

1996 Montezuma County Commissioners' Minutes

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## **AUTHENTICITY CERTIFICATE**

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September 2004

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**Minutes 01/08/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 8, 1996

STATE OF COLORADO

SS.

COUNTY OF MONTEZUMA

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 8, 1996, at the courthouse in Cortez, Colorado, there were present:

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

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

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports and the Sheriff's report for December 1995 were received.

ELECTION OF OFFICIALS FOR 1996: Comm McClellan moved to elect Comm Colbert as Chairman of the Board of Commissioners, seconded by Comm Story and carried. Comm Story moved to elect Comm McClellan as Vice-Chairman, seconded by Comm Colbert and carried. Comm McClellan moved to elect Comm Story as Commissioner of Deeds, seconded by Comm Colbert and carried.

APPOINTMENTS FOR 1996: Comm McClellan made a motion to appoint the following persons to the several different offices and boards. The motion was seconded by Comm Story and carried.

County Attorney: Bob Slough

Administrator and Budget Officer: Thomas J. Weaver

Road Supervisor: Tim McComb

Director of Social Services: Thomas J. Weaver.

Health Officer: Dr. Gerald Griebel

Auditor: Gale Greenlee

Montezuma County Housing Authority Board: Robert D. Brubaker.

Southwest Community Resources Board: Terry Wheeler,

Long-term Health Care Board: Comm McClellan

Region 9 Economic Development Board: Comm Story

Area Agency on Aging (AAA) Board: Comm McClellan

Veteran's Officer: W. (Bud) Carriere (1996-1998)

LEGAL PUBLICATION: Comm McClellan moved to continue the rotation system and appoint the Dolores Star newspaper as the legal publication for 1996, seconded by Comm Story and carried.

TREASURER - DEPOSITORY AGENCIES: Comm McClellan made a motion to approve the list of Depositories and Investment Pools submitted by Treasurer Bobbie Spore, dated January 1, 1996 (see attached). The motion was seconded by Comm Story and carried.

PAYROLL: General fund vouchers #14730 thru #14848 in the amount of \$141,529.57, #24013 in the amount of \$15,885.74, #24014 in the amount of \$89,940.97, Road fund vouchers #14849 thru #14879 in the amount of \$47,169.39, #9057 in the amount of \$32,000.40 and Landfill fund vouchers #14880 thru #14883 in the amount of \$5,816.78, #174 in the amount of \$38,768.08 were approved for payment.

BOGGY DRAW NATURAL RESOURCE EDUCATIONAL CENTER (Montelores Natural Resource Educational Center) representatives, Kevin McGarigail, Dale Slavens, Philip Kemp and Melissa Gould met to explain the proposed facility and educational activities. They asked the Board for a formal letter of support and \$2,000 or any monies available to show support for the GOCO grant request. Comm Story made a motion to cooperate without any financial obligation, seconded by Comm McClellan and carried.

RESIDENT Dick Stacey met to discuss a meeting scheduled for January 9th in, Durango with State Representative Jim Dyer to consider a proposed Juvenile Secured Detention facility in Durango. The Board stated they plan to attend.

LIQUOR LICENSE - LAST CHANCE LIQUOR: Deputy Clerk Betty Davis presented an application for "change of premises" for the Last Chance Liquor store - the owner is adding a cooler. Comm McClellan moved to approve the "change of premises" application, seconded by Comm Story and carried.

MANCOS SCHOOL DISTRICT representative Mike Maxwell asked for a letter of support in obtaining funds from the State Historical Fund to aid with the preservation of the Mancos High School Building, which has been entered in the National Register of Historic Places. The Board will sign a letter of support letter.

LANDOWNER Don Griffin gave an updated report on his meeting with Empire Electric concerning a utility easement in connection with his proposed after-the-fact minor subdivision (see minutes of November 27, 1995). Action was tabled until Empire Electric General Manager Neal Stephens is contacted. Ginger Black was present. \*\*\*\* LATER in the day Manager Neal Stephens met with the Board. After discussion, action was tabled until Comm Story meets with Empire Electric's Board of Directors. Mr. Griffin will be notified of this action.

CORTEZ MIDDLE SCHOOL teacher Karen Ragland explained that she is scheduling a day for her classes to discuss planning. She asked if the Board would consider attending the classes on Thursday, January 11th. This was affirmed.

COUNTY employee Bill Bedker met to ask for approval to install new carpet in the Annex Building complex. Bids were received and funds budgeted in 1995 for the project. This was affirmed.

HEALTH DEPARTMENT Nurse Bette Sutter presented two contracts. Comm McClellan moved to sign the following contracts between the Health Department and the San Juan Basin Agency on Aging (AAA): Title III-D Contract (to purchase equipment), and the Title III-F Contract (a preventive health program), seconded by Comm Story and carried. Nurse Sutter stated that the department would like to withdraw from the HIV contract, since funding for this program is being cut. Planned Parenthood is available to do the testing, etc., and receives funding for this program. This was approved. A grant for a volunteer network to help the elderly has been received. Proposed changes at the Southwest Memorial Hospital were discussed.

1996 PERSONAL DAY: Comm McClellan moved to grant the county employees an optional personal day off in 1996 (in lieu of raises), seconded by Comm Story and carried.

LOCAL AFFAIRS representative Ken Charles met to discuss the Energy Impact grant to improve 13 miles of CR G (McElmo).

PROPOSED COMPREHENSIVE LAND USE PLAN: Steve Harris, Mike Preston, Fred Thomas, Tim McComb and Don Morris met with the Board. Steve Harris presented (draft) reports requested by the Board on Impact Fees, Estimate of Road System Value, Road Cost Summary, Road System Budget Estimate, Summary of Road Improvement Unit Cost. Engineer Fred Thomas presented a Draft Policy Statement in Regