact monies, would be glad to help others complete the forms. He will schedule a timely meeting for a request from the Sheriff for the Hepatitis B vaccine for the department's employees was discussed. The vaccine will be ordered and administered at no charge to the employee. Administrator Weaver presented a graph showing past and projected revenue from Shell Western E & P. The projected drop in revenue will have to be taken into consideration when next year's budgets are prepared.

SOUTHWEST COMMUNITY RESOURCES (SCR): Joyce Troxel of SCR presented for approval and signature additional documents, that were not needed at the time of the application of the Community Development Block Grant (CDBG), but are now required for CDBG funding. Comm McClellan moved to approve and sign the documents, seconded by Comm Brubaker and carried.

BOARD OF SOCIAL SERVICES was conducted.

CONTINUED till Tuesday, June 14, 1994 .

Deputy Clerk     Chairman

June 13, 1994

SEAL

**Minutes 06/14/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 14, 1994

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the continued meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, June 14, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Board approved the use of the county parking lot to facilitate students painting a mural on the back wall of Guy Dyer's office building.

PROPOSED SUBDIVISION REGULATIONS: Comm Colbert presented several clarifications on the proposed changes from yesterday's discussions. These were discussed. Mike Preston incorporated all the proposed changes into Resolution 6-94, which is referenced as Resolution 1-94 in the June 1, 1994, minutes of the Public Hearing and presented them for review and approval. Comm Brubaker moved to adopt Montezuma County Subdivision Regulations – Resolution 6-94, effective immediately it being Tuesday, June 14, 1994, 12:30 p.m., seconded by Comm McClellan and carried.

PLANNING: A verbal request for an exemption to the subdivision regulations was tentatively approved for Dan and Norma Garris to split off 10 acres from 78 acres.

ADJOURNED at 1:15 p.m.

Deputy Clerk   Chairman  
June 14, 1994  
SEAL

Online

**Minutes 06/20/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 20, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 20, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous regular meeting hold on Monday, June 13, 1994, and the continued meeting held on Tuesday, June 14, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for May 1994 and a corrected report for April 1994 were received.

ADMINISTRATOR Weaver asked what Dolores County should be charged for use of the landfill for trash. It was noted that some of the trash is picked up within Montezuma County. A charge of \$65.00 per load was affirmed.

SAN JUAN BASIN AREA AGENCY ON AGING (AAA): A revised contract Title III Older Americans Act NPE Budget Summary - C Services, effective July 19 1994, was received. The AAA Board of Directors approved the proposed NPE \$2.75 per meal reimbursement rate at the May meeting. The revised contract was signed.

ROAD DEPARTMENT Supervisor Tim McComb reported that mag-chloride was applied to the landfill road last week. The dust meal product bought frail) Bass Sealant (see May 9, 1994, minutes) was also applied to approximately 1/4 mile of the new landfill road last Friday. Concerns about the product are: (1) the road is already dusty, (2) a residue was left in the truck after application, and (3) a resident reported that he could not get the residue washed off his car. The company representative will be contacted to address these concerns. The 1994 road plan will be checked for any work to be done on CR J. Supervisor McComb stated that damage has been done to CR 30, as the result of a new subdivision road. This asphalt road is the only access. Usually companies are encouraged to use graveled reads for, hauling any amount of gravel. It was affirmed that a bill for-reimbursement for county costs will be sent to Developer Cliff Fossum. Supervisor McComb will prepare figures on the damage. Several ideas were discussed about this type of situation. It was noted that if the damage is "after the fact", a bill can be sent and any monies collected can be used for reimbursement for county costs. If the damage is assessed before it occurs, impact fees can be collected and deposited into a special account to be used specifically for that purpose. The cab has been installed on the sweeper. A follow-up will be done with the Forest Service on the Joe Moore Reservoir (FS 693) road.

06-20-94

2

CLERK Jean DeGraff reported that the final date that the sales tax can be certified by the Clerk's Office is September 14, 1994. This date is 55 days prior to the General Election. Pros and cons, if necessary, need to be presented 28 days prior to the election. The Board may only have to address the pros. Clerk DeGraff asked if an initiative from a non government group can be put on the ballot. The State of Colorado has informed the Clerk's office that this decision is up to the Board of Commissioners and the County Attorney. These initiatives will be addressed individually as they appear before the Board.

TRUSTEE for the LONGENBAUGH Trust, son Robert A. Longenbaugh met to ask for an exemption to the subdivision regulations to split an .82 acre parcel with a house, from approximately 150 acres. This parcel of land was deeded out in 1982, without a variance. The "after the fact" exemption to the subdivision regulations was tentatively approved to split a net 3-acre parcel from the approximately 150 acres.

PLANNING: A planning resolution P-4-94 was presented whereby Teddy Cordova, owner of 18.21 acres, desires to record a three-way split in Section 19, T.36N. R.15W. The Planning Commission agreed to this split on May 27, 1993. Comm Brubaker moved to adopt this resolution, subject to the road being brought up to County specs, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved for Jose Samora, owner of 35 acres, to give to his son a 4-acre tract. The 4-acre tract, which is cut off from the rest of the 35 acres by a county road, will be platted with an existing 2.33-acre tract owned by his son, thus creating a 7 acre parcel.

FINANCIAL DIRECTOR Mary Ann Sanders asked if an advertisement might be put in the local newspaper asking for proposals from doctors interested in being designated as the County Workman's Camp physician. This was affirmed.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED at 11:50 a.m.

Deputy Clerk    Chairman

June 20, 1994

SEAL

**Minutes 06/27/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 27, 1994

STATE OF COLORADO     )  
  )ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Comm ism Commissioners, on Montezuma Colorado, held on Monday, June 27, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting hold an Monday, June 20, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

RESIDENTS Brad and Loretta Combs presented a petition signed by several landowners and residents of the west end of CR L. Road Supervisor Tim McComb was present. The petition requested that the speed limit on CR L be reduced to 25 miles per hour, due to increased traffic, dust and endangerment to children and animals (see attached). Also presented was a letter from the Sheriff's Department (sea attached). It was affirmed that a 25 miles per hour speed limit is set and shall be posted. It was suggested that they ask for more patrolling of the area. Any special signs purchased by the individual will be installed by the county.

ROAD DEPARTMENT Supervisor Tim McComb reported that blade patching will be done in the Mancos district this week. Lebanon Road looks good. They have finished hauling gravel for the landfill road, and will start this week crushing gravel at the Hay Camp gravel pit for use by the Road Department. It was noted that any Forest Service gravel will be stockpiled in a different area than the county gravel. Supervisor McComb reported that he has talked with Forest Service representative Bill Ivy about the gravel for the Joe Moore Reservoir (FS 693) road. The Forest Service will furnish and haul the 3/4" top gravel for the road. The gravel, which will be gotten from the Forest Service stockpile at the Mancos pit, will probably not be available until August. The county will spread it. Cost figures on extra oil used to repair damage to CR 30 will be submitted this week. Supervisor McComb reported there is still a problem with collecting monies from the Montezuma Water Company for new installation permits. The water company has not responded to the proposal written to them in May 1994 (see attached). Another meeting with the Montezuma Water Company will be scheduled. A request received from the Montezuma-Cortez School District to borrow the D8 cat for once or two days work on the football field was approved.

CITY OF CORTEZ employee Chris Burkett asked if the City could borrow the county scrapper for occasional use during construction of the new park this year. Road Supervisor was present. This was approved, with the understanding that scheduling will need to be worked out with Supervisor McComb.

PUBLIC HEARING - SPRING CANYON SUBDIVISION: It being the time set aside, it Public Hearing was conducted to consider the Spring Canyon Subdivision. The roll was called and the Public Notice was read. Subdivision owner Cliff Fossum was present. No public was present. Administrator Weaver reported that the subdivision has met all the specifications of the Planning Commission and no adverse comments about the subdivision were received. Mr. Fossum reported that notifications were sent to all the mineral rights owners and no objections were received. He stated that he would cooperate with the county in reimbursement of any costs for damage to CR 30. The final plat was not signed. Comm Brubaker made a motion to approve the Spring Canyon Subdivision. The motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

ABATEMENTS: Assessor Cruzan, Mona A. Rogers and Lavena E. Saunders were present. Petitions for abatement of property tax were presented for Mona A. Rogers, #42-5361-182-00-013-H2G1, 1/3 interest, 1993, erroneous assessment, \$582.16; Lavena Saunders, #42-5361-182-00-013-H2G1, 1/3 interest, 1993, erroneous assessment, \$582.16; and Nola Welsh, #42-5361-182-00-013-H3G1, 1/3 interest, 1993, erroneous assessment, \$582.16. Assessor Cruzan recommended denial of these petitions, being bound by the Division of Property of Taxation regulations. Comm Brubaker moved to approve these petitions, seconded by Comm McClellan and carried. Petitions for abatement of property tax were presented for Mona A. Rogers, #42-5361-182-00-013-H1G2 1/3 interest, 1993, erroneous assessment, \$668.20; Lavena Saunders, #42-5361-18200-013-H2G2, 1/3 interest, 1993, erroneous assessment, \$668.20; and Nola Welsh, #42-5361-182-00-013-H3G2 1/3 interest, 1993, erroneous assessment, \$668.20. Assessor Cruzan recommended denial of these petitions, being bound by the Division of Property of Taxation regulations. Comm McClellan moved to approve these petitions, seconded by Comm Brubaker and carried. A petition for abatement of property tax was presented for Walter and Karolina Szczechowicz, #11-5611-251-00-024, 1993, erroneous assessment, \$5,932.23. Assessor Cruzan recommended approval of this petition. Comm Brubaker moved to approve this petition, seconded by Comm McClellan and carried. It was noted that all the Commissioners were present and the proceedings were taped for the record.

REALTOR Don White representing Pat Blackmer presented drawings showing a proposal clarifying property lines of three parcels (see attached) with quit claim deeds. The Board agreed with the proposal to clarify the property lines.

RESIDENTS of Aladdin Subdivision, Paul C. Blakely and Virginia Wascher asked if the county could do anything about junk cars being brought into the subdivision. The Board stated that there is not an ordinance in effect at this time; but eventually this issue will need to be addressed. It was suggested that the covenants for the subdivision be researched for any action that the residents could take.

ADMINISTRATOR Weaver presented a proposed resolution, " Providing for the Employee's Investment of all the Employer Contributions," from the Colorado County Official and Employees Retirement Association (CCOERA). The resolution was not signed. An unofficial notification from the Department of Social Services on sanctions, in connection with candidate for Treasurer Kathy Talcott, was noted.

GENERAL LIABILITY BID: Comm Brubaker presided as Chairman. Comm Colbert and Attorney Slough were excused because of conflicts of interest. Wolcott Insurance Services (Penco) submitted the only bid. Wolcott representative Bentley Colbert presented the bid for \$101,313.00. Comm Brubaker moved to accept the Wolcott Insurance bid of \$101,313.00, seconded by Comm McClellan and carried. The insurance policy will be effective July 1, 1994.

06-27-94

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AMENDMENT #1 TO THE AIRPORT IMPROVEMENT PROGRAM #11 CONTRACT Dated May 10, 1994, between Isbill Associates, Inc., The City of Cortez, and the Montezuma County Board of Commissioners was signed.

FLOOD PLAIN AGREEMENT with the American Flood Research, Inc. company was signed.

HEALTH DEPARTMENT Nurse Bette Sutter, Thersa Williams and Sanitation Manager Mitchell Periman met to discuss the proposed septic permit fees for individual parcels, and septic permit fees in compliance with the new subdivision regulations. It was noted that a flood plain fee of \$12.50 for each permit will be included for both these categories. Comm Brubaker made a motion to set a fee of \$85.00 for an individual septic permit, with the understanding that this fee when charged in connection with a minor, moderate, or major subdivision permit fee, is not a separate fee, but is included in the total permit fees. The motion was seconded by Comm McClellan and carried.

CORTEZ FIRE PROTECTION DISTRICT representative Paul Sauer presented a draft proposal, "Controlled Burning of Weeds and Trash" for the county, and asked if it could be implemented. It was noted that in the past the Sheriff, through newspaper articles, encouraged residents to notify his department of any planned burn. Mr. Sauer also asked if there is a ban on the sale of permissible fireworks in the county. It was noted that only State law has been enforced concerning fireworks. Mr. Sauer will contact the Sheriff about both these issues.

STATUTES on the proposed Sales tax were reviewed and discussed.

ADJOURNED at 3:10 p.m.

Deputy Clerk     Chairman

June 27, 1994

SEAL

Online Copy

**Minutes 07/05/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 5, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, July 5, 1994, at the Courthouse in Cortez, Colorado there were present:

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

MINUTES of the previous meeting held on Monday, June 27, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report was received for the month of June 1994. A complaint about noise from the raceway at the fairgrounds was noted.

PAYROLL: General fund vouchers #11713 thru #11831 in the amount of \$134,423.18, #20474 in the amount of \$15,371.26, #20475 in the amount of \$82,437.42 and Road fund vouchers #11832 thru #11870 in the amount of \$56,927.38 and #7889 in the amount of \$39,763.57 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-15-94 to the Treasurer to pay \$445.50 from the 911 account, to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Brubaker and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that the blade patching is finished in the Mancos District. Foreman Striegel broke his ankle and might be off work for six weeks. Two 35 mile an hour speed limit signs have been replaced by 25 mile an hour signs on CR 22 and CRL. Two more will be installed. He reported that the road department still needs clarification on permit fees. Another meeting will be scheduled to meet with the Montezuma Water Company and Empire Electric.

JOINT OPERATING AND FINANCIAL PLAN between the U.S. Forest Service and the Montezuma County Sheriff Department for Fiscal Year 1994 was presented for signature. It was signed.

PUBLIC HEARING – ANASAZI HEIGHTS SUBDIVISION: It being the time set aside, a Public Hearing was conducted to approve the Anasazi Heights Subdivision. The roll was called and the Public Notice was read. Subdivision owners Cliff Fossum and Bob Durant were present. No public was present. Administrator Weaver reported that the subdivision has met all the specifications of the Planning Commission and no adverse comments about the subdivision were received. Mr. Fossum reported that notifications were sent to all mineral rights owners and no objections were received. Subdivision fees were grandfathered. Comm Brubaker made a motion to approve the Anasazi Heights Subdivision. The motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.



AMENDED ANASAZI SUN ESTATES SUBDIVISION PLAT was presented. All the property owners in the subdivision have signed off on a change, which moved a boundary line to a fence line. Comm Brubaker moved to approve and sign the amended Anasazi Sun Estates Subdivision plat, seconded by Comm McClellan and carried.

AMENDED ROLLING HILLS SUBDIVISION PLAT was presented for signature. Action on the amended plat was tabled until Administrator Weaer contacts the subdivision representative Bob Leighton, and a Public Hearing is scheduled. An adjacent landowner has expressed a complaint (see minutes of May 23, 1994).

OFFICE OF COMMUNITY SERVICES: Mike Preston gave a report on his meeting with the Montezuma County Economic Development Council (MCEDC). The meeting addressed MCEDC's proposal to put an initiative on the ballot. The initiative would address whether the residents of the county are interested in future Land Use regulations. A meeting will be scheduled with the MCEDC.

AMENDED SUNDANCE CANYON SUBDIVISION PLAT was presented for signature. All the property owners in the subdivision have signed off on the changes. The plat was signed.

ASSESSOR Bob Cruzan presented a request to the Treasurer to remove old Mobile Homes from the tax roll for the years indicated (see attached). The total tax to be removed from the roll is \$399.45. Comm McClellan made a motion to approve removal of the parcels, seconded by Comm Brubaker and carried. The 1994 Preliminary Assessed Valuation (see attached) was also presented.

STATUTES were read in regard to open fires in the county.

PLANNING: A planning resolution P-33-94 was presented whereby Thomas Kirchof, owner of 26.77 acres, desires to record a 13.56 acre tract and a 13.21 acre tract in Section 11, T.36N., R.14W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-35-94 was presented whereby Richard and Marie Swanner, owners of 40.53 acres desire to record a 8.00 acre tract and a 32.53 acre tract in Section 18, T.37N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-36-94 was presented whereby Jose J. Samora, owner of 35.70 acres desires to give to his son Benny Samora a 4.03 acre tract, which Benny Samora will adjoin to his existing 2.33 acre tract, thereby creating a 6.36 acre tract in Section 7, T.36N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-37-94, "after the fact," was presented whereby Kenneth and Lynda Beisswanger, owners of 3.95 acres desire to record a 3.95 acre parcel in Section 17, T.37N., R.15W. The previous owner/owners of this tract failed to obtain a variance on this parcel. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A planning resolution P-38-94 was presented whereby Howard and Deanne Acott, owners of 63 acres, desire to record a 3.41 acre parcel in Section 16, T.36N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carries. A planning resolution P-39-94 was presented whereby James and Shriley Jones, owners of 120 acres, desire to record a 20 acre tract in Section 12, T.36N., R.13W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-40-94 was presented whereby Jack McCracken, owner of 30.10 acres desires to record a 4.38 acre tract and a 25.72 acre tract in Section 26, T.37N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. It was

07-05-94

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noted that Jimmy and Bonnie Kennedy asked if the stipulations still apply that were made and stated in the July 13, 1992, minutes in connection with their request for a variance. This was affirmed.

ADJOURNED FOR LUNCH with the City of Cortez.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED at 2:00 p.m.

Deputy Clerk    Chairman

July 5, 1994

SEAL

Online Copy

**Minutes 07/11/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 11, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF COLORADO   )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, hold an Monday, July, 11, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Tuesday, July 5, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports were received for the month of June 1994.

ACCOUNTS PAYABLE: General fund vouchers #20473 thru #20646 in the amount of \$156,039.93 and Road Fund vouchers #7890 thru #7973 in the amount of \$159,023.23 were approved for payment.

EMERGENCY RESERVE FUND ORDER: Comm Brubaker made a motion to direct the Clerk to issue Order Number 0-16-94 to the Treasurer to transfer \$28,273.48 from the Emergency Reserve Fund to pay Power Equipment for replacement of the shaft on the crusher. The motion was seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that they are about through crushing. They are scheduled to start chip sealing next week. Landfill Manager Ron Lanier gave an update on the new landfill. He stated they have had great cooperation from the Road department. Supervisor McComb stated that he recommended that no more permits be issued to the Montezuma Water Company until some type of settlement is made on the current bill. Application forms for gaming impact manias will be completed this week. Installation of road signs on CR U and CR 21.4 will be checked. Two loads of gravel were approved for a monument site on CR 41. If more than two loads are needed the county will furnish the gravel, if the party installing the monument does the hauling.

AMENDED PLAT - ROLLINS HILLS SUBDIVISION: Comm Brubaker made a motion t(:) approve and sign the amended plat which was tentatively approved prior to adapting the now subdivision regulations. The motion was seconded by Comm McClellan and carried.

REALTOR Pat Blackmer met to discuss the possibility of splitting 22 acres into two 11-acre parcels. He was asked if he knew the current process. He affirmed this. He was informed that this acreage would meet the criteria of a minor 2-lot subdivision.

PLANNING: A verbal request for an exemption to the subdivision regulations was tentatively approved for Donna Russell and C. Randal Baker to split 20 acres from 60 acres for mortgage purposes.

PLANNING POLICIES: It was affirmed that the Commissioners will not give any opinion on land splits without a formal application from the landowner or their designated representative.

NATIONAL ASSOCIATION OF COUNTIES (NACo) representative Rick Rodgers presented a deferred compensation plan for county employees. Any election of this alternative plan would be voluntary on the part of the employee. The plan will be reviewed.

CORTEZ CEMETERY DISTRICT APPOINTMENT: Comm McClellan moved to accept District representative Duane Neil's recommendation to extend the term of Cemetery Board Member George Wickstrom for another term, seconded by Comm Brubaker and carried.

ADJOURNED for an on-site inspection of the new landfill, and lunch with the Montezuma County Economic Development Council (MCEDC).

MONTEZUMA COUNTY ECONOMIC DEVELOPMENT COUNCIL (MCEDC) President Craig Ambrosiani and Executive Director Alan Klein presented a signed petition to place an advisory question for a land use plan for the county on the November 1994 ballot (see attached). Mike Preston was also present. Comm Brubaker moved to accept the petition and consult with Clerk Jean DeGraff for the process for including this initiative on the general election ballot in November, seconded by Comm McClellan and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston gave an updated report on the federal lands program. It was noted that any complaints about a proposed snowmobile trail should be put in writing and submitted to the Forest Service.

DEPARTMENT HEADS: Health Department Nurse Lynda Bouet, Undersheriff Bob McDonald, Assessor Bob Cruzan and Extension Office Manager Jan Brandt were present. Comm Colbert read the proposed resolution for the 1% sales and use tax. He mentioned that a petition had been received to put an advisory question for a land use plan on the November ballot, and that an optional deferred compensation plan for employees was being reviewed. Undersheriff McDonald was informed of the complaint received about the noise at the raceway. He asked if the Joint Operating and Financial Plan between the Forest Service and the Sheriff Department had been mailed to the Forest Service. This was affirmed. Applications for gaming impact monies were discussed. Office Manager Brandt reported that the appointment of Dante Sena, as the manager of the fairgrounds, has improved the working conditions between that facility and the Extension office. Nurse Bouet reported an outbreak of Hepatitis A. Free shots will be available at the Health Department. The department passed the Medicare survey. She presented two contracts for review and signature.

STATUTES for the Road and Bridge Fund were read.

CONTRACT AGREEMENT FOR IMPROVEMENTS TO CORTEZ-MONTEZUMA COUNTY AIRPORT, Cortez, Colorado AIP Project No. 3-08-0011-11 between the City of Cortez, Montezuma County, and Mountain Gravel and Construction Company was signed.

ROAD DEPARTMENT POLICIES – COUNTY ROAD PERMITS: All the local utility companies were invited to discuss the Road Department Policies effective January 1, 1994, and Notice of Intent to Dig or Disturb County Right-of-Way proposal of May 1994. Representatives from Empire Electric, Montezuma Water Company Board, Summit Ridge Water District, (see attached list), and Road Supervisor Tim McComb and employee Lloyd Everett were present. Montezuma Water Board members stated that they had not received the May 1994 proposal. Copies of the proposal were given to one of their board members, and evidently were not delivered to them. All the policies were discussed. State statutes were read concerning fees for utilities classified as special districts, such as the Summit Ridge Water District. It was noted that the initial permit fee is not a fixed fee for damage to the road, but an administrative fee. The following suggestions were made: (1) that the permits be numbered, (2) that permits are for new construction only, (3) that utility companies are responsible for the line to their meter, and (3) that individuals are responsible for the line past the utility meter. It was also suggested that these policies be published again. The Road Department reminded everyone that permits are needed even in an emergency situation, so that the road department can be aware of any damage done to the county rights-of-way. The Montezuma Water Board Company stated they did not feel they had to pay the \$2,800 due for 19 permits that have been issued to them since the adoption of the January 1, 1994 policies on February 7, 1994. They will consider the proposal made in May 1994 and will meet with the Board of Commissioners in the near future on the option they will elect. It was noted that 29 Montezuma Water Company permits were grandfathered. Lloyd Everett was asked to come up with the actual damage costs for the 19 permits that permit fees have not been paid for.

HEALTH DEPARTMENT: Comm Brubaker moved to sign the 1994 County Nursing contract between the State of Colorado, Department of Health and the Montezuma County Board of County Commissioners, seconded by Comm McClellan and carried. Comm Brubaker moved to sign the Colorado Action for Healthy People (CAHP) contract between the State of Colorado, Department of Health and the Montezuma County Board of County Commissioners, seconded by Comm McClellan and carried.

RENEW PROGRAM: It was suggested that any monies given next year to support the Renew program be issued to the local entity.

ADJOURNED at 5:30 p.m.

Deputy Clerk    Chairman

July 11, 1994



**LIQUOR LICENSES:** Deputy Clerk Betty Davis presented an application for the renewal of a 3.2% beer license for the Mesa Verde Point Kampark. The Sheriff Department reported no problems with this outlet. Comm Brubaker moved to approve this application, seconded by Comm McClellan and carried. Also presented was an application for renewal of a 3.2% beer license for ARA Mesa Verde Company. The Sheriff Department reported no problems with this outlet. Comm Brubaker moved to approve this application, seconded by Comm McClellan and carried. Deputy Davis stated she will be attending a local seminar for new procedures for processing liquor license forms.

**PLANNING:** A planning resolution P-33-94 was presented whereby Thomas and Marilyn Kirchoff, owners of 26.77 acres, desire to record a 12.53 acre tract and a 14.24 acre tract in Section 11, T.36N., R.14W. Comm Brubaker moved to void the previous resolution P-33-94 signed on July 5, 1994, and adopt this resolution with the correct legal description, seconded by Comm McClellan and carried. A planning resolution P-40-94 was presented whereby Jack McCracken, owner of 30.09 acres, desires to record a 4.00 acre tract and a 26.09 acre tract in Section 26, T.37N., R.15W. Comm Brubaker moved to void the previous resolution P-40-94 signed on July 5, 1994, and adopt this resolution with the correct legal description, seconded by Comm McClellan and carried. A planning resolution P-41-94 was presented whereby Alvin D. Sattley, owner of 58.74 acres desires to straighten a disputed boundary line with Ronald and Barbara Ebberts in Section 2, T.36N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A letter from the City of Cortez with concerns about the proposed Hilltop Acres Subdivision was submitted for review.

**ANASAZI HEIGHTS SUBDIVISION PLAT** was presented for signature. The plat was signed.

**SPRING CANYON SUBDIVISION PLAT** was presented for signature. The plat was signed.

**FAIRGROUNDS ADVISORY BOARD** member Lenetta Shull presented a request to purchase netting for \$239.97. The net would be installed over the pens at the fairgrounds for heat protection. After discussion, the request for the purchase was approved, with the cost being equally shared by the Fair Board and the Fairgrounds Advisory Board. Ms. Shull asked for suggestions on fees to be charged for use of the outdoor arena. She was asked to bring recommendations from the Advisory Board back to the Commissioners. The possibility of qualifying for a matching grant (lottery monies) from the Great Outdoors Colorado (GOCO) for improvements at the fairgrounds was discussed. She will advise the Advisory Board of this program. Ms. Shull reported that a bid will be submitted for the State High School Rodeo finals. She asked for in-input about any concessions that could be made for charges. It was affirmed that a bid may be made to offer the facility at one-half of the rental rate. It was noted that full rental rate for the stalls will be charged.

**GREAT OUTDOORS COLORADO TRUST FUND (GOCO):** City of Cortez representative A.C. Burkett, Mayor of Mancos Ed Hallam, and Colorado State Parks representative Doug Secrist met to discuss the grant program being offered by GOCO. After discussion, it was decided that Comm Colbert will represent the area entities at an upcoming meeting scheduled to address applying for grant monies. It was noted that the use of these monies for smaller communities differ from those of larger communities, and that the four-corners is in need of funds to improve infrastructures, rather than to buy more open space land. Mike Preston was present.

07-18-94

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OFFICE OF COMMUNITY SERVICES: Mike Preston presented a letter for signature inviting the Chief of the Forest Service Jack Ward Thomas to visit the Dolores Ranger District and the communities in Montezuma County. This was signed. He gave a report on the Federal Lands Program. A report that the Forest Service is charging a private company a road impact fee for use of a Schedule A road was discussed. The company is logging timber off of private land.

BOARD OF SOCIAL SERVICES was conducted.

PROBATION DEPARTMENT: Comm Brubaker moved to send a letter to Judge Merlo requesting that she appoint the following persons to the Senate Bill 94 Planning Committee - Lisa Cochran, Steve Brittain, Tom Cole, Connie McNair, Alan Naas, Mary Ann Richards, and Joan Pettersen (see attached), seconded by Comm McClellan and carried.

QUINQUENNIAL FINDING OF REASONABLE DILIGENCE REVIEW: Comm Brubaker moved to send this program back to the State of Colorado, seconded by Comm McClellan and carried. The county does not want to be responsible for the program.

CLERK Jean DeGraff was presented a copy of the petition to place an advisory question for a land use plan for the county on the November 1994 ballot. She will research procedures for placing this initiative on the ballot, and report these findings to the Board.

SAN JUAN FORUM: A request for \$500.00 was received from the San Juan Forum organization. Comm Brubaker moved to give \$500.00 from the lottery monies to the San Juan Forum, seconded by Comm McClellan and carried.

PROPOSED Sales and Use tax was discussed.

ADJOURNED at 3:30 p.m.

Deputy Clerk      Chairman

July 18, 1994

SEAL



**Minutes 07/25/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 25, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the meeting of the Board of Comm Commissioners, Montezuma County, Colorado, held on Monday, July 25, 1994 at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, July 18, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

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

UNALLOCATED RESERVE FUND ORDER: Commmade a motion to Clerk to issue Order Number 0-17-94 to the Treasurer to transfer \$100,000.00 from the Unallocated Reserve Fund to the Road and Bridge Fund. The motion was seconded by Comm Brubaker, and carried.

LANDFILL FUND ORDER: Comm Brubaker made a motion to direct the Clerk to issue Order Number 0-18-94 to the Treasurer to transfer \$41,500.00 from the Landfill Fund to the Road and Bridge Fund. The motion was seconded by Comm McClellan and carried.

LANDOWNER Roy Paul presented photos and information about an area around his property that has been damaged by the installation of new lines by U.S. West. He asked about the legal footage for designated county rights-of-way. He was told that historically the county has maintained a 60" right-of-way. He reported that the area was bladed over, but the damage was not repaired. Supervisor McComb stated that U.S. West is probably waiting to restore all the damaged areas at one time. Re-seeding areas disturbed by U.S. West is included in their contract with the county.

McComb will contact the phone company, and ask that they do the reclamation on this area now. If the phone company has gone beyond the county designated 60' right-of-way, this will be brought to their attention.

ROAD DEPARTMENT Supervisor Tim McComb stated that they are using Mountain Gravel's spreader. He has talked with Forest Service representative Bill Ivy about the status of plans for Kelly and Dunlap hills. Plans should be sent to the county next week. A report that the shoulders are not wide enough on CR S will be checked. It was agreed that Montezuma Water Company can pay each Friday for any permits picked up during the week. Width of CR X will be looked at, They are hauling dirt to the landfill pit. A proposal to purchase a baler for use at the landfill was noted. Supervisor McComb asked if the left over chain-link fencing used to do the impact yard may be sold. If it cannot be used at the fairgrounds, it was agreed that it may be put up for bid.

**FOREST SERVICE ROAD IMPACT FEES:** Forest Service representative John Quenoy explained the formula for road impact fees assessed for a private company's use of a Schedule A road. He stated that the Forest Service has had this policy for many years, and that the fee goes into a special account for surface rock replacement. The County does blading of Schedule A roads, but the Forest Service is responsible for any rock replacement. He reported that Larry Don Suckla, who is doing the logging on private property, has signed a contract with the Forest Service accepting this policy. Mr. Quenoy suggested that the Board contact the Durango Forest Service office for an update on the plans for Kelly and Dunlap hills.

**OFFICE OF COMMUNITY SERVICES:** Mike Preston reported the GOCO meeting was good, and Montezuma County was well represented. He presented for signature a letter with formal comments on Rangleland Reform. This was signed.

**COLORADO EXTENSION OFFICE** Director Jan and Kenny Smith met to discuss a problem with enforcing an established policy of the 4-H Council. The policy, which Ms. Brandt stated has been explained in detail to all the participants, states that the general livestock records for projects need to be completed prior to the Fair. Ten project record books were incomplete. Each of the ten individuals were given the opportunity to file a grievance. A review of the record books and grievances will be considered tonite at the Fair Board meeting. One of the affected parties has contacted a lawyer. The Board agreed that they support the action taken and that the policy should be upheld. It was determined that the Fair Board meeting is an open meeting.

**LANDOWNERS** Dr. T. M. and Peggy Wilkins met to discuss the possibility of adding approximately 26 to 30 acres to their 21 acres on CR 36.5. They were informed that this acreage would meet the criterion of an exemption.

**BOARD OF SOCIAL SERVICES** was conducted.

**SANITATION** Manager Mickey Periman reported that raw sewerage is running on top of the ground at the Sharon Spencer residence. It was noted that the owner is James Spencer, but that the house is held in a life estate for Sharon Spencer. Citations were delivered by the Sheriff's Department to both individuals asking that they fix the problem. Manager Periman will report the results of this procedure to the Board.

**HEALTH DEPARTMENT** Nurse Bette Sutter showed the Board the Outstanding Agency Award that the Department received at the CCNA meeting. She presented the letter she submitted for the nomination, which summarized the activities and programs of the Montezuma County Health Department. A need for more communication between the Social Services Department and the Health Department to take care of problems was discussed. Nurse Sutter asked for approval to hire a one-half time person. At this time the request was tabled. Amendment 1's effect on future monies for continuing funds, and the possible need for all the departments to cut back was discussed. It was noted that the Restructuring Bill passed. The county will participate in the Regional Planning Effort and be a Local Service Delivery District.

**ASSESSOR** Bob Cruzan met to discuss the brief from the Colorado State Attorney General and the Property Tax Administrator pertaining to the ARA Mesa Verde case.

**STATUTE** on "Cost of Care" was discussed. A letter will be written to Judge Merlo and Judge Hanson requesting that the court enter the appropriate judgements for "cost of care" for inmates.

07-25-94

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PLANNING: A planning resolution P-42-94 was presented whereby Clyde Whitney, owner of 10 acres, desires to record a 3.02 acre parcel and a 6.98 acre parcel in Section 2, T.35N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan. A verbal request for an exemption to the subdivision regulations was tentatively approved for Clyde Howard to change a boundary line giving an adjoining landowner the one-acre parcel created by this change.

PROPOSED Sales and Use tax resolution was discussed.

SENIOR CITIZEN'S request to replace the old van was approved. A 1984 Ford van will be considered.

ADJOURNED at 4:00 p.m.

Deputy Clerk Chairman

July 25, 1994

SEAL

Online Copy

**Minutes 08/01/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 1, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 1, 1994 at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, July 25, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for the month of July 1994 was received.

PAYROLL: General fund vouchers #11880 thru #12001 in the amount of \$138,091.41, #20648 in the amount of \$16,006.66, #20649 in the amount of \$83,090.36 and Road fund vouchers #12002 thru #12040 in the amount of \$57,586.62 and #7977 in the amount of \$40,615.98 were approved for payment.

MONTEZUMA COUNTY CONSOLIDATED COST ALLOCATION PLAN AND INDIRECT COST RATE PROPOSAL for the year ended December 31, 1993, prepared by Gale W. Greenlee, Inc. was signed.

ROAD DEPARTMENT POLICY: Notice of Intent to Dig or Disturb County Right-of-Way and Requirements Relating Thereto was submitted for review. Road Supervisor McComb was present. A time limit for repair of damages was discussed, and it was agreed that each case would be considered individually. It was noted that this notice supersedes any other action by the Board. Comm Brubaker moved to adopt the Notice of Intent (see copy attached), seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that chip and sealing is all done. They are sweeping extra chips off this week, and then will paint the stripes. They now have a pile of 3/4" gravel at the Hay Camp gravel pit. The crusher is there. They will start gravelling this week. Comm Brubaker stated that he had looked at the shoulders on CR S. Supervisor McComb stated maybe they could pull some dirt up on the shoulders. The Joe Moore Reservoir Road (FS Road 693) is still scheduled to be done. CR 40 from Hwy 184 to FS Road 693 will be re-gravelled by the County. Supervisor McComb met with Forest Service representative Bill Ivy and looked at Kelly Hill. Plans are still not complete. An on-site inspection of Kelly Hill to look at a potential slip, which might plug up a drainage pipe, will be done. Photos will be taken. Northwest Pipeline Company will be put on notice about the situation with a "Return Receipt Requested" letter. Photos will be included, showing the need to extend the pipe to avert it being plugged. How to pay county employees who are volunteer fire fighters was discussed. It was agreed that each case will be considered individually and reimbursement will be applied for from the Emergency Fire fund. Supervisor McComb reported that he inspected the area at Mr. Paul's residence. He found the area satisfactorily restored by U.S. West. The county right-of-way was measured and was 60'. Supervisor- McComb asked about use of county equipment for fire fighting. It was agreed that requests for equipment for fires in the county have to be honored.

LANDOWNER Don and Glenda Griffin met to discuss their purchase of six acres and the "after the fact" recording of this transaction. The Griffins were given a copy of the new subdivision regulations, and informed that this acreage would constitute a minor subdivision.

PLANNING: A planning resolution P-43-94 was presented whereby Lewis and Nancy Schultz, owners of 69.44 acres, desire to record two 10 acre tracts in Section 1, T.36N., R.17W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried.

NOLAND PROPERTIES SUBDIVISION PLAT was presented for signature. It was signed.

ADMINISTRATOR Weaver, reported that the Elmer Jones property that was approved for one residential septic permit is now a RV Park. The Sewerage Disposal Act statute was read. Adm Weaver stated he will research the situation and compile information for the Board. It was mentioned that the area will need to be inspected by Sanitation Manager Periman and Health Officer Dr. Kent Akin will need to be notified of the problem. Another situation of raw sewerage running on top of the ground between Towaoc and Cortez will also be checked.

PARTNERS Director Lisa Cochran and Jacob Center Program Manager Janice M. Martinez met to ask for support from the Board to keep the holding facility for juveniles, and also a proctor home in the County. They stated that as of October 1, 1994, the one proctor home will be the only available place in the county to place juveniles for the 48 hour holding time. The holding facility reduces travel time to Grand Junction to use their facility. It was agreed that the Board will sign a letter of support drafted to Director Cochran. They were advised to contact San Juan Forum representative Dave Eppich on a proposed regional facility.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for renewal of a retail liquor license for the Last Chance Liquor Store. The Sheriff's Department reported no problem with this outlet. Comm Brubaker moved to approve this application, seconded by Comm McClellan and carried. Deputy Clerk Davis reported on the liquor license seminar she attended. The seminar was on new liquor license forms and laws. Items presented were: (1) Optional Premise License: This is a temporary type license only for sports or recreational facilities. The Board has the option to make or-not-to make this available. Comm Brubaker made a motion to propose not to have the optional premise license available, and prepare a resolution to this effect. The motion was seconded by Comm McClellan and carried. (2) A copy of the new Colorado Liquor Laws was presented. (3) Change in Hotel Restaurant Liquor License law: The change allows an applicant to apply for class of license the next day, if one class is not approved. (4) Manager registration: The Board has the option to ask for registration of all managers. Registration for all managers was approved. It was noted that no charge will be imposed if the owner(s) is the manager of the outlet. (5) New law for requirements for background check of stockholders of Corporations was explained. (6) Bed and Breakfast License: Local authority has the option to offer or not to offer this-type of Comm McClellan made a motion to offer this option for a Bed and Breakfast permit, make a resolution to this effect, and charge a \$25.00 application fee which is in addition to the \$25.00 fee for the County permit fee and the \$25.00 for the State permit fee as set by State law, for a total of \$75.00. The motion was seconded by Comm Brubaker and carried. (7) Mini bar licenses are now available. New forms for processing documents, new application forms for a new liquor license or a new beer license, and new individual history forms were presented and reviewed. Clerk Jean DeGraff was present for this presentation.

CLERK Jean DeGraff stated that the election budget will be over, as predicted, in line item of Operating Expenses and Postage because of expenses for the primary and general elections.

ADJOURNED FOR LUNCH with the City of Cortez.

AMENDMENT NO. ITO CONTRACT Dated May 10, 1994, between Isbill Associates, and The City of Cortez and The Montezuma County Board of Commissioners was signed.

BOARD OF SOCIAL SERVICES was conducted.

RESOLUTION 8-94: Comm Brubaker made a motion to approve Resolution 8-94 Designating Health and Human Services Planning Areas in compliance with State of Colorado House Bill 94-1005. The motion was seconded by Comm McClellan and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented information on the Rangeland Reform and other issues on Land Use.

4-H LEADER Audrey Allmon and 4-H Council And Fair Board representative Lennette Shull met to discuss the recent problem with incomplete 4-H record books. They stated that seven of the ten record books were approved by the Fair Board; three were rejected. Ms. Allmon gave a report on the three individuals whose record books were not approved. She stated she felt they had circumstances that should have been considered. One of the individuals had not received a record book due to erroneous information given to a leader. The other two have now completed their books. The Board stated that they could not reverse the decision of the Fair Board. Ms. Shull presented a pamphlet on scheduled activities to "Celebrate The Fair" on August 5.

BOARD OF EQUALIZATION: It is noted that from July 19 1994, and continuing through August 1994, the County Commissioners is sitting as the County Board of Equalization, and that to date nothing has been presented to the Board.

PROPOSED NARROW GAUGE ESTATES SUBDIVISION on CR K.6 was discussed. The owner, Gerald Fisher has agreed that the subdivision will be completed in phases. He will be informed that only Phase I can be done under the subdivision regulations. All other phases will have to be completed under the new regulations.

TITLE BOARD: The Montezuma County Commissioners and Clerk Jean DeGraff convened on Monday, August 1, 1994, to sit as the Title Board. The Board met to fix a proper title for the proposed Resolution 7-94, pursuant to the Title Board Statute 1-40-106-C.R.S. The title was discussed. Adm Weaver gave a summary of the figures used in the proposed title and submitted a graph to support the figures. Comm Brubaker moved to approve the proposed title and the other requirements as per 1-40-106-CRS at 3:55 P.M. August 1, 1994, seconded by Comm McClellan and carried unanimously with Clerk DeGraff voting aye. A copy will be sent to the Secretary of State.

RESOLUTION 7-94 - Shall Montezuma County Taxes Be Increased For County Road And Bridge Construction and Maintenance Purposes And General County Purposes By The Proposed One (1%) Percent Sales and Use Tax Which Is Estimated To Generate The First Full Fiscal Year Increase of \$1,400,000 And Annually Thereafter, More Or Less, To Be Allocated And Expended One Half (1/2) For County Road And Bridge Construction And Maintenance Purposes And One-Half (1/2) For General County Purposes, And The Revenue And Spending Limits of Art. 10, #20, Colorado Constitution, Shall Not Apply To Said Tax And Proceeds Therefrom was presented. Comm Brubaker moved to adopt Resolution 7-94 at 3:58 p.m., August 1, 1994, seconded by Comm McClellan and carried. The resolution in its entirety will be published in the local newspaper.

08-01-94

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LANDOWNER P. G. West stated that CR 31 is very rough and asked if it could be bladed. Road Supervisor McComb will be notified that the road needs to be bladed after it is watered down. Mr. West asked if the county would cost share in paving the road, if he and other residents along the road helped with the cost. The Board explained that at this time there is no money for this type of cost sharing, but if the 1% sales and use tax passes in November, Mr. West could come back and talk with them.

GAMING IMPACT FUNDS: Comm . Brubaker reported that approximately \$138,555.00 in gaming funds will be proposed for allotment to Montezuma County.

ADJOURNED at 4:30 p.m.

Deputy Clerk      Chairman

August 1, 1994

SEAL

Online Copy

**Minutes 08/08/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 8, 1994

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 8, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, August 1, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports for the month of July 1994 were received.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-19-94 to the Treasurer to pay \$446.40 from the 911 account, to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Brubaker and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported that bad places on CR 31 were bladed after the water truck was used. They are still working at the landfill. Administrator Weaver stated that a State representative looked at the landfill last week and had concerns about some State mandated items. Roads disturbed by installation of U.S. West lines have been inspected. A complaint was received from Jim Anholtz about the corner of CR M falling off after U.S. West line installation. This will be checked. The spreader, is not fixed yet. The Mountain Gravel spreader has been returned to them. A county built snowmobile turn-around above Jackson Lake may have to be moved, if a trade of land between the Forest Service and a private party is done. The turn-around is on a Schedule A Forest Service road. Supervisor McComb stated there is still a problem with determining charges for Montezuma Water permits. So far, the company has paid each Friday for permits issued to them during the week. \*\*\* Later in the morning Supervisor McComb and Lloyd Everett met to discuss the problem of Montezuma Water permit determinations. The interpretation of the word "location" was discussed. It was agreed that the Montezuma Water Company needed two permits, instead of one for the situation discussed. The water company will be told that they should come to the Board with any further problems concerning permit determinations.

LANDOWNERS Jay and Jo Tipton stated that CR 28 is in good shape, but due to increased traffic there is a dust problem. Mr. Tipton said that expansion of the Lee Mobile Home Park and two new subdivisions have helped create the problem. It was suggested that a paving district be considered by the landowners. The dust retardant policy, new subdivision regulations, and road impact fees were discussed.

NOTICE OF INTENT TO SUE Pursuant to C.R.S. 24-10-109, from Mark R. Clyne, P.C. Attorney at Law for Client Cindy Williamson was noted. The notice was sent to the Insurance Company. No action was taken by the Board.



HEALTH DEPARTMENT Contract for Environmental Health Services for 1994-95 between the State of Colorado, Department of Public Health and Environment and the Board of Montezuma County Commissioners was signed.

ABATEMENT: Assessor Cruzan being present, a petition for abatement of property tax was presented for Associates Corp of North America, 1993, erroneous assessment, \$1,044.02. Assessor Cruzan recommended approval of this abatement. Comm Brubaker moved to approve this petition, seconded by Comm McClellan and carried. All proceedings were taped for the record and it was noted that the Assessor and all the Commissioners were present.

PLANNING: These items were presented for discussion: (1) A request from Tommy Byford to split a 7-1/2 acre parcel into two parcels in the Deer Mountain Properties Subdivision. A new plat will be signed off by all the landowners. (2) Mike McCaffery's proposal to build four rental buildings with four to eight units in each, on one piece of property which is now owned by Ron Kotarski. Action was tabled until statutes can be researched.

REALTOR Paul Williamson asked if the Board would consider abandoning a road in the Arriola Townsite. The townsite was recorded October 22, 1909, but Transportation has asked that Jefferson Avenue be abandoned by the Board. If two parcels in the area are sold without the road being abandoned, there will be a highway access problem. It was noted that the road is not an actual road, and a house is built in the middle of one portion of it. Action was tabled until statutes can be researched.

RESIDENT Pam Lien asked if fee to rent the Annex kitchen on Sunday to prepare food for the homeless could be waived. The food is served in the Montezuma Park. She was told that the fee cannot be waived. Suggestions were made for them to contact churches in the area of the park for use of their, kitchens, or ask the City Council for help with the fee. Neoma Bertrand was also present.

SENIOR CENTER representatives Jim Anholtz and Sue Fletcher presented figures on two used vans for the Senior Center. After discussion, it was agreed that a 1993 van would be purchased. Brubaker made a motion to purchase the van for \$14,175.00 from Steve Keetch Motors with the balance of funds in the Bus Replacement Fund, and lottery monies for the remaining difference. The motion was seconded by Comm McClellan and carried.

SENIOR BUS REPLACEMENT FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number- 0-20-94 to pay \$5,585.60 out of the Senior Replacement Fund to Steve Keetch Motors to be applied on purchase of a van. The motion was seconded by Comm Brubaker and carried.

BOARD OF SOCIAL SERVICES was conducted.

STATUTES on Public Roads were read. A copy of the statutes will be sent to Mr. Roy Paul.

RESOLUTION 9-94: Comm Brubaker moved to approve Resolution 9-94, whereas the Board of Commissioners, Montezuma County, acting as the Liquor Authority for Montezuma County, will issue Bed and Breakfast permits, seconded by Comm McClellan and carried.

RESOLUTION 10-94: Comm Brubaker moved to approve Resolution 10-94, whereas the Board of Commissioners of Montezuma county, acting as the Liquor Licensing Authority for Montezuma County, deem it to be in the best interest of Montezuma County to not issue any optional premises licenses, seconded by Comm McClellan and carried.

08-08-94

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DOLORS CEMETERY DISTRICT APPOINTMENT: Comm Brubaker moved to accept  
The resignation of Juanita B. Fredriksen as Secretary-Treasurer of the Dolores Cemetery District  
and appoint Tina Archer for the position, seconded by Comm McClellan and carried.  
Dolores Cemetery District and appoint Tina Archer for the position, seconded by Comm McClellan  
and carried.

STATUTES on Airports were read and copies of two 1978 resolutions were presented. It was  
noted that permits are needed in the area of the Airport fan any development.

ADJOURNED at 2:00 p.m.

Deputy Clerk      Chairman

August 8, 1994

SEAL

Online Copy

**Minutes 08/15/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 15, 1994

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 15, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, August 8, 1994, were read, Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for the month of July 1994 was received.

ACCOUNTS PAYABLE: General fund vouchers #20650 thru #20930 in the amount of \$114,559.67 and Road fund vouchers #7975 thru #8049 in the amount of \$167,669.51 were approved for payment.

GAMING IMPACT FUND ORDER: Comm McClellan moved to direct the Clerk to issue Order Number 0-21-94 to the Treasurer to transfer \$595.00 from the Gaming Impact Fund to the Sheriff's Department for reimbursement of payment made to Connecting-Point Durango for a computer printer, seconded by Comm Brubaker and carried.

ROAD DEPARTMENT Supervisor Tim McComb will check plugged culverts. He reported that Cory Veach paid for the damage at the intersection of CR H and CR 27. A problem with a culvert damaged by a U.S. West contractor south of town will be checked. He presented pictures of the slide on the other side of Kelly Hill. An on-site meeting will be scheduled with Mapco to look at the slide area and come up with a solution before the slide gets worse. Supervisor McComb asked if any monies have been received from subdivision developer Cliff Fossum for road impact fees on CR 30. This will be checked. Supervisor McComb stated that the U.S. West contractor will repair the shoulders on CR M.

NAVAJO NATION DEPARTMENT OF TRANSPORTATION representative Gary Moore met to ask if any improvements (paving) for CR G (McElmo Road) from the Ismay Trading Post to the Carbon Dioxide Plant are scheduled in the County Road plan. Road Supervisor McComb and Mike Preston were present. He was informed that the road improvements for the road were scheduled in the past, but because of Amendment 1, no funds are available now. Suggestions were made to contact the Four Corners Heritage Council, governors of Colorado, New Mexico, Arizona, and Utah, and the Navajo and Ute Mountain Ute tribes for support and funding for improvement of the road. It was noted that at one time CR G was a state highway. Records will be researched to determine if the road was ever accepted as a county road. Letters of support for improvements will be solicited from all the interested parties and submitted to the Commissioners.

PUBLIC HEARING -BEAR RIDGE SUBDIVISION: It being the time set aside, a Public Hearing was conducted the Bear Ridge Subdivision. The roll was called and the Public Notice was read. Present was subdivision owner Don White. Also present, as a representative for mineral rights owners Wiley Reynolds and R. D. Veach, was Dyer and Dilts, P.C. Christopher Lerioe. Mr. Lerioe stated that his clients had two concerns: (1) that

authority would have to be gotten from more than one surface owner, and (2) it would be more difficult to lease mineral rights with more owners involved. He stated that his clients were willing to sell the mineral rights to any of the surface owners. Administrator Weaver reported that the subdivision has met all the specifications of the Planning Commission and no adverse comments about the subdivision were received. The plat still needs signatures from Empire Electric and U.S. West. Comm Brubaker moved to approve the Bear Ridge Subdivision contingent on all the appropriate signatures on the plat, seconded by Comm McClellan and carried. These proceedings were taped for the record.

PLANNING: A planning resolution P-16-94 Amended was presented whereas Richard A. and Isabella Brymer and David R. and Dorothy A Counts, owners of 10.50 acres, desire to record two 5.25 acre tracts in Section 17, T.36N., R.13W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-27-94 Amended was presented whereas Richard and Evelyn Wagner, owners of 29.44 acres, desire to record an Amended Resolution on a 3.67 acre and a 25.77 acre tract in Section 4, T.36N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-44-94 was presented whereas Clyde Howard, owner of 200 acres, desires to record a one acre tract, which will be adjoined to the property of Edmund Murphy to correct a boundary dispute in Sections 22 and 27, T.39N., R.18W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-45-94 was presented whereas Frances M. and Robert Longenbaugh, owners of 156 acres, desire to record a 3.20 acre tract in Section 36, T.37N., R.17W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved for Edmund Murphy, owner of 550 acres, to split off a 5-acre tract for his daughter. A verbal request for an exemption to the subdivision regulations was tentatively approved for Robert Conner, owner of 41.9 acres, to split off approximately 3 acres for his son. A verbal request for an exemption to the subdivision regulations was tentatively approved for Ruth Smoot, owner of 396 acres, to split off 3 acres for her daughter. A verbal request for an exemption to the subdivision regulations was tentatively approved for Scott Bell to split 6.3 acres from approximately 80 acres. Other items presented for discussion were: Marie Friedmann has met the criteria for a minor impact subdivision - tabled until highway access permit is received. Comm McClellan moved to approve the High-Duran Subdivision, which is classified as a minor subdivision, and sign the plat, seconded by Comm Brubaker and carried.

LIQUOR LICENSE% Deputy Clerk Betty Davis presented an application for a "Change of Premises" for the Eagle Claw Trading Post. Sheriff Department Investigator Larry Staats has checked the premises against the drawing submitted and found it to be correct. Comm Brubaker moved to accept this application for a "Change of Premises", seconded by Comm McClellan and carried. Deputy Davis presented a copy of the new Liquor License Enforcement Book to the Board.

PROPOSED REGISTERED HORSE SALE representatives Anna Raubeson and Sandy Kaiser asked if they could rent the fairgrounds for registered horse sale(s). Past policy has been not to rent the fairgrounds for commercial purposes, if it creates competition with local businesses. Ms. Kaiser stated they have contacted the Cortez Livestock Auction owners, Larry and Jimmy Suckla. The Suckla brothers verbally stated they did not have a problem with the proposal. The Board requested that a letter stating this be submitted to Fairground Manager Sena. After the letter is received, it was agreed that they could then go thru the appropriate steps to schedule the sale(s), pay rental fees, etc. They were told that they would be responsible for liability insurance.

08-15-94

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BOARD OF SOCIAL SERVICES was conducted.

JAIL inspection was done.

FOREST SERVICE LAND EXCHANGE: Landowner Clay Bader, developer Dean Anderson, Forest Service representative Paul Peck and the following interested persons -Todd Sehnert, Wade Green, Gary Kennedy, Carla Koppenhafer, Roy Johnson and Mike Preston were present to discuss the proposed land exchange. The exchange involves a trade of approximately 320 acres of public lands. Developer Dean Anderson addressed the following concerns: (1) access to a Mancos District water canal -he would do reasonable requirement for access; (2) replacement of snowmobile turn around - he would pay for replacing the turn around approximately 1-1/2 miles up the road from the present one; (3) snow removal for the extra 1-1/2 miles - he would pay either a private business or the county to do the snow removal; and (4) plan to develop property - he explained his use of the property with eventually approximately six landowners. Forest Service representative Peck stated that the corridor with corrals would stay as public lands and be available for public use. Letters received about the exchange from concerned local persons were discussed. The Board requested a letter from Mr. Anderson explaining what he intended to do with the 320 acres. It was noted that this proposed trade will be subject to all the appropriate public hearings, etc.

SANITATION Manager Mickey Periman submitted photos of a sign on the Elmer Jones property advertising it as an RV Park. One commercial septic permit was approved. Manager Periman will do an on-site of the area to be sure the septic system is in place. He will inform Mr. Jones that if the 1,200 gal tank capacity is exceeded, his system will have to be redesigned by an Engineer. Mr. Jones will be informed that he needs to comply with the County regulations for establishing a RV Park. Letters, using State statute wording, will be sent to Sharon Spencer and James Spencer. As per the statutes the letters will give them two days to apply for a special permit to repair the septic system at the Sharon Spencer residence.

STATE STATUTES on Planned Unit Developments (PUDs) were read and discussed.

ADMINISTRATOR Weaver reported that the landfill is completed and was done under budget and ahead of schedule. He gave an updated report on a trash baler. More information on the baler will be reported after an on-site inspection of a baler operation.

HEALTH DEPARTMENT CONTRACTS: Comm Brubaker moved to accept the Dolores County Food Service Inspection Agreement between Dolores County Board of Commissioners and the Montezuma County Board of Commissioner, seconded by Comm McClellan and carried. Comm Brubaker moved to accept the School Health Service Contract between the Mancos District RE-6 and Montezuma County Health Department, seconded by Comm McClellan and carried. Comm McClellan moved to accept the subcontract between Colorado Children's Trust Fund, By and Through Colorado State University, Fort Collins, Colorado and Montezuma County Health Department, Cortez, Colorado (PATH Program grant), seconded by Comm Brubaker and carried.

ADJOURNED at 5:00 p.m.

Deputy Clerk    Chairman

August 15, 1994

SEAL

**Minutes 08/22/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 22, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 22, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, August 15, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT Supervisor Tim McComb reported an access problem on CR 39. Driveways below a hill are creating a safety problem. Statutes were read about regulating access to private property. Supervisor McComb will check on leveling the hill for better sight distance, widening the road and putting up stop signs where appropriate. Comm McClellan asked that Supervisor McComb look at a problem on CR 27 and Hawkins Street. He will check this location for possible installation of stop signs. Sight distance was checked and approved for three accesses into the proposed Bear Ridge Subdivision. Supervisor McComb stated that evaluations will be done tomorrow for road department employees. The Board complimented Supervisor on the job he is doing as supervisor. Two water trucks and a blade will be working on McElmo road today. Status of CR G (McElmo) was discussed and further research by the Clerk's office was requested. Resident Mark Cortner has notified the road department that the residents on CR 21 south of CR N are ready to furnish and haul the gravel to the county road corner. As previously agreed, the county will do all the other, work to bring the road up to county specs for county maintenance. A part-time position at the landfill will be reevaluated.

RESIDENTS Chester Tozer, Don Tozer and Bruce Tozer met to discuss problems on CR G (McElmo). They reported that the contractor for U.S. West has damaged culverts, left marking nails in the roadway, and have chipped the now asphalt on the edges. Supervisor McComb was present and will check out these concerns. The Tozers stated that the mesquites are a problem this year. They were advised to attend the next Mosquito Board meeting. Also discussed was the increase in traffic on the road since the road from Utah has been paved.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) representative Peter Tregillus presented a report on the Housing Rehab Program. Mr. Tregillus asked that Montezuma County be the lead county for the program for the year, of 1995. RESOLUTION 11-94: Comm Brubaker made a motion for Montezuma County to be the lead county for the Southwest Community Resources Revolving Loan Fund Policies to Govern the Operation of the 1995 Low Income Homeowner Rehabilitation and Replacement Program. The motion was seconded by Comm McClellan and carried. A Joint Resolution and Agreement between the County Board of Commissioners of Archuleta, Dolores, LaPlata, Montezuma and San Juan, was reviewed and signed.

**PUBLIC HEARING - HILL TOP SUBDIVISIONS** It being the time set aside, a Public Hearing was conducted for the Hill Top Subdivision. The roll was called and the Public Notice was read. Present was subdivision owner David A. King. Administrator Weaver reported that the subdivision has met all the specifications of the Planning Commission and no adverse comments about the subdivision were received. There were no comments from the public. Comm Brubaker moved to approve the Hill Top Subdivision, contingent on final road approval and receipt of other needed documents, seconded by Comm McClellan and carried. These proceedings were taped for the record.

**LANDOWNER** Norman Trivett and Attorney Rich Luhman met to request consideration for an "after the fact" variance for six acres purchased in 1991 on CR 39.5 (Summit Lake West). A septic system permit for the property has been turned down, since there was no variance granted. The Commissioners explained that a variance cannot be issued until the road to access the property has been brought up to county specifications, since the property is in a defined subdivision and is platted. Mr. Trivett was encouraged to contact other landowners along the road for help to bring the road up to county specs.

**LANDOWNER** Jess Lancaster asked for an exemption to the subdivision regulations to create his 8.2 acre parcel. It was noted that no variances were ever issued for the surrounding properties, which were created from one parcel. Mr. Lancaster was encouraged to contact those landowners and make a proposal to create a subdivision and plat the area. There is no highway access to the property. The Board asked that Mr. Lancaster submit, a letter from the State Highway approving access to the parcel.

**LIONS CLUB** members Gordon Milligan, Floyd Ray, Jack Long and Louise Long asked that the fee for use of the Senior Annex Center be waived for the Halloween Carnival. The request was denied. Use of all the Senior Center for the 9-Health Fair, through the Health Department, was affirmed if the dance floor is petitioned off.

**1994 ABSTRACT OF ASSESSMENT FOR MONTEZUMA COUNTY** taxable valuation of \$174,441,050 was signed.

**LANDOWNER** Billy Tate, Sidney and Phyllis Snyder and Duain Morton met to ask about a 30' easement at the corner of CR T and CR 20. The board will look into the easement and determine if the county still has an interest in maintaining the easement. Action was tabled until an on-site inspection of the area and more research is done. Results of the research will be given to Mr. Tate and Mr. Snyder by phone.

**ANASAZI HERITAGE CENTER** representative Tom Vaughan presented a request for support from the Board for the Southwest Natural and Cultural Heritage Association (SNCHA) project "People in the Past" (see attached). Comm Brubaker moved to support the project and sign the agreement, seconded by Comm McClellan and carried.

**FINANCE OFFICER** Mary Ann Sanders presented the bid received for a Workmen's Comp physician. After discussion, it was agreed not to appoint a county workmen's comp physician.

**U.S. FOREST SERVICE ROAD AGREEMENT** between the U.S. Department of Agriculture and Montezuma County for "Schedule A" roads was signed.

**BOARD OF SOCIAL SERVICES** was conducted.

08-22-94

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LANDOWNER Mark Johnson, owner of 35 acres in the Merritt Subdivision, met to discuss his plans for the parcel. He was referred to the Planning Commission.

PLANNING: A planning resolution P-46-94 was presented whereas Scott Bell, owner of 80 acres, desires to record a 6.38 acre tract in Section 18, T.36N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved July 13, 1992, for Jim and Bonnie Kennedy was reviewed. The varied parcel is only 1.83 acres instead of 3 acres. They will be asked to increase the parcel to 3 acres before any work is done on the road. Other items presented were: Figures showing increase of septic permits issued for the fiscal years of 1990, 1991, 1992, and 1993. Noted was the receipt of a letter by a local real estate company from Mr. Arnold in connection with selling Nine-Star Corporation property. Administrator Weaver will write a letter to the Heritage Funding Inc., formerly the Nine-Star Corporation, stating that anything done beyond decisions made in the June 14, 1993, minutes is not approved. Fred Merrill's proposal has met the criteria for a minor subdivision.

FEDERAL LAND BANK representative Robert Whitcomb requested status of CR 11, south of CR Y. The official road map shows it as a non-county road. No decision was made concerning a change in road status. Statutes on roads were read.

STATUTES on townsites were read.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

August 22, 1994

SEAL



**Minutes 09/06/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 6, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, September 6, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, August 22, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report was received for the month of August 1994.

PAYROLL: General fund vouchers #12051 thru, 012172 in the amount of \$144,267.17, #20932 in the amount of \$15,743.98, #20933 in the amount of \$85,726.27 and Road fund vouchers #12173 thru #12211 in the amount of \$57,551.24 and #8051 in the amount of \$40,499.25 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-22-94 to the Treasurer to pay \$446.40 from the 911 account to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Brubaker and carried.

RESIDENT James Hall stated he would like a job with the Department of Social Services.

ROAD DEPARTMENT Supervisor Tim McComb reported they are working on CR 21. He received a request from Sam Pinkerton that the county blade his road, CR J, to the school house, and put an 3/4" gravel. The road will be bladed and drained. No new gravel will be put on unless Mr. Pinkerton pays for it. Supervisor McComb stated that Montezuma Water Company employee Mike Bauer purposely drove on strips being painted by road department employees on CR M. A meeting with the Montezuma Water Company Board members will be scheduled. U.S. West contractor has corrected headgate and culvert problems on CR G. After discussion, it was decided that the road department will keep and use the chain link fencing in the yard. Supervisor McComb asked if he could write a letter to the newspaper showing road department accomplishments this year to improve public opinion of the department. This was approved. Mapco has requested use of county dirt to correct one of the slips on Kelly Hill. This was denied. McElmo Road was bladed and water trucks used, but it is still rough.

LANDOWNER Dale Ives stated that the Dolores - Norwood road was bladed and is worse. Supervisor McComb will talk with the Foreman at Dolores about the problem. Mr. Ives also mentioned a problem with run-off water from a neighbor's sprinklers. Statutes were read on water running on county roads. It was suggested that more enforcement should be done by the Sheriff's Department. If anything is done in the county right-of-way Supervisor McComb will be contacted. Mr. Ives was referred to Colorado Division of Water Resources representative Glen Humiston.

PLANNING: A verbal request for an exemption to the subdivision regulations was tentatively approved for Virginia Garwood to split off 12.4 acres from 160 acres, and sell it to an adjoining landowner. A verbal request for an exemption to the subdivision regulations was tentatively approved for Dale Ashcroft to split off 8 acres from 57 acres to sell. Other items discussed were: Jim and Bonnie Kennedy's variance was reviewed again. The Kennedy's will be requested to increase the parcel to 3 acres, have all the landowners in the subdivision sign off on the plat, and bring the road up to county specs. Fay Stevenson's proposal has met the criteria for a minor impact subdivision. Dave and Ed Lyen's proposal was tabled until proof of ownership is received.

COUNTY EASEMENT at the corner of CR T and CR 20 (Tate and Synder) was discussed. It was affirmed that if the county claims no interest in this easement the following is needed: (1) a letter from the State Land Board with their status of the easement, and (2) a document recorded to release any land where there is no road or where a road is never intended to be put, with an exact description of the land to be released.

SAN JUAN BIBLE CAMP Director Bill Fair asked if the county would maintain and put gravel on CR 39.9, which is a Forest Service "Schedule A" road. He was told that the county under the "Schedule A" agreement with the Forest Service blades the road two times a year. It was explained to Mr. Fair that the county will not plow snow, or maintain the road in any way different to the Schedule "A" road agreement. The Board stated that no new roads are being taken at this time because of funds. Mr. Fair said that he and another family plan to build two homes on the property. He was referred to the Health Department for septic permits and advised to check with the Forest Service for any upgrading of CR 39.9.

STATUTES AND CASES were reviewed in connection with the Arriola Townsite (see August 8, 1994 minutes). No action was taken.

CLERK Jean DeGraff was asked by the Board if it is feasible for her office to request exemption numbers when a deed is recorded. Clerk DeGraff stated that under the present law they cannot refuse to record a deed, if the person pays the proper recording fee. A suggestion was made that an existing law could be amended to require this information be included on a current form. She will check with the State Association Attorney.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED FOR LUNCH with the City of Cortez.

JOB SERVICE representatives Joyce Scharnhorst and Melinda Murphy presented reports on the "Employee First Food Stamp Program" and the "Community Work. Experience Program."

REGION 9 Director Ed Morlan and Stu Cohen presented a Region 9 CDBG Grant Application for Revolving Loan Funds for signature. Comm Brubaker moved to sign the application. Motion was withdrawn until the application can be reviewed. A request for help for the Farm Goods for Kids, Inc. business was discussed. Comm Brubaker moved to approve a guaranteed loan for \$10,000.00 (or less) for Farm Goods for Kids, Inc., from the County Revolving Loan Fund with a shared collateral with Region 9. The motion was seconded by Comm McClellan and carried.

HEALTH DEPARTMENT 1994-95 NURSING CONTRACT changes were initialed by Comm Colbert.

UNDERSHERIFF McDonald met to talk about distribution of Gaming Impact funds. Action was tabled until check is received.

WEED PROGRAM Manager Ron Lanier requested that the county pay for the cost, of spraying the Yellow Toad Flax weed found in Montezuma County. This was approved.

09-06-94

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LANDOWNERS Kenneth and Kathie Gorman asked that a letter be written to title company showing the status of CR 11, south of CR Y. A letter will be written stating that the road shows on the county map as a non-county but has been used as a public road. It was noted that in order to change the status of the road to a non-maintained county road all the residents would need to petition for the change.

DEFERRED COMPENSATION PLAN thru NACo was reviewed. It was recommended the Board write their own resolution showing that the County assumes no responsibility or liability for the volunteer plan, and have Employees sign a document stating that they understand this.

ADJOURNED at 4:00 p.m.

Deputy Clerk

September 6, 1994

SEAL

Online Copy

**Minutes 09/12/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 12, 1994

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 12, 1994, at the Courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Tuesday, September 6, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried. Correction of August 22, 1994 minutes: David A. King was the representative for the Hill Top Subdivision, not the owner.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's and Treasurer's reports were received for the month of August 1994.

ACCOUNTS PAYABLE: General fund vouchers #20934 thru #21117 in the amount of \$112,114.48 and Road fund vouchers #8058 thru #8110 in the amount of \$73,139.31 were approved for payment.

LANDOWNER Jimmy Kennedy reported on the status of his access road. His variance was reviewed and discussed. Statutes effective June 1, 1992, on subdivisions were read. \*\*\*Later in the day Mr. Kennedy met again for a decision on the variance. It was noted that the verbal request for a variance to the subdivision regulations was tentatively approved July 13, 1992. Comm Colbert and Comm Brubaker felt that the Board should honor this approval, contingent on pre-approval of the septic site on the small parcel and the access road being brought up to county specs. Comm McClellan, who was not a commissioner at the time, did not agree with the decision. Mr. Kennedy was instructed to contact, and go with Road Supervisor Tim McComb for an on-site inspection of the road, and notify the Administration Office of the outcome of the inspection. It was noted that the small parcel has been approved for a septic permit. He was advised to do no further transactions involving the small parcel, until he has a copy of the resolution. The resolution will be prepared when all the requirements are met.

ROAD DEPARTMENT Supervisor Tim McComb was asked to check on a curve with loose gravel and no signage on CR 20. This will be checked. He reported that signage has been done on CR 21. The dangerous problem of signs being shot at, and the cost of new signs was discussed. Supervisor McComb stated that he has not heard from Forest Service representative Bill Ivy on funds for Kelly and Dunlap hills. The Board will contact the Forest Service for information on this funding. Supervisor McComb reported that the crusher being set up at the Mancos gravel pit. A separate pile will be done for Forest Service and the Town of Mancos. There is a good pile of gravel at the Hay Camp gravel pit. The county has crushed a pile of gravel for the Forest Service at the Ormiston pit. Supervisor McComb asked about the status of the D8 cat, and if it is used at the new landfill if this use might be charged against the landfill. This was discussed and it was determined that the new landfill has no need for this type of cat. It was agreed that it would be cleaned up, appraised by CAT, and sold by Waggner Equipment on consignment. Supervisor McComb stated someone asked about purchasing a large pile of old cedar posts. It was noted that most of them

are too short to use as fence posts. They will be advertised for bids. A possible problem with the new shaft installed in the crusher was discussed. It was suggested that any contact with the warranty company should be documented. A request will be made by phone, with a follow up "Certified Return Receipt" letter, for the company to come down and make a-I inspection. The culvert problem at Charles Goff's was discussed (see minutes of May 2, 1994). Comm Colbert will contact Mr. Goff and Administrator Weaver will contact the Colorado Department of Transportation about the problem. There is still a need to monitor the Montezuma Water Company permit system. Montezuma Water Company will be billed for repair the county on the dump road.

**PUBLIC HEARING - LANDFILLS** It being the time set aside, a Public Hearing was conducted to consider the application for the new Montezuma County Landfill. The roll was called and the Proof of Publication was read. There was no public present; Administrator Weaver gave a brief statement on the matter to be considered, which was Montezuma County's proposal for a solid wastes disposal site and facility. The hearing was conducted to comply with the requirements of the State Health Department. Comm Brubaker moved to accept the plan and permit the landfill facility, seconded by Comm McClellan and carried. These proceedings were taped for the record.

**PLANNING:** Planning resolution P-18-78 Amended was presented whereby Walter Lara, owner of 9.73 acres, would be granted an exemption to the subdivision regulations to amend this Resolution to correct a legal description in Section 8, T.36N., R.16W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried.

**HEALTH DEPARTMENT CONTRACT HCBS-EBD/HCBS-PLWA** Case Management Contract between the State of Colorado for the Department of Social Services and the Montezuma County Board of Commissioners was presented for review. Comm Brubaker moved to sign this contract as changed, seconded by Comm McClellan and carried.

**BOARD OF SOCIAL SERVICES** was conducted.

**ADJOURNED FOR LUNCH** with the Cortez Senior Citizens.

**ASSESSOR OFFICE** employee Diana Mosher met to express that she felt there should be more cooperation between the Assessor and the Clerk and Recording offices. She stated that a policy change has been proposed.

COMM Brubaker made the following recommendations: (1) to start the process to turn the Social Services Department back to the State of Colorado, and (2) to check on current workmen compensation cases for possible fraud. Both these recommendations will be researched and options reviewed.

**DEPARTMENT HEADS:** Clerk Jean DeGraff, Road Supervisor Tim McComb, Treasurer Bobby Spore, Health Department Nurse Bette Butter, Assessor Bob Cruzan, and Extension Office Manager Jan Brandt were present. Clerk DeGraff reported that the County's ballot issue and question has been certified and is ready for the November ballot. It was noted that it is going to require legislature changes to request exemption numbers when a deed is recorded. Assessor Cruzan mentioned that scheduling time to copy documents from the Clerk's office is being addressed. Clerk DeGraff proposal that a microfiche company from Durango be contracted to do all the microfiche recording for both offices will be reviewed by the Board. Budgets were discussed. Treasurer Spore submitted her monthly reports. Assessor Cruzan stated that the disclaimer stating "county road" is used for address purposes only is still on their form. Nurse Sutter stated there has been a delay in receiving the flu vaccination. The flu shots scheduled October 10th for county employees will be scheduled later in the month. Office Manager Brandt reported on the county's expanding Fruit Study project. Road Supervisor McComb was informed that Jimmy Kennedy needs to met with him for the inspection of Mr. Kennedy's road (CR 36.5).

09-12-94

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REGION 9 Director Ed Morlan presented a summary of the Business Revolving Loan Fund. Comm Brubaker, moved to sign the Region 9 CDBG Grant Application for Revolving Loan Funds, seconded by Comm McClellan and carried.

GOODMAN POINT WATER ASSOCIATION members Steve Chappell, Rick Oliver and Theron Story presented a report on a proposed two-mile water line and an area to install a water dispenser for use by the Lewis Arriola Fire Department and Goodman Point residents. They asked that the county furnish gravel for the area and waive the permits. Both these requests were denied. It was agreed that the county will do the two cuts in the road crossings. The Goodman Point Water Association will lay the line in these cuts and maintain the cuts. Suggestions were made and discussed on ways to fund the \$20,000 to \$25,000 project. They stated they would check with other entities for help with funding. Mr. Chappell also stated that CR P is very rough and needs blading. Supervisor McComb will be notified of this.

ADJOURNED at 4:00 p.m.

Deputy Clerk

Chairman

September 12, 1994

SEAL

Online Copy

**Minutes 09/19/2004 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 19, 1994

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

SEP 27 1994

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 19, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, September 12, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

SHERIFF DEPARTMENT Deputy Sherman Kennell stated he was asked last Friday to check on the Ives - Mahaffey problem (see September 6, 1994, minutes). Road Department Supervisor McComb was present. Deputy Kennell said that Mr. Mahaffey stated he would pay for part of the approximately 200 feet of pipe needed to take care of the run-off water problem. There are phone lines and a pipeline in the 30' county right-of-way so digging a slump pond is not the solution. Statutes on Conservancy Districts and water running on county roads were read. Deputy Kennell will contact the Dolores Water Conservancy representative John Porter and ask if he is aware of the applicable statutes. Mr. Porter will be told that he is welcome to meet with the Board of Commissioners to discuss the problem. Several similar situations in the county were noted.

ROAD DEPARTMENT Supervisor McComb reported that they are sealing cracks all roads that are scheduled for chip and seal next year. They will seal cracks on the Annex parking lot tomorrow. Supervisor McComb expressed that he would prefer not to do the road cuts for the Goodman Point Water project until next year, because it might tear up the road too much before winter. He will contact the representatives. They bladed CR P last week, and have worked some on McElmo Road. They are crushing gravel at the Mancos pit and will be hauling gravel for CR 40. Comm Colbert said he talked with Forest Service representative Bill Ives about Kelly and Dunlap hills. Mr. Ives said funding for Kelly hill was about ready. Forest Service representative Mike Burke needs to be contacted about Dunlap hill. Administrator Weaver will contact Mr. Burke. Supervisor McComb reported that a resident has refused to purchase a driveway permit. A letter that was sent to the individual with the procedure the county would follow, if he does not purchase a driveway permit was reviewed. Driveway permits are required for any access off a county road. This notifies the road department for determining the location of the driveway and whether or not a culvert is needed. A system to track all the permits required by the County was discussed. It was suggested that no permits be issued until all the permits are approved, completed and paid for. A meeting will be scheduled with the departments involved to address these concerns. A letter has been written to Northwest Pipeline about the slip on Kelly hill; no answer has been received.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A planning resolution P-47-94E was presented whereas Ruth Smoot, owner of 396.98 acres, desires to record a 3.001 acre tract for her daughter in Section 25, T.37N., R.16W. Comm McClellan moved to adopt this resolution, seconded by Comm Brubaker and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved for Leon Stava to split off 11.6 acres from 35 acres, and sell it to an adjoining landowner. A verbal request for an exemption to the subdivision regulations was tentatively approved for Pat (Clem) Honaker to split off 10 acres from 55 acres, to give to his son. Other items discussed: McPhee Subdivision, Bear Ridge Subdivision and the Hill Top Subdivision plats were signed. Jimmy Kennedy's access road was inspected; it is wide enough. Request for a septic permit without a variance on a Comisky Estate tract Sanitation Manager Periman needs a copy of the Court Order which divided the property. ASSESSOR Cruzan was asked for input about tracking permits with a check off sheet which would cover all the county required permits. This was discussed.

FAIRGROUNDS Manager Dante Sena presented bids for purchase of a tractor and loader. Comm Brubaker moved to trade in the old tractor and purchase a tractor with a direct mounted loader from Meyer Implement, seconded by Comm McClellan and carried. Lottery monies will be used to pay for the purchase. Landscaping at the fairgrounds was discussed. Plans are being done and will be submitted for GOCO funding. Manager Sena stated that a chain link fence is needed around the oil tanks. Fencing from the county road department will be used (see September 6, 1994 minutes).

COMM Colbert was absent in the afternoon.

CONTIGUOUS COUNTIES GAMING IMPACT FUND ORDERS: Comm McClellan made a motion to direct the Clerk to issue the following to the Treasurer for payment – Order Number 0-23-94 to pay \$2,750.00 from the Gaming Impact Fund to Montezuma County Court, Project #93-31; Order Number 0-24-94 to pay \$4,062.00 from the Gaming Impact Fund to Montezuma County Court, Project #93-56; Order Number 0-25-94 to pay \$4,769.00 from the Gaming Impact Fund to the Cortez Fire Protection District, Project #93-55; Order Number 0-26-94 to pay \$6,025.00 from the Gaming Impact Fund to Police Data Systems, Inc., and Order 0-27-94 to transfer \$9,672.00 from the Gaming Impact Fund to the General Fund. Motion was seconded by Comm Brubaker and carried.

OFFICE OF COMMUNITY SERVICES: Ken Frances presented brochures and explained a proposal to designate the "Trail of the Ancients" as a Scenic Historical By-Way. After discussion, it was agreed that the proposal would be amended to include the McElmo Canyon road as an alternate route. A letter will be written by the Board supporting the proposal. It was noted that no public hearings are scheduled for public input.

TREASURER Bobbie Spare presented her short-term Depositories and Investment Pools report.

HEALTH DEPARTMENT Nurse Bette Sutter presented the PreNatal Contract. Comm McClellan moved to sign the Pre-Natal Contract between the Department of Health and Montezuma County Board of Commissioners, seconded by Comm Brubaker and carried. Comm Brubaker moved to sign Therapies Contract with the Valley Inn for home bound patients, seconded by Comm McClellan and carried. Comm Brubaker moved to sign the Home Care Policy and Financing Contract between the Department of Health and the Montezuma Board of County Commissioners dba the Montezuma County Department of Social Services, seconded by Comm McClellan and carried. Nurse Sutter stated that there is a need to add a part-time position for a Home Health Care nurse. This was discussed.



09-19-94

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COLORADO STATE FOREST SERVICE representative Don Ochocki clarified the Emergency Wildfire Fund and the Initial Air Attack Wildfire agreements. He stated that they are separate documents, but that the monies paid into the Emergency Wildfire Fund covers both agreements. The Emergency Wildfire Fund agreement was signed by Montezuma County; The Initial Air Attack Wildfire agreement was not. It was agreed that there had been a lack of understanding on how the program was implemented. He explained why Montezuma County was not reimbursed expenses incurred for a fire this summer. He invited the Board to the Wildfire Mitigation Conference in October and mentioned that all the entities need to look at the Operating Plan for the fund next year.

ADJOURNED at 3:00 p.m.

Deputy Clerk    Chairman

September 19, 1994

SEAL

Online Copy

**Minutes 09/26/2004 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 26, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 26, 1994, at the courthouse in Cortez, Colorado, there were present:

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

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

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

911 AUTHORITY BOARDS Motion was made by Comm Brubaker to direct the Clerk to issue Order Number 0-28-94 to the Treasurer to pay \$446.10 from the 911, account, to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Colbert and carried.

ROAD DEPARTMENT Supervisor Tim McComb reported nothing further has been received about the Ives-Mahaffey run-off water problem. They are working on CR 21. It was reiterated that all the road department employees have their CDL permits, and that evaluations are done. They are still hauling gravel for CR 40. Forest Service Schedule "A" Road 39.9 past the San Juan Bible Camp will be discussed at a scheduled Forest Service meeting on October 11th. A landowner still has not gotten a driveway permit, but has until October 3rd to comply with the road department request. Work done on sealing cracks at the Annex will be charged to the county repair and maintenance account. Supervisor McComb reported that Mark Larson has asked what will be done with CR L. The section where a mat was installed is now gravelled and rough. For now, the county will keep dust retardant on it. Supervisor McComb will check with Mountain Gravel and offer to split the cost with them to asphalt this section. A request for new equipment for the Road Department was presented for the following: (1) anti-freeze recycling machine for approximately \$2,449.00 - approved; (2) oil filter smasher, so filters can be disposed at the landfill - checking a price for item; and, (3) grader bit for approximately \$4,000.00 - approved. These items will be paid for from monies collected for permits.

FEED THE HUNGRY program representative Pam Lien presented an update on the program. She asked for \$520 to help fund the program and stated that she is asking for a match of the same amount from the City of Cortez. Comm McClellan moved to make a one-time donation of \$520.00, Comm Colbert seconded and carried. She was encouraged to seek help from the local churches for the program.



MOSQUITO CONTROL DISTRICT representatives T. J. Knight and Floyd Ray met to ask if they could use the county radio tower on Goodman Point for radios, if they decide to purchase them. Administrator Weaver stated that the county was phasing out radios and going to cellular phones. Mr. Knight said that they thought radios were a cheaper route, but he will check further. If they decide to purchase the radios he will come back to the Board. They reported that the District is purchasing two new foggers. There is a problem with using aerial spraying since some residents do not want their property sprayed.

RESIDENT Rudy Baumel asked for the status of Road 29.5. The county map shows the road as a non-maintained road. Mr. Baumel stated that he was concerned about who would be responsible if someone was hurt using the road. The road is used by the public. Procedures to close a public road were discussed.

PLANNING: A planning resolution P-48-94E was presented whereas Leon O. Stave, owner of 35.01 acres, desires to record a 11.61 acre parcel and a 23.40 acre parcel in Section 5, T.37N., R.17W. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. A planning resolution P-49-94E was presented whereas Jimmy and Bonnie Kennedy, owners of 35 acres, desire to record a 1.83 acre parcel in Section 33, T.37N., R.14W. Approval for this split was given on July 13, 1992. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. A planning resolution P-50-94E was presented whereas Thelma Garwood, Barbara Kirk and Marjorie Wright, owners of 201.34 acres, desire to record a 12.41 acre parcel to go to an adjoining landowner in Section 4, T.38N., R.18W., Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved for Richard Tibbets to split approximately acres from 44.5 acres. A verbal request for an exemption to the subdivision regulations was tabled for Richard Tibbets to split and sell to adjoining property owners, a hillside property adjoining the Town of Dolores. The interested parties will be asked if they would plat the whole area. A verbal request for an exemption to the subdivision regulations was tabled for Gene Lytle to split 3.5 acres from 55.72 acres. Sanitation Manager Permian has denied an open septic permit for the parcel; this problem has to be resolved before further consideration. Other items discussed; Public Hearings were held before the Planning Commission for the Mildred Estates Subdivision, the Sunny-side Subdivision and the Eagles Overlook Subdivision. The Planning Commission identified the problems with each respective proposed subdivision. An on-site inspection will be done on the Mildred Estates Subdivision, and a work session will be scheduled with all the entities to address concerns. It was suggested that for proposed subdivisions: (1) Specific detailed plans showing the proposed subdivision's water and septic needs, and all the easements need to be submitted. (2) If possible require the developer to provide a water-system. (3) The plan should be reviewed to see if the results support the proposal. (4) Permits should be paid for at the beginning of the process instead of at the end.

PROPOSED STEVENSON SUBDIVISION PLAT was presented. Comm McClellan moved to approve and sign the plat, seconded by Comm Colbert and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston gave a Federal Lands report. It was noted that the Forest Service/private property owner land exchange (see minutes of August 15, 1994) has been denied by the Forest Service.

09-26-94

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CITY OF CORTEZ Manager Bill Ray met to clarify a statement that he understood had been made by a representative of the Hill Top Subdivision (see minutes of August 22, 1994). The statement was that the City had been notified of the Hill Top Subdivision. He stated that the City was not contacted. Comm Colbert pointed out that this subdivision was submitted under the old subdivision regulations and met all those requirements. The two-mile limit will be a factor for subdivisions submitted under the new subdivision regulations. Manager Ray stated that the City could make water taps available to border line properties. It was noted that it would be up to the City, not the county, to contact developers. Resident Floyd Ray stated that weeds need to be cut on the west side of 7<sup>th</sup> Street. One side is county, the other city. City Manager Bill Ray stated he will check on it.

CLERK Joan DeGraff stated that her proposal to have a microfiche company do recordings is tabled at this time, since the budget would have to be adjusted to cover the cost. She reported that the Colorado Department Revenue's new "Fair Share" program is in place. It encourages people coming into the state to purchase their licenses immediately, and residents to purchase Colorado licenses rather than out-of-state licenses. Names of offenders may be submitted to the Clerk's office and they will be forwarded to the appropriate law enforcement entity. Clerk DeGraff gave an update on the upcoming election. Problems with the Secretary of State's new computer system for elections was discussed. Clerk DeGraff stated that name duplication is making it hard to certify that the voter registration lists are accurate. She asked that the Board contact any one who they felt could help get the system more accurate.

DEPARTMENT OF HEALTH CONTRACTS: Comm McClellan moved to sign the Homemakers Contract and the Personal Care Providers Contract between the Department of Health and the Montezuma Board of County Commissioners dba the Montezuma County Department of Social Services, seconded by Comm Colbert and carried.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED at 2:35 p.m.

Deputy Clerk    Chairman

September 26, 1994

SEAL

**Minutes 10/03/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 3, 1994

STATE OF COLORADO     )  
                                  ) ss. OCT 10 1994

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 3, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, September 26, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for the month of September 1994 was received. A Notice and Acknowledgment of Receipt of Summons and Complaint to the Montezuma County Sheriff's Department from Fred Musil, Jr. was noted and will be sent to the Insurance company.

PAYROLL: General fund vouchers #12219 thru #12349 in the amount of \$141,583.07, #21120 in the amount of \$16,035.48, #21121 in the amount of \$83,059.57 and Road fund vouchers #12350 thru #12388 in the amount of \$56,790.15 and #8112 in the amount of \$40,402.00 were approved for payment.

UNDERSHERIFF Bob McDonnell and Deputy Sherman Kennell reported that there are problems with use of office space in the Justice Building, which is jointly operated by the City of Cortez and Montezuma County. These concerns will be discussed at the noon meeting with the City.

RESIDENT Robert Conner met to ask for approval for a driveway permit on a parcel of land that he wants to sell to his son. Sight distance for the proposed driveway on CR 29 is not good. A verbal request for an exemption to the subdivision regulations was tentatively approved August 15, 1994. Final approval will be contingent on obtaining the driveway permit. An on-site inspection of the proposed driveway will be done this afternoon by the Board and Supervisor McComb.

ROAD DEPARTMENT Supervisor Tim McComb reported that the cost for hauling gravel for CR 21 has been paid. Forest Service representative Bill Ivy contacted Supervisor McComb about FS Road 693 (Joe Moore Reservoir). The Forest Service does not have trucks available to haul the gravel. It was agreed that a proposal will be presented to the Forest Service that the County will haul the 500 yards of gravel needed to do the road, in exchange for 1,500 yards of gravel allotted to the Forest Service. If this is acceptable, the total gravel crushed by the County for the Forest Service allotment at the Mancos gravel pit will be 3,500 yards instead of the usual 5,000 yards. Supervisor McComb will ask that the Forest Service document the exchange with a letter. The "Special Use Permit" agreement signed in 1965 with the Forest Service an "Schedule A" Road 39.9 to the San Juan

Bible Camp was discussed. It was noted that maintenance does not necessarily mean snow plowing. The County accepted the small section of FS Road 693 (Joe Moore Reservoir) under this "special use permit" agreement (see minutes of July 19, 1994). Supervisor McComb reported that Josephine Anthony called and stated that she planned to install a gate across CR T. The county maintains this section of road to her residence, and other landowners use the road. Supervisor McComb will inform her that if a gate is installed, the county will have to take it down and that a public hearing has to be held before it can be considered for abandonment. Comm McClellan reported that McElmo canyon resident Dan Tozer called her stating it had rained Friday, and asked if the road could be bladed. It was suggested that when it rains on Friday that road personnel could work on Saturday and Sunday if needed; and take off during the next week.

RESIDENTS Eddie Sahlen and James Presson met to ask that CR 31 be paved and guardrails be installed on a bad corner. Supervisor McComb was present and stated that the county does have available guardrails. He will check the corner for the possibility of installing them. He will also check with a landowner about cutting trees that create icy spots along the road. Mr. Presson said there was a lot more traffic on the road and thought a counter should be put on it. They were told that paving cannot be considered.

PLANNING: A verbal request for an exemption to the subdivision regulations was tentatively approved for Mountain Gravel and Richard Tibbets to sell to an adjoining landowner a 1.1 acre parcel. Other Items Discussed: Proposal for further development of the McLaughlin Meadows (Aladdin) Subdivision -would have to comply with regulations for septic, water, roads, utilities and highway access. Joseph Krajnik has met the criteria for a minor subdivision. Ernie Jacques has met the criteria for a moderate subdivision. This is an "after the fact" subdivision - a 60' easement will be requested.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for renewal of a 3.2% beer license and a retail liquor license for the Eagle Claw Trading Post. The Sheriff's department reported no problems with the outlet. Comm McClellan moved to accept the applications, seconded by Comm Colbert and carried.

CORTEZ FIRE PROTECTION DISTRICT representative Pat Higgins presented the following: (1) The Contiguous County Gaming Fund Cost Recovery Form. (2) The Contiguous County Gaming Fund Application for signature. This was signed. (3) A warrant from the State of Colorado for the final payment of EMS940690 Grant to the Montezuma County Commissioners for the Cortez Fire Protection District. Comm McClellan made a motion to direct the Clerk to issue Order Number 0-29-94 to the Treasurer to deposit Warrant No. 43167094 in the amount of \$7,985.13 to the Cortez Fire Protection District account. Motion was seconded by Comm Colbert and carried.

ADDICTION RECOVERY UNIT representative Dan Sturtz stated he would like to be appointed to the Alcohol and Other Drug (ADD) Planning Team for the HB 1005 local planning process. He was advised to call La Plata County Social Service Director Joe Thompson.

COUNTY REVOLVING LOAN FUND: A loan, in default, made originally to a banner making company by the Cortez Downtown Associations, but now under the County Revolving Loan Fund was discussed. It was determined that the original loan monies were paid to the Valley National Bank, who in turn issued a total amount which included some monies from them to the company. Administrator Weaver will check with the Valley National Bank for any information they have concerning the loan.

10-03-94

3

POLICY CHANGE - LANDFILL CHARGE ACCOUNTS: All entities, with the exception of the Commercial Trash Haulers from Montezuma County, must pay landfill fees as incurred.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED FOR LUNCH with the City of Cortez, and the on-site inspection of CR 29.

Deputy Clerk    Chairman

October 3, 1994

SEAL

Online Copy

**Minutes 10/10/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 10, 1994

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 10, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, October 3, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Receipt of a letter from Unifirst, a janitorial company formerly used by the county was noted. A letter to the Editor of the Cortez newspaper addressing land use issues was reviewed, approved, and submitted to the newspaper.

ACCOUNTS PAYABLE: General fund vouchers #21119 thru #21306 in the amount of \$115,937.44 and Road fund vouchers #8119 thru #8183 in the amount of \$54,852.54 were approved for payment.

LANDFILL ORDER: Comm McClellan moved to rescind an unrecorded motion made last week for a landfill order, since the payment is now made with a voucher instead of an order, seconded by Comm Colbert and carried.

PROPOSED SALES TAX: Records will be checked to be sure that publication of the notice for the proposed sales tax was in all three municipal newspapers four (4) times in a row to comply with State statutes.

ROAD DEPARTMENT Supervisor Tim McComb reported they are pulling ditches up and grading McElmo Road. They have finished sealing cracks for the year. He stated that a bridge on the Stapleton road has two holes in the decking. The county maintains the road across the bridge but the bridge is on Forest Service property. This will be discussed at the meeting with the Forest Service tomorrow. Supervisor McComb said he would be off next week, but can be contacted in case of an emergency. They will be cutting brush away from corners on county roads this winter. Different ways to redo old signs so they can be used again were discussed. McElmo Canyon landowner Danny Wilkin has not contacted the road department for a driveway permit. The driveway was plowed out on October 3rd. Another letter will be written stating that, if the request for a driveway permit is not submitted, the county will have to consider taking the matter to Court for a ruling.

BID ON CEDAR POSTS: Comm Brubaker moved to accept the bid from Pat Burns of \$2.01 each for 600 to 700 cedar posts stored at the county shop, seconded by Comm McClellan and carried. Supervisor McComb will notify him of the acceptance.



10-10-94

2

PLANNING: A planning resolution P-51-94E was presented whereas Robert and Alma Conner, owners of 38.75 acres, desire to record a 4.99 acre tract in Section 32 and Section 33, T.37N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-52-94E was presented whereas Gordon F. Barritt and Susan J. Barritt, owners of approximately 7 acres, desire to record an "after the fact" exemption in Section 20, 37N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-53-94E was presented whereas J. Earl and Birdie L. Ashcroft, owners of 61.97 acres desire to record an 8.0 acre tract in Section 35, T.37N., R.14W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved for John Snyder to split 5 acres from a 149 acre tract.

BOARD OF SOCIAL SERVICES was conducted.

DOLORES CEMETERY DISTRICT BOARD: Comm Brubaker moved to appoint George James as Vice-President to the Dolores Cemetery District Board, to replace Mr. Ripley who resigned in August 1994, seconded by Comm McClellan and carried.

LIQUOR LICENSE: Deputy Betty Davis presented an application for renewal of a 3.2% beer license for the Priest Gulch Campground. The Sheriff's department reported no problems with the outlet. Comm Brubaker moved to approve the application, seconded by Comm McClellan and carried.

LANDOWNERS Ernest and Bettee Jacques met to discuss their "after the fact" subdivision off of CR 24, which needs a 60' easement. The subdivision will be processed under the old subdivision regulations. It needs to be platted with the required 60' easement, and a public hearing will then be scheduled.

CONTIGUOUS COUNTY GAMING FUND GRANT APPLICATIONS were submitted by Cortez Fire Protection District representative Pat Higgins, and Sheriff Department representatives Undersheriff Bob McDonald and Deputy Sherman Kennell.

Applications were also received from the Department of Social Services, City of Cortez Police Department, and the County Road Department. The applications were signed and prioritized. Pat Higgins also submitted an application for a grant from the Energy Impact Fund.

ADJOURNED at 12:00 for lunch with the Mancos Senior Citizens.

Deputy Clerk                      Chairman

October 10, 1994

SEAL

**Minutes 10/17/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 17, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 17, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, October 10, 1994, were read. Comm McClellan moved to approve these minutes, seconded by Comm Brubaker and carried.

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

DEPARTMENT OF HEALTH Findings and Order of Rabies Vaccination was signed by Chairman Colbert and submitted to the newspaper. This order was issued due to a confirmed report of a rabid skunk in the McElmo Canyon area.

BUDGET requests for monies were received from CCI, the Colorado Forest Service Fire Fund, and the Good Samaritan Center. These will be considered when the budget is prepared.

PUBLIC HEARING - OAKVIEW SUBDIVISION: It being the time set aside, a Public Hearing was conducted regarding the Oakview Subdivision. The roll was called and the Public Notice was read. Developer Larry Everett was present. No public was present. Administrator Weaver reported that the subdivision has met all the specifications of the Planning Commission and no adverse comments about the subdivision were received. The ditch easement was discussed. Mr. Everett stated a paragraph about the ditch easement will be added to the covenants and a copy of these revised covenants will be submitted to the Administration Office. The subdivision is being processed under the old subdivision regulations. Comm Brubaker made a motion to approve and sign the final plat for the Oakview Subdivision. The motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

BOARD OF SOCIAL SERVICES was conducted.

GOVERNOR ROY ROMER, Senator Ben Campbell and staffs visited the Board. The immediate need for GO Colorado funds to purchase development rights on parcels of open land was discussed. Endorsement brochures were handed out.

PLANNING: A planning resolution P-55-94E was presented whereas John S. Snyder, owner of 149 acres, desires to record a 5.2 acre tract in Section 5, T.37N., R.16W. This is a one-time exemption. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an one-time exemption to the subdivision regulations was tentatively approved for Keith and Tawna Caddy to split 3.22 acre from 40 acres, and planning resolution P-56-94E was presented whereas Keith and Tawna Caddy, owners of 40 acres, desire to record a 3.22 acre tract in Section 22, T.36N., R.15W. Comm Brubaker moved to adopt this resolution,

seconded by Comm McClellan and carried. A verbal request for an one-time exemption to the subdivision regulations was tentatively approved for Joe (Marvin) Brunner to split an 8 acre parcel with a house from 300 acres. A verbal request for an exemption to the subdivision regulations was tentatively approved for James Linnens to sell an isolated 21 acre tract, which is divided from the rest of his property by a highway. \*\*\* A suggestion was made to assign a number to each subdivision for easier tracking. This was approved.

ADJOURNED FOR LUNCH at the Annex with Governor Romer, Senator Campbell and staffs.

REALTOR Gwen Johnson met to ask for an "after the fact variance" on a 5 acre parcel with a house that was sold in 1982, and is now for sale again. No recorded variance has been found. The original 13 acres owned by Citizens National Bank was split into an 8 acre parcel and a 5 acre parcel with a house. Ms. Johnson was encouraged to contact the present landowners of both parcels and make a proposal that they create a subdivision and plat the area. Highway access still needs to be obtained.

DOLORES PUBLIC LIBRARY Director Carole Arnold gave an update on activities at the Dolores Library. She presented brochures on the library and the computer program ACLIN (Access Colorado Library & Information Network).

LAND USE ISSUES: Mike Preston and Ginger Black gave a summary on the issues that will be addressed by the developers of the Mildred Subdivision. The developers will submit a letter for consideration stating their solutions to all these issues. It was noted that issues presented at the Planning Commission should be resolved, before the Public Hearing with the County Commissions. The hearing before the Commissioners is not for new issues, but to address how the original issues have been resolved. Implementation of administrative and impact fees was discussed. A partial collection of administrative fees will be done at each stage of the subdivision development. Impact fees will be charged on a case by case basis.

SENIOR NUTRITION CENTER Director Sue Fletcher and Mary Holliday presented a contract between the Colorado Medicaid Program and the Center for signature. The contract is to allow use of the Center's van to pick up non-medical persons on the Medicaid program. This was signed.

HEALTH, LIFE AND ACCIDENT INSURANCE: Comm McClellan moved to renew the contract with Wolcott Insurance for another year, seconded by Comm Brubaker and carried. Because of conflicts of interest, Comm Colbert abstained and Attorney Slough was excused.

PROPOSED CEDAR RIDGE SUBDIVISION plat was approved and signed.

LIQUOR LICENSE: Deputy Clerk Betty Davis and McPhee Marina owner, Herbert A. Heroux met to discuss Mr. Heroux's request for an Optional Premise License. Deputy Davis reported that a copy of Resolution 10-94 was given to Mr. Heroux. Comm Colbert stated this type of license was rejected for the county, because of concerns for the health and welfare of the community. Since the Marina is on U.S. Forest Service land, a question of where jurisdiction lies for any licenses for this establishment was discussed and will be researched.

ADJOURNED at 3:45 p.m.

Deputy Clerk      Chairman

October 17, 1994

**Minutes 10/24/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 24, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County Colorado, held on Monday, October 24, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, October 17, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS; CORRESPONDENCE was read and contents noted. An invitation to the Board from the Mancos Forest Service District to attend a meeting on November 15th was received.

SAN JUAN BIBLE CAMP representatives Bill Farr, Renay Neely, Bill Baker and Jim Durham met to again ask if the County would upgrade and maintain Road 39.5. Mr. Farr and Mr. Durham now have year-round residences at the Camp. This 1/2 mile of road is not a Forest Service Schedule "A" road and is not covered under any Special Use Permit. It was stated that this section of road has never been on the county system, even though snow plowing to the snowmobile turn-around was done in the past. It was explained that due to a lack of funds, the county can no longer extend services to areas not on the system. The representatives were encouraged to attend a Forest Service meeting scheduled for Tuesday, November 15th. This meeting is to determine which roads in the area are Forest Service roads, Schedule A roads, or roads under a Forest Service Special Use Permit. The suggestion was made that after the meeting, the Camp residents may need to apply for a permit from the Forest Service so they can contract for snow removal. Contracting with the county for snow removal was discussed, but discouraged since there are contractors in the area that do this type of work.

FISH SUBDIVISION resident Marcia Reichenau asked if the county could maintain the roads in the subdivision. She stated that years ago the roads were up to county specs, but have since deteriorated. It was explained to her that due to a lack of funds, the county can no longer accept any new roads on the system. She was encouraged to work through the subdivision's Homeowners Organization, encouraging them to hire a contractor to do the needed upgrading and maintenance. The proposed one-cent county sales tax, and a possible change in policy if it passes was discussed.

POLICY FOR PROCESSING APPLICATION FOR EXEMPTION: Administrator Tom Weaver, reported on a meeting with the Road Department, Assessor, and Sanitation Department about procedures to follow for a request for any exemption to the subdivision regulations. At the meeting it was determined that the following steps in the order given need to be completed and signed off on before final processing: (1) an address from the Assessor office, (2) a septic permit from the Sanitation Department, and (3) a driveway permit from the Road Department. Payment for these permits then needs to be made at the Administration office. An exemption number and resolution number will be reflected on each application. All the steps have to be completed before any consideration for an exemption.

ROAD SUPERVISOR Tim McComb reported that the Joe Moore Reservoir Road (FS 693) is done. The Forest Service supplied the 1,000 yards of gravel, which was hauled by county trucks. The Forest Service traded 500 yards more to the county for use of the trucks. Supervisor McComb will contact the State Highway Department about a stop sign down on Highway 160 and CR 38. Comm McClellan reported that she had gone down McElmo Road and that it was in good condition, but still dusty. They are working on CR 39 to improve sight distance. A request from the Forest Service for the county to haul gravel for 300' on the Echo Basin road with a trade of gravel for use of the county trucks was discussed. The Forest Service will be informed that they need to hire private contractors to haul their gravel. The county will supply the blade. Supervisor McComb asked for input on a situation where a contractor came in to get Montezuma Water Company and Empire Electric permits for a project. The permits were requested in the contractors name and paid for by the contractor. After discussion, it was determined that, there is no problem if the permit fee paid for gives the county the responsibility of maintaining the disturbance to the right-of-way. But, if the lesser permit fee is paid and someone other than the county will be maintaining the disturbance to the right-of-way, the following should be obtained from the Company hiring the contractor: (1) the name of the authorized contractor and (2) a signed statement showing who will be responsible for the maintenance.

REALTORS Pat Blackmer and Owen Johnson met to discuss the request made on October 17, 1994, for an "after the fact variance" to the subdivision regulations on a 5 acre parcel with a house, which was split from a 13 acre parcel in 1982. Mr. Blackmer stated it was not possible to plat the area as a subdivision. The request for an "after the fact variance" was tentatively approved for Citizens State Bank to split the 5 acres parcel with a house, from the 13 acre parcel. Mr. Blackmer stated that they have a verbal approval on the driveway access from the State Highway Department. They were encouraged to get this in writing.

MCLAUGHLIN MEADOWS SUBDIVISION'S request for a septic system was discussed. Questions were raised about whether this area is within a designated development area around the Airport. If it is, regulations will be checked and the City of Cortez will be notified so there can be a joint decision made on the request.

ADMINISTRATOR Weaver asked if he should get cost figures for replacing the remaining flat roofs on the courthouse with sloped roofs. This was approved. He stated he will ask Road Supervisor McComb to check with the School Bus Superintendent to be sure the county and school agree on school bus routes for snow plowing this winter.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A planning resolution P-54-94E was presented whereas Edmund J. and Ethel Murphy, owners of 540 acres, desire to record a 5.00 acre parcel in Section 22, T.39N., R.28W. This is a one-time exemption to the subdivision regulations. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-58-94E was presented whereas Rodney Reidhead, owner of 39.51 acres, desires to record a 3.05 acre tract in Section 35, T.36N. R.16W. This is a one-time exemption to the subdivision regulations. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations was tentatively approved for Granville Atkinson to trade 3.54 acres to Brian Grubbs for a 1.3 acres tract, thus making the Grubbs parcel a total of approximately 6 acres. Ernest and Bettee Jacques' request for an "after the fact" subdivision off of CR 24 (see October 10 minutes) was discussed and tentatively approved for them to add to the subdivision one more lot.

10-24-94

3

MAHAFFEY: Mrs. Daisy Mahaffey appeared before the commissioners demanding that CR 18, south of CR P and CR L.5, west of CR 18 be graded and culverts be installed. The Commissioners again informed Mrs. Mahaffey that the County could not afford to extend roads to people who wish to live in remote parts of the County where gravel roads do not now exist. The roads listed above are part of the County system and are listed on the official County Map as unimproved County toads. Mrs. Mahaffey was reminded that she is not required to do anything toward upgrading this road. However, if residents want the road upgraded, then the County will assist as follows: if the residents on this road cooperate by hauling the 3" minus gravel, then the County will prepare the road subgrade, including culvert installation, and furnish the 3" minus gravel to be hauled by the landowners, and furnish and haul the 3/4" minus gravel for the surface.

HEALTH DEPARTMENT Nurse Bette Sutter presented the Women, Infants and Children (WIC) contract. Comm Brubaker moved to sign the WIC contract between the State of Colorado Department of Health and the Montezuma County Board of Commissioners, seconded by Comm McClellan and carried. A long-term rabies policy for the county was discussed.

RESIDENT Margaret Stevenson met to ask for an exemption to split a 3 acre tract from a 33 acre parcel so she can sell it. Several options were presented to Ms. Stevenson: (1) give up the previous variance issued in 1988 and re-issue an exemption covering the requested 3 acres, (2) do a two-lot subdivision, or (3) plat the area as a larger subdivision. She will check with her surveyor and come back to the Board. She was also advised to check with the State Highway Department for highway access to the property.

CLERK Jean DeGraff presented copies of the Sample Ballot and the Tabor Notices for the upcoming election. She stated that a group of volunteers helped with mailing the Tabor Notices on Saturday. A part-time temporary person has been hired to help with the election. She explained how costs for the election will be shared and pro-rated with the RE-4 School District, Town of Mancos, Town of Dolores, and RE-1 School District. Every effort is being made to keep expenses within the election budget, but this may not be possible. One cost that has increased since the budget was set, is the ballot counter CODE-IN program which last year cost \$700 and this year will cost \$1,800. She mentioned that anyone can vote early until November 4, 1994. SENIOR NUTRITION PROGRAM donations should be made out to Montezuma County.

ADJOURNED at 3:00 p.m.

Deputy Clerk

Chairman

October 24, 1994

SEAL

**Minutes 11/07/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 7, 1994

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County Colorado, held on Monday, November 7, 1994 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, October 24, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer reports and the Sheriff report were received for the month of October Two letters expressing opposition to a proposed gravel pit were noted.

PAY ROLL: General fund vouchers #12396 thru #12523 in the amount of \$144,233.22, #21309 in the amount of \$16,035.48, #21311 in the amount of \$84,868.08 and Road fund vouchers #12524 thru #12562 in the amount of \$57,178.50 and #8185 in the amount of \$40,336.59 were approved for payment.

911 AUTHORITY BOARD: Motion was made by Comm McClellan to direct the Clerk to issue Order Number 0-30-94 to the Treasurer to pay \$446.10 from the 911 account, to U.S. West Communications, Denver, Colorado 80171. Motion was seconded by Comm Brubaker and carried.

U-SAVE AUTO RENTAL owner Bob Moore presented figures on car rentals at the Airport. The planned upgrading of the dump road and the proposed one-cent sales tax were also discussed.

RESIDENT Barbara Been stated that her address and others living on a private road have been changed. She has talked to the Assessor's office and contacted the county emergency facilities about the change. Her concern was that the new address was harder to find than the old one. It was pointed out that if only one person lives on a private road, the address remains the highway address, but when several live on it, then it becomes necessary to assign numbers to reflect that. Administrator Weaver stated that the Assessor's office has worked hard to straighten out the system and keep the new grid system up-to-date. \*\*\* Later in the day she discussed her problem with the Fire Department representatives. They told her that they checked the grid system first in an emergency situation. It was noted that the Assessor's office submits addresses to the 911 system to be put on the grid. She will check with 911 to see how her address is listed.

PROPOSED PIPELINE: Northstar Gas Company representative O. J. King and Black Resources representative Bill Black met to ask for approval of a proposed pipeline for a gathering system that will connect with a Northwest pipeline. They were informed that they need a permit. Before a permit can be considered, a written letter outlining the project needs to be submitted to the Administration office, and a public hearing scheduled. Written permission from private landowners, whose property will be impacted, needs to be included with the outline of the project.

11-07-94

2

ROAD DEPARTMENT Supervisor Tim McComb reported they are still hauling gravel, but that most of the gravel hauling scheduled for 1994 has been done. It was mentioned that the 1995 Road Plan needs to be submitted by the first of December. Road impacts by commercial operations were discussed. There is a need to look at county policy and adopt impacts fees that apply to everyone equally. Supervisor McComb stated that the county tries to water roads being used excessively by the county when they are hauling gravel. Benefits for the family of road department employee James Cross, Jr., deceased, were discussed. Comm Brubaker made a motion that the county pay health insurance, premiums for the family for 36 months. The motion was seconded by Comm McClellan and carried.

RESIDENT Galen Larson met to discuss his idea of promoting truck farms in the area, and the use of GOC monies for preserving open spaces.

PLANNING: A planning resolution P-63-94E Pas presented whereas Clem Honaker, owner of 55 acres, desires to record a 10.26 acres parcel in Section 34, T.38N., R.17W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-61-94E was presented whereas Marvin W. Brunner, Sr., owner of 300 acres, desires to record, a 8.63 acre tract in Section 32, T.37N., R.15W. This is a one time exemption. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision was discussed for Steve Beecher to sell to Rex Douglas, an adjoining property owner, a .60 acre tract. A verbal request for an exemption to the subdivision regulations for Ralph Tate to split 29 acres was tabled. Mr. Tate will be told that he needs to go through the Planning Commission.

FRED MERRILL SUBDIVISION: Comm Brubaker moved to approve and sign the Fred Merrill Subdivision plat, seconded by Comm McClellan and carried.

BOARD OF SOCIAL SERVICES was conducted.

VOLUNTEER FIRE DEPARTMENT representatives Paul Sauer (Cortez), Fred Petit (Pleasant View), Lloyd Johnson (Dolores) and Larry Johnson (Dolores) met to ask if any PILT money was available to the Fire Department. They stated, if it was, they would like to use it to establish a special emergency fire fund account. They were told that at this time all PILT monies go into the Road Department account, and due to a lack of funds for roads will continue to be put into that account. If the proposed one-cent sales tax passes, this policy might change. It was noted that county equipment is available to the fire department anytime it is needed. They talked with Ms. Been about her address change.

DEPARTMENT OF SOCIAL SERVICES BUDGET: Director Weaver and Kathy Talcott presented and explained the proposed budget for 1995. A recommendation that any monies used from the reserve account will be only to bring the total county dollars up to the State allowed \$350,000 cap was approved.

ADJOURNED FOR LUNCH with the City of Cortez.

UNDERSHERIFF Bob McDonnell presented "The Rights of Victims of Crime" brochures. Now legislature effective July 1, 1994, requires Sheriff Departments to use move manpower to handle these situations. Undersheriff McDonnell reported on the grant he applied for and received to cover the salary for one new position to meet this need. Comm Colbert signed the grant. The remaining money for the position was received from the VAL Board.



11-07-94

3

LANDOWNER P. G. West, president of the Ridge Subdivision Homeowners Association, presented a letter stating their concerns about a proposed gravel pit on CR 31. Road impacts from commercial use was discussed.

OFFICE OF COMMUNITY SERVICES: Mike Preston was given the "Great Outdoor" proposal for review. The Board asked if he would review the original land use rules and regulations proposed in 1988 for language to be considered in addressing road impacts created by commercial use.

ADJOURNED at 2:30 p.m.

Deputy Clerk    Chairman

November 7, 1994

SEAL

Online Copy

**Minutes 11/14/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 14, 1994

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 14, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, November 7, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk report for the month of October 1994, and a copy of certification for the general election held November 8, 1994, were received.

ACCOUNTS PAYABLE: General fund vouchers #21308 thru #21537 in the amount of \$103,018.95 and Road fund vouchers #8193 thru #8252 in the amount of \$34,153.41 were approved for payment.

COMMISSIONER ELECT Gene Story attended the meeting.

ROAD DEPARTMENT Supervisor Tim McComb presented a draft memo for consideration in regard to the problem of dust control by gravel haulers. It was agreed that this problem will be addressed when a permit system is put in place for the county in the near future. Roads are being bladed and smoothed up for winter. Supervisor McComb reported that he was contacted by the Dolores County Road Supervisor regarding snow removal on the West Fork Road and two other roads in the Stoner area. Dolores County proposed to remove snow on these roads on an hourly basis in return for credit on Ormiston Point gravel. This was approved. Dunlap and Kelly hill slides will be discussed at the meeting with the Forest Service on November 15<sup>th</sup>. Supervisor McComb talked with Ken Charles about gaming impact monies received for McElmo Road. Mr. Charles asked if the county would match the money. This was denied. At this time, the plan is to chip and seal 2 miles with the impact monies. A suggestion that traffic counters be put on McElmo to justify application for more funds next year was discussed.

RESIDENTS Bob Moore and Galen Larson visited about the defeat of the county's proposed one-cent sales road department.

PLANNING: A planning resolution P-8-94 AMENDED was presented whereas Shirley and Billie Floyd, owners of 85 acres, desire to record a 6.97 acre tract, which they are giving to their grandson, David Kimble in Section 2., T.35N., R.16W. This is an amended resolution due to a change in the Book and Page from Book 630 Page 767 to Book 603 Page 769. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-59-94E was presented whereas Rodney and Kristie Carriker, owners of 96 acres, desire to record a 25.02 acre tract in

Section 36. T.36N., R.18W. There shall be no further development on either parcel without a 60-foot easement being obtained. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-60-94E was presented whereas Brian and Cheryl Grubbs, owners of 3.58 acres and Granville and Billie Jean Atkinson, owners of 40 acres, wish to trade property in the NE/4 of Section 32, T.37N., R15W. The Atkinsons will acquire a 1.53 acre parcel from Grubbs, and the Grubbs will acquire a 3.54 acre parcel from the Atkinsons making their total acreage 6.00 acres. This is a one-time exemption. The "after the fact" variance to the subdivision regulations requested by Citizens State Bank is pending until a written access permit from the Colorado State Department of Transportation is received. A verbal request to reinstate a cancelled request for a variance to the subdivision regulations was received from Elbert and Lorraine Shippy. The request to split 6 acres into two 3-acre parcels was denied, since the new subdivision regulations are now in effect. They will be advised to go through the Planning Commission.

RESIDENT Kelly Wilson volunteered to serve on any committee organized to prepare a land use plan for the county. He was told that at this time it has not been decided whether the current Planning Commission Board will be involved in this, or a Special Board will be appointed. When this decision is made he will be informed of it.

BOARD OF SOCIAL SERVICES was conducted.

APPOINTMENTS to the Planning Commission Board were discussed. Any positions open will be advertised in the paper and appointments will be effective January 1, 1995.

CCI WINTER CONFERENCE: In order to save expenses, the Commissioners will not attend the CCI Winter Conference.

LANDOWNER Gale Greenlee asked when fencing will be done around the new landfill area, which is adjacent to his property. Past and proposed fencing was discussed. Mr. Greenlee stated he would do half, if the county would do the other half of the approximately 2-3/4 miles of fencing needed. This was approved. He was assured that bids for the county portion would be obtained this week.

MANCOS PUBLIC LIBRARY DISTRICT co-directors Patsy Smith and Georgette Welage presented the services and programs of the library. A letter was presented asking that their request for \$2,000 for the budget year 1995 be considered. The request was denied due to lack of funds.

ASSESSOR Bob Cruzan met to discuss a possible decrease of taxes paid by Shell Western E&P if SB94-080 is applied to the actual value of CO2 production. A Board of Assessment Appeals, State of Colorado, Docket Number 25902 Order, Atlantic Richfield Company, petitioner, vs. Huerfano County Board of Equalization, respondent, was discussed. Whether the issue in this Order is comparable to the Shell Western E&P situation in Montezuma County was considered. It was noted that SB94-080 originally did not apply to oil and gas, but now may. Actual value of CO2 issues discussed were: it should be looked at before the end of this year; Board has a right to take action to determine; hearing with Shull to re-address for the immediate tax year, and the role of the Amendment 1 cap. \*\*\*\*\* Later, Assessor Cruzan stated he had contacted Huerfano County and was informed that they had hired CRS Services, Inc. to help them.

OFFICE OF COMMUNITY SERVICES: Mike Preston was asked to look at the "1988 Land Use Plan," and pull out sections that deal with industrial and commercial development. These will be reviewed for use in establishing a permitting system for impacts created by these types of development. Since the question passed on the ballot asking if the county needs a land use plan, the establishment of a working group to create a land use plan was discussed. It was agreed that an article will be put in the paper asking that any interested persons write a letter to the Board asking to be appointed to the working group. From these letters, a good cross section of people representing all interests in the county will be selected.

FARM GOODS FOR KIDS, INC. assignment of Certificate of Deposit was corrected to reflect that the guaranteed loan for \$10,000 (or less) would be limited to this one loan (see minutes of September 6, 1994).

ADJOURNED at 3:30 p.m.

Deputy Clerk    Chairman

November 14, 1994

SEAL

Online Copy

**Minutes 11/21/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 21, 1994

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 21, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, November 14, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

GAMING IMPACT FUND ORDERS: Motion was made by Comm McClellan to direct the Clerk to issue the following orders to the Treasurer for payment from the Gaming Impact Fund: Order Number 0-31-94 to pay \$11,122.00 to the Montezuma County Road Department, Order Number 0-32-94 to pay \$20,808.00 to the Montezuma County Department of Social Services, Order Number 0-33-94 to pay \$4,605.00 to the Montezuma County Court, Order Number 0-34-94 to pay \$9,983.00 to the Montezuma County Sheriff Department, and Under Number to pay \$13,550.00 to the Cortez Fire Protection District. Motion was seconded by Comm Brubaker and carried.

RESIDENT Bob Moore attended the meeting.

RESIDENTS Tam Morfin and Stephen Kraft complained that CR F, to the landfill, had been graded and ditches pulled up, and in their opinion it is worse. They stated the road has lots of holes and is slick and muddy every time it rains or snows. It was noted that the mag-chloride put on for dust control does not help this situation. Mr. Kraft runs a rain gutter-cutting business and said his machinery is affected by the mud when he drives through it. The Board stated that three years ago, when the county acquired the landfill, a plan was formed to upgrade CR F and CR 25, but that it will take time to do it. The special fee being collected from landfill use to upgrade the roads was explained. They were encouraged to attend the landfill public hearing to support a fee increase.

ROAD DEPARTMENT Supervisor Tim McComb reported they plowed snow over the weekend. It was noted that it is the Road Supervisor's responsibility to schedule only 40 hours per week for the road employees. To accomplish this, an employee may have to take time off during the week, if he has worked on the weekend. There is a need to develop a snow plowing policy and then make the public aware of it. Forest Service representative Gary Ferdinando was contacted about Kelly and Dunlap hills. Engineer stated that the designs should be completed by the end of December. The money is available. Supervisor McComb will follow-up on this. Supervisor McComb asked if another letter has been written to Danny Wilkin (see October 10 minutes) asking that he obtain a driveway permit. Legal statutes covering this situation will be checked. A correction was made on the October 24, 1994, minutes - the Forest Service supplied 500 yards of gravel (instead of 1,000), and traded 1,000 yards (instead of 500) to the county in connection with the Joe Moore Reservoir Road (FS 693).

**MANCOS SCHOOL DISTRICT:** Mancos School Superintendent Jim Wilson and School Board member Dominic Aspromonte presented a "Possible Playground Renovation Project: brochure. They ask for \$6,000 to pay for fencing around the ball park area to protect a play area and the school building. Comm Brubaker made a motion to pay \$6,000 from the Lottery Fund to the Mancos School District for fencing, seconded by Comm McClellan and carried.

**WIL DO SUBDIVISION:** Comm Brubaker moved to approve and sign the Wil Do subdivision plat, seconded by Comm McClellan and carried.

**PLANNING:** A planning resolution P-8-94 (2<sup>nd</sup> Amendment) was presented whereas Shirley and Billie Floyd, owners of 85 acres, desire to record a 6.87 acre tract, in Section 2, T.35N., R.16W., which they are giving to their grandson, David Kimble. This portion of the property is separated by County Road G. This is the second amendment to this resolution due to a change in the legal description. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-51-94E Amended was presented whereas Robert and Alma Conner, owners of 38.75 acres, desire to record an amended resolution on a 4.99 acre tract in Section 32, T.37N., R.15W. Access will be off of Robert Conner's existing access. This is the only exemption that will be granted this property. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-64-94E was presented whereas Gene E. Lytle, owner of 55 acres, desires to record a 3.32 acre parcel, in Section 15, T.35N., R.16W. This is the only exemption that will be granted this property. Comm Brubaker moved to adopt this resolution, seconded by McClellan and carried.

**LAND USE PLAN:** Supporters of a land use plan, which included representation from the MCEDC, City of Cortez, Town of Mancos, and Board Realtors (see attached list), stated they were interested in the next step concerning the ballot question, which passed in the November 8<sup>th</sup> election. The question asked if the residents of Montezuma County want the Board of Commissioners to develop a land use plan within the next 18 months. Spokesperson Craig Ambrosiani stated that they want to offer assistance with the process and information on funding sources. Office of Community Services representative Mike Preston reported on the tools for immediate implementation and the planned long-range process. The group felt that the first step was to develop a Comprehensive Plan and hire an outside facilitator to put together the pieces. The Board felt that some of the pieces should be researched and implemented, then a comprehensive plan developed from them. Both agreed that input from everyone in the county is needed. The Board stated that, if they wanted to be part of the working group, they need to submit a letter to that effect by December 1<sup>st</sup>. Members of the working group will be a cross section of the people representing all interests in the county. Comm Colbert stated that even tho the City is in the county, the land use plan would basically affect the rural population.

**CONSERVATION EASEMENT:** Attorney Charles Shafer asked if the county would accept a conservation easement that is being proposed in the county. He explained that the tax incentive program for conservation easements is available for private landowners to permanently donate a parcel of their land to the county. This easement would prevent any future development of the designated parcel. He stated that the county is held harmless. It was agreed that he could submit his proposal.

**DEPARTMENT HEADS – BUDGET:** All the Department Heads and staff (see attached list) attended, with the exception of aAssessor Bob Cruzan. Commissioner elect Gene Story was present. Administrator Weaver presented copies of the General and Road Fund Budgets and General and Road Fund Revenue Projections for 1995. He stated that at this time a 10% across-the-board cut is needed to cover expenditures. Ideas and suggestions to take care of the short-fall were discussed. Another budget meeting is scheduled for next week.

SOUTHWEST TIRE PROCESSOR owner Ken Stiles presented a brochure on his company. He asked if the county would be interested in hiring the company to haul off tires from the landfill. He was told that cost figures need to:) be compiled. If it is determined that this is cost effect, the job would then be put out for bids.

ROAD DEPARTMENT - BUDGET, Supervisor McComb, Lloyd Everett, Dan Yeomans, Layne Leffel and Stan Mathis met to discuss the road department budget for 1995. Another budget meeting is scheduled for next week. Other items mentioned were ideas of how to schedule a 40-hour work week, public safety in connection with snow plowing and sanding, time off without pay, and putting counters an high traffic roads.

BOARD OF SOCIAL SERVICES was conducted.

ORMISTON FUND ORDER: After review, Comm Brubaker made a motion to direct the Clerk to issue Order Number 0-36-94 to the Treasurer to pay \$210.00 from the Ormiston Fund to the Wal Mart Pharmacy for prescriptions for Bonnie Waugh, a cancer patient. Motion was seconded by Comm McClellan and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston submitted sections from the "1988 Land Use Plan" that deal with industrial and commercial development. These will be reviewed.

LANDFILL Manager Ron Lanier stated that a hearing can now be set for the landfill. Comm Brubaker moved to set the Landfill Public Hearing for December 12, 1994, at 1:30 p.m., seconded by Comm McClellan and carried.

1995 HOLIDAY SCHEDULE, Comm McClellan made a motion to approve, air, submitted, the Official County Holiday Schedule for 1995 (see attached). The motion was seconded by Comm Brubaker and carried.

ADJOURNED at 5:00 p.m.

Deputy Clerk

Chairman

November 21, 1994

SEAL

Online Copy

**Minutes 11/28/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 28, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 28, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, November 21, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. A letter received from Wiggins & Associates making an offer to purchase Montezuma County's royalty interest under the McElmo Dome Unit was noted.

TEXACO TRADING AND TRANSPORTATION, INC. Area Supervisor Gary Unrein met to discuss problems with their trucks coming off CR BB onto Hwy 666 when there are snow conditions. He asked if the trucks could use CR CC, a restricted weight asphalt road. Road Supervisor McComb stated that CR CC and CR 14 can be used anytime, if the trucks are empty. But, it was agreed that if loaded trucks use CR CC and CR 14 impact fees need to be considered. Supervisor McComb will compile cost figures for impact fees. Mr. Unrein stated he would mention this need for impact fees to his company and other companies that might want to use these roads. He will come back to the Board with their input. He asked if barrels with cinders could be placed for use on CR BB. Supervisor McComb stated he would see if the Roundup Shop can plow and sand the hill earlier to accommodate the trucks.

ROAD DEPARTMENT SUPERVISOR Tim McComb asked if an employee could use his sick leave to take care of a grandparent with a medical problem, since he has no more comp or annual leave. County sick leave and Family Leave Act policies were checked. Since neither of these policies is applicable to this situation, it was agreed that the employee can take unpaid leave. The 1995 Road Plan is done. The Kelly hill slide, over a Mapco pipe that needs to be extended, was discussed. Administrator Weaver will contact a Mapco representative.

LAND USE PLANT Non-supporters of the comprehensive land use plan, which included farmers and ranchers (see attached list), stated they felt that any plan would be land control, not land use. Spokesperson Chester Tozer said he felt that the rural community was being told what to do by people residing in Cortez, Mancos and Dolores. Judi Lichlitter mentioned that they felt that meetings should be scheduled for input before a working group is appointed. After discussion, it was agreed that the time will be extended to January 15th for applications for a working group. It was reiterated that the ballot question, that asked if the residents of Montezuma County want the Board of Commissioners to develop a land use plan within the next 18 months, was passed by the voters of the county.



11-28-94

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EXTENSION OFFICE Director Jan Brandt and Kenny Smith gave an update on the proposal for a re-invention of Extension Offices in the State. The Board was invited to attend a Town Meeting scheduled in Durango to talk about this proposal.

BOARD OF SOCIAL SERVICES was conducted.

RESIDENT Bob Moore stated that Marcia Reichenau, Sharon Hackett, and Olive Wright, who were present but had to leave, requested that he tell the Board they were there to ask about paving for CR 25 and CR F. He will inform them that they need to attend the Landfill Public Hearing on December 12<sup>th</sup>. \*\*\*Later in the day, it was agreed that the approximately 2 miles of CR F and CR 25 would be paved out of the Emergency Fund and the amount would be paid back, when the money is accumulated in the special fund for the roads.

DEPARTMENT HEADS – BUDGET: Department heads and staff (see attached list) were told that the previous 10% across-the-board cut needed to cover expenditures has been changed to 6-1/2%. District Attorney Buck suggested that those employees who have access to other insurance not be on the County's plan. Other ideas to cut costs were discussed.

ROAD DEPARTMENT – BUDGET: The budget was discussed. It was agreed that employees could take time off without pay, if certain guidelines were set by the Board.

BOARD OF REALTORS AND CERTIFIED CLOSURE GROUP's letter was discussed. They will be invited to meet with the Board on these concerns about variances and septic permits.

PROPOSED NEW LAW to delete plats of old townships and old subdivisions was discussed.

LANDFILL MANAGER Ron Lanier presented cost figures for approval to hire a company to monitor the wells at the landfill, and a one-time use of a geo-probe to determine the source of nitrates in the groundwater. These expenses were approved. Manager Lanier and Administrator Weaver reported on their on-site inspection of a baler operation in Nebraska. A representative for the company selling the baler will do a presentation this week in Cortez.

ADJOURNED at 4:20 p.m.

Deputy Clerk

Chairman

November 28, 1994

**Minutes 12/05/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 5, 1994

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 5, 1994 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, November 28, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for the month of November 1994 was received.

COMMISSIONER ELECT Gene Story attended the meeting.

PAYROLL: General fund vouchers #12571 thru #12696 in the amount of \$140,538.67, #21539 in the amount of \$16,035.48, #21540 in the amount of \$82,593.51 and Road vouchers #12697 thru #12735 in the amount of \$56,754.28 and voucher #8254 in the amount of \$39,825.96 were approved for payment.

911 AUTHORITY BOARD: Motion was made by Comm McClellan to direct the Clerk to issue Order Number 0-37-94 to the Treasurer to pay \$446.10 from the 911 account, to U.S. West Communications, Denver, Colorado 80171. Motion wits seconded by Comm Brubaker and carried.

ROAD DEPARTMENT Supervisor Tim McComb submitted the "1995 Road Project Plan." This was discussed. It was mentioned that the Road Committee, comprised of county residents, has not been very active. Activation of this committee will be considered. There have been several requests for unpaid leave by road department employees. Guidelines and scheduling will be discussed at a later time. Supervisor McComb stated that his department could put up fencing at the landfill, if it does not interfere with any needed snow removal.

CR 38 AND CR G: Residents concerned about the condition of CR 38 and CR G (see attached list) met with the Board. Road Supervisor McComb was present. They stated that there is a real problem with dust and holes as a result of heavy truck traffic hauling gravel from the Noland, Inc. gravel pit, and an increase of community use of the road as a shortcut to the highway. Noland, Inc. owners Frank and Rick Noland offered to pay \$6,000 on dust retardant once a year. It was noted that this is an open ended situation and may need to be looked at again, if there is increased useage. Wil Hendrickson, Gregory Wolcott, Frank Noland and Raymond Keith were appointed as a committee to address future problems as they come up and report these to the Board. It was agreed that next year, the road department will water, blade, and roll the roads before applying the dust retardant. Several of the residents asked that the road be bladed now.

This will be done.

PROPOSED GRAVEL PIT operation in rural Mancos was discussed with residents of the area (see attached list). Comm Colbert stated that the county is working on a plan to require permits for gravel pits. Spokesperson Raymond Keith asked if the permitting by the county will be too late for the five proposed pits. The residents felt that the pits will destroy property values and quality of life in the area. It was agreed that a letter will be written to the Bureau of Mined Reclamation stating that Montezuma County is in the process of adopting a permitting policy for gravel pits.

RESIDENTS R. R. Hollen, Jr., Bessie White, R. Duane Lanier, Charles Campbell and Donald Dennison met to individually and collectively talk about the following items: (1) Suggested that one mile of CR 15 from CR BB be gravelled by the oil companies that have requested use of CR CC and CR 14 in bad weather. They stated this entrance onto the highway has better visibility than the CR CC - CR 14 route. Supervisor McComb was present and will submit this suggestion to the companies as a solution to the problem next year. (2) Stated there is a need for a dead end sign at CR CC and CR 10. This will be checked. (3) Reported that there is a dangerous dip at the intersection of Pleasant View and Hwy 666. The Board will contact the State Department of Transportation and do an on-site inspection of the problem. (4) Asked if anything could be done about Shell Western E&P value of CO2. This was discussed. (5) Asked why dust retardant was only applied one time last year by the Celcius Energy Company. They were told this was the agreement - that Celcius would pay for one application of dust retardant on roads they use in the area, but the second application was up to the property owners. (6) Expressed they did not agree with the Road Department deleting maintenance with asphalt from the 1995 Road Budget. Amendment 1 was discussed. (7) Stated there is a problem with CR L where there is no paving, and the road is too narrow to accommodate the heavy county truck traffic going to a gravel pit, and a problem with the Hartman Draw intersection at CR 25 and the highway where a culvert is too short. These will be checked.

MANCOS RECREATION - Chicken Creek Ski Area representative Deana Yeomans and volunteer Melissa Gould presented a letter from the Volunteers for the Chicken Creek Ski Area. They asked for \$6,800.00 to be paid over a four year period from the lottery funds. These monies would go to replace a nonrepairable snow cat with a 1974 Tucker snow cat. The cat is used for maintaining the ski trail. The request was tabled. They were informed that if approved, it would only be for the amount for one year. They would have to come back for any future requests. They were encouraged to go to other entities for contributions.

ANIMAL DAMAGE CONTROL PROGRAM: State Department of Agriculture representatives Justin F. Ewing and Michael A. Yeary and about 25 interested cattlemen, ranchers, and others (see attached list) presented a petition signed by approximately 100 persons. The petition asked that the Animal Damage Control program be continued in the county. Spokesperson Bill Bauer asked if the county would contribute \$4,000 toward the program, if the entities can raise \$7,000 or more. Colorado Wool Growers Association representative Casey Brown submitted a letter supporting the program. Comm Brubaker moved to support the program with \$4,000, or less, for only one year, if the entities raise the other \$7,000, or more, seconded by Comm McClellan and carried.

BUDGETS were presented and discussed: Fair Board - President Eldon Simmons; Extension Office - Jan Brandt; Sheriff and Jail - Undersheriff Bob McDonnell; Health Department - Nurse Bette Sutter; and Senior Nutrition Center - Director Sue Fletcher and Mary Holaday.

12-05-94

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BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A planning resolution P-65-94E was presented whereas Charles R. and Joyce A. Jones, owners of 75.82 acres desire to record a 10.99 acre parcel in Section 21, T.38N., R.17W. This parcel is separated from the rest of the property by Hwy 160. This 10.99 acre tract is not intended for any further subdivision. Mr. Jack Garrison was present. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A deed was presented showing that Cordell Uptain, former owner of approximately 70 acres (see March 28, 1994 minutes), has retained a parcel that does not meet the county 3-acre requirement. A letter will be written to Mr. Uptain asking that he meet with the Board to discuss this division of land.

STATE OF COLORADO MINED RECLAMATION letter requesting comments on renewal of the Hay Camp Gravel pit was received. A letter will be written to the Bureau of Mined Reclamation stating that Montezuma County is in the process of adopting a permitting policy for gravel pits.

HEALTH, LIFE AND ACCIDENT INSURANCE: Finance Director Mary Ann Sanders presented figures showing an increase in premiums for employee coverage. Administrator Weaver recommended that the County pay for the increase. Comm Brubaker moved to pay the increase in premiums for employee coverage, seconded by Comm McClellan and carried. Because of conflicts of interest, Comm Colbert and Attorney Slough were excused.

PROPOSED CONSERVATION EASEMENT documents received from Attorney Charles Shafer were reviewed and discussed.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

December 5, 1994

SEAL

**Minutes 12/12/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 12, 1994

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 12, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, December 5, 1994, were read. Comm Brubaker moved to approve these minutes with the deletion of a sentence concerning County Roads 38 and G, which read, "Any additional dust retardant needed in the year will be the responsibility of the property owners." Comm Colbert seconded the motion. Comm Colbert voted "aye", Comm Brubaker voted "aye", and Comm McClellan voted "nay". Motion carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports for the month of November 1994 were received.

SUPREME COURT, STATE OF COLORADO NO. 94SA20: The appeal from the District Court Montezuma County to the Colorado State Supreme Court as it regards Mesa Verde Company, plaintiff-appellee vs The Montezuma County Board of Equalization and the Montezuma County Assessor, defendants-appellants and The Property Tax Administrator of the State of Colorado, intervenor, was submitted and discussed.

RESIDENT Jerry McComb met to discuss a gravel company truck route. He proposed that the trucks use CR 29, to a chip and sealed county road. He gave suggestions for improvements of CR 29, and asked if the gravel company could be required do some of the suggested improvements. He stated he was not against the gravel pit, just the dust, if the trucks use CR 31. He was informed that the county is working on a permitting system for industrial companies, which will include road impact fees. Supervisor McComb stated less money is spent to maintain gravel roads, than asphalt roads. It was noted that there is a need to schedule a meeting with the gravel company to talk about the route to the pit and impact fees.

LANDOWNER Gary Duncan stated he had bought 40 acres which has a 30-foot access. He asked if the county had any problem with this width of access. Comm Colbert explained that the only problem with a 30-foot access is the land cannot be further divided unless a 60-foot access is obtained. Mr. Duncan assured the Board that this was his intent. He stated he will gravel and do all the snow removal on the access road. It was noted that less than .02 of a mile, at the beginning of the road, is designated for secondary county maintenance.

ROAD DEPARTMENT Supervisor Tim McComb reported on questionable snow removal of turn-arounds. A turn-around at Paul Butler's residence was discussed. It was agreed this was the best place to turn around and they will continue to snow blade it. Turn-around snow blading at the Harry Knight and Clay Bader residences is for access to mail boxes. No more snow blading will be done on these turn-arounds, and the residents will be asked to move their mail boxes to the main county road. The department has quit all other questionable snow blading. They are working on CR H and have dug a ditch to drain water away from the road. Supervisor McComb reported on plans to start stockpiling gravel from the Hay Camp gravel pit for scheduled chip and seal of CR F and CR 25 to the landfill. CR G and CR 38 have been bladed. Supervisor McComb asked if employees could use the pressure steam washer at the shop for after-hour personal use. This was denied. A request from Wilber T. Butler to trade gravel, purchased by him from the Hay Camp gravel pit, for gravel from the county pit at McElmo was denied. Supervisor McComb will inform Dolores County of this decision. \*\*\*\*\*

Later, in the day, Supervisor McComb presented his recommendations for an unpaid leave policy. Comm McClellan stated she felt that the policy should be a written one. The proposal that unpaid leave is not to exceed one month, and other suggestions on converting sick leave to personal leave were tabled until next week. Administrator Weaver will prepare a draft policy for consideration.

DISTRICT ATTORNEY George Buck presented his budget. This was discussed.

ASSESSOR Bob Cruzan presented his budget. This was discussed. Proposal by Commissioner Elect Story in connection with Shell Western E&P CO2 value for 1995 was discussed.

TRAPPERS FUND: Money collected in 1994 was discussed.

CONSERVATION EASEMENT: Attorney Charles Schafer stated that the easement would set aside a meadow along the highway. It was noted that the photos submitted constitute the inventory, as is, of the area and will be made a part of the conveyance, as the base line data. Comm McClellan moved to accept this conservation easement from Mr. Schafer to the County, seconded by Comm Brubaker and carried. The county will be held harmless, which includes any costs incurred from the obligation for enforcement to keep this property as it is.

PLANNING: A planning resolution P-62-94E After-the-Fact was presented whereas the Citizens State Bank of Cortez was the owner of 13.04 acres, and desire to record an after-the-fact exemption on a 4.78 acre parcel now owned by Sally A. Rothweiler and an 8.26 acre tract now owned by Richard D. and Cynthia A. Sachs, in Section 12, T.37N., R.15W. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. It is expressly understood that this is the only exemption that will be granted this property.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED FOR LUNCH with the City of Cortez.

ADMINISTRATOR Weaver reported on a maintenance incident at the Justice Building last week. Carbon monoxide fumes were generated by a gasoline-run saw being used by county maintenance employees to take out a wall. The wall was being removed so a chair-lift could be installed. The three employees involved met with the Board and reported on their procedures and precautions to keep the fumes out of building. They stated that until doors were opened, the fumes were being directed out of the building. The fumes did not get into the jail area. The insurance company will be notified.

12-12-94

PUBLIC HEARING - LANDFILL: It being the time set aside, a Public Hearing was conducted by the Montezuma County Board of County Commissioners to fix, modify and collect service charges from users of Montezuma County's solid waste disposal sites and facilities for the purpose of financing solid wastes management in Montezuma County. The roll was called and the Proof of Publication was read. Approximately 18 residents attended the hearing (see attached list). Administrator Weaver presented budget figures, present fees, and two options for operating the new landfill - Option 1: a baler and Option 2: an open pit. Manager Ron Lanier explained the advantages of purchasing a baler, which long-term would save money and space at the landfill. The proposals to raise rates and the surcharge fee collected to improve and maintain CR F and CR 25 to the landfill were discussed. Comm Brubaker made a motion that effective January 1, 1995, landfill fee rates will be increased (see attached), surcharge fee will be increased to 50 cents, and tree limbs from commercial entities will not be accepted unless they have been chipped. The motion was seconded by Comm McClellan and carried. Double rates on out-of-town and unsecured loads still apply. All fees will be re-evaluated every year. It was noted that no liquids can be disposed at the landfill. Baker Sanitation owner Les Baker offered to co-operate with any up front money, for credit, that the county might need for road improvements or purchase of the baler. He was thanked for his support. Resident Bob Moore asked for a motion to set a date for the road department to chip and seal CR F and CR 25. It was recommended that he meet with the Board in April 1995 for an update on this. Supervisor McComb stated that improvement of these roads is included in the 1995 Road Plan. These proceedings were tape recorded.

CR F AND CR 25: A suggestion that the chip and seal job for these roads be put out for bids from private companies and the road department was discussed.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented an outline for the development of the proposed Comprehensive Plan in the next 18 months. The importance of the working group was discussed.

SENATOR Hank Brown's office representative Craig Glogowski met to discuss issues of the 103rd legislative session and the upcoming 104th session. Mike Preston was present. The Federal Lands program and federally mandated programs were discussed.

ADJOURNED at 5:00 p.m.

Deputy Clerk                      Chairman

December 23 12, 1994

SEAL

**Minutes 12/19/1994 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 19, 1994

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 19, 1994, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, December 12, 1994, were read. Comm Brubaker moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for the month of November 1994 was received.

WAIVER TO JOIN AS A PARTY IN INTEREST in the matter of the Estate of Arlene M. Hindmarsh a/k/a/ Margaret Arlene Hindmarsh was signed by the Board.

ROAD DEPARTMENT SUPERVISOR Tim McComb presented cost figures for the following options to do the roads to the landfill: (1) double penetration and (2) chip and seal. The suggestion to put the job out for bids was discussed. Comm Brubaker moved to select the double penetration with a 3" asphalt mat for completion in 1995, and reevaluate it for a third layer in 1996, with the job being done by the county road department, seconded by Comm McClellan and carried. New fencing around the landfill will be put up where the old fencing was and the other section will follow the Bureau of Land Management survey. Unpaid leave policy was discussed. It was affirmed that the Unpaid Leave Policy will include the following guidelines for 1995: (1) Maximum time is one month, which can be taken in two increments; minimum time is one week. (2) Time can start anytime during the month. (3) On a voluntary basis, employees taking unpaid leave can, for each week off, convert one day of sick leave to personal leave. (4) Request must be submitted before February 1st in writing. (5) Department Heads make final decision on scheduling. Sick leave policy and employee abuse was discussed. It was suggested that Supervisor McComb make a statement to all the road department employees that sick leave is not to be used as vacation time and document any infractions.

RESIDENT R. R. Hollen, Jr. asked if the working group for the Comprehensive Land Use Plan was being appointed today. He was told the group will not be appointed until after January 15, 1995. It was also noted that before the working group is appointed, concerned citizens will schedule a public meeting. The time and place will be published in the newspaper.

PUBLIC HEARING - THE VIEWS SUBDIVISION (WAYNE LEE); It being the time set aside, a Public Hearing was conducted regarding The Views Subdivision. The roll was called and the Proof of Publication was read. Owner and developer Wayne Lee was present. Others present were Kay Anderson, Ginger Lee, Donna Skinner, Hilde Norton, and Carol DeFrancia. Administrator Assistant Ginger Black reported that the subdivision has met all the specifications of the Planning Commission and no written adverse comments about the subdivision



were received. Mr. Lee presented the plat and covenants and stated that the road will be built by a bonded company, probably next spring. Additional acreage shown on the plat, but not to be a part of the subdivision, was noted and discussed. Donna Skinner asked if covenants included animals restraints and motor-cycle regulations. This was affirmed. She asked where the entrance of the subdivision would be. Mr. Lee explained it was 600 to 700 feet west of his driveway. She also, asked if any impact fees were imposed for, CR P. The answer was no, since the subdivision was started before the new subdivision regulations were implemented. Hilde Norton and Carol DeFrancia asked about the size of the lots. Exemptions and subdivision regulations were explained. Comm Brubaker made a motion to approve The Views Subdivision contingent on language "Not platted - Not a part of this subdivision" being added to the plat to explain the additional acreage shown, and receipt of a Irrevocable Letter of Credit (bond) for road construction in the subdivision. Motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

EASEMENTS Property owners Donna Skinner and Carol DeFrancia stated their objections to Wayne Lee, owner of at 40 foot easement, giving this easement to adjacent property owner, Kay Anderson. Mr. Anderson owns 35 acres and is in the process of creating a minor subdivision consisting of a ten acre tract and a 25 acre tract. Mr. Anderson stated he has a 60-foot easement into the proposed subdivision. The Board suggested that Mr. Lee consider, granting use of the easement to Mr. Anderson for utilities only. Comm Colbert assured the other property owners that approval of the subdivision would be based on the 60-foot easement.

AMENDED MANUAL HASTINGS SUBDIVISION PLAT: Comm McClellan moved to sign the amended Manual Hastings Subdivision Plat, seconded by Comm Brubaker and carried.

JUSTICE BUILDING: Cortez Mayor Jerry Wiltgen, City Manager Bill Ray, City Council representative Maxine Kirk and several other City representatives (see attached list) met with concerns about the joint operations of Justice Building. Mayor Wiltgen addressed three issues: (1) Requested that the County pay \$1,305.00 to cover - (a) \$450 for lost time and overtime, (b) just under \$800 in blood tests, and (c) \$55 for cleaning the building, in connection with the carbon monoxide incident. \*\*\* This request will be taken under advisement with the County Insurance Company. Comm Colbert extended an apology to all the employees working in the Justice Building at the time of the incident. Judge Hansen asked that the Joint Committee consider designating a person to inform everyone in the building of any further situations that might affect employees. This will be considered. (2) Asked if the County is going to install the handicapped wheelchair access. \*\*\* The Intergovernmental Agreement between the City and the County to jointly operate the building, and the verbal agreement for the County to install the access was discussed. It was agreed that an Engineer will be hired to assess the procedure to remove the wall and make the area structurally safe, and an outside company be hired to finish removal of the wall. The City will pay one-half of these expenses in compliance with the agreement. It was noted that the actual installation of the chair, will be done by the manufacturer. (3) 1995 Operations Budget was discussed with concerns about the County's 6.5% budget reduction. \*\*\* It was agreed that after the first of the year space allotments will be reevaluated to absorb some of the county budget reduction. --- Comm Colbert stated that he felt the City and County need to have a better working relationship and the County is willing to do that for the benefit of the Community.

HEALTH DEPARTMENT CONTRACT: Comm McClellan moved to sign the amended STD AND HIV Testing Contract between the State of Colorado Department of Health and the Montezuma County Commissioners, seconded by Comm Brubaker and carried.

PUBLIC HEARING - 1995 BUDGET: It being the time set aside, a Public Hearing was held in regard to the proposed 1995 budget. The roll was called and the Proof of Publication was read. Community Connections representatives Rodney Carriker, Sondra Jackson, Lon Erwin, and Lindy Rucker, Volunteers of America representative John Gamble and Southwest Community Mental Health representative Mary Ann Richards met to ask that all funding not be discontinued for the Human Service entities. The need for county budget Cuts and Amendment I were discussed. Comm McClellan moved to continue support for Community Connections, Volunteers of America, SW Community Mental Health, and the Good Samaritan Center by giving each entity \$500.00 this year from the Commissioners Professional Budget, seconded by Comm Brubaker and carried. Motion was made by Comm McClellan to approve Resolution 12-94 To Appropriate Sums of Money, whereas the Commissioners have adopted the annual budget in accordance with Local Government Budget Law on December 19, 1994. Motion was seconded by Comm Brubaker, and carried. Motion was made by Comm Brubaker to approve Resolution 13-94, summarizing Expenditures \$9,696,190.00 and Revenues \$9,734,456.00 for each fund, and adopting a Budget for Montezuma County, Colorado, for the calendar year beginning on the first day of January 1995 and ending on the last day of December 1995. Motion was seconded by Comm McClellan and carried. The difference of approximately \$36,266.00 will be taken from reserves. Motion was made by Comm McClellan to approve Resolution 14-94 To Set Mill Levies. Motion was seconded by Comm Brubaker and carried. It was noted that the mill levy is 16.136, exactly the same amount as set in 1994. These proceedings were tape recorded for the record.

PUBLIC HEARING – AMENDED BUDGET 1994: It being the time set aside, a Public Hearing was conducted regarding the Amended Budget for, 1994. The roll was called and the Proof of Publication was read. At the request of Comm McClellan, Finance officer Mary Ann Sanders explained unanticipated revenues and expenditures of such funds that created the need for the amended budget. There being no protest against the proposed amended budget, motion was made by Comm McClellan to approve Resolution 15-94, authorizing the supplemental budget and appropriation. The motion was seconded by Comm Brubaker and carried. These proceedings were taped for the record.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented an outline plan for impact fees. Suggestions were made and discussed (a) that there is a need for a formula to arrive at the cost of damage to the roads, (b) that there be specific written standards and guidelines, and (c) that gravel permits be based on yards hauled.

ADMINISTRATOR Weaver reported he will check again with the County Insurance Company in connection with payment of costs incurred from the carbon monoxide fumes in the Justice Building. He gave cost figures for lumber, galvanized, and white galvanized bleachers for the fairgrounds. The Board approved purchase of the white galvanized bleachers for \$10,000.00.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A planning resolution P-49-93 Amended was presented whereas the Estate of Reed E. Bayles a/k/a Reed E. Bayless is the owner of 78 acres and desires to create three tracts, a 6.64 acre tract, a 7.13 acre tract and a 6.21 acre tract in Section 18, T.36N., R.14W. This amended resolution is to correct the name from Reed Bayles to the Estate of Reed E. Bayles a/k/a Reed E. Bayless. Comm Brubaker moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Kent Williamson for the Evans Family for an exemption to the subdivision regulations for a Planned Unit Development (PUD) was denied. The proposed PUP was to split an 11 acre tract into four 1-1/2 acre tracts and one 5-acre tract for a common area. The property has only a 30-foot access. No approval from the Highway Department has been received. Mr. Williamson will be told that he needs to go through the Planning Commission.

12-19-94

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COMMISSIONERS MEETING: It was agreed that there will not be a meeting on  
December 27, 1994. The next Board meeting will be on Tuesday, January 3, 1995.  
ADJOURNED at 4:30 p.m.

SEAL

Deputy Clerk Chairman  
December 19, 1994

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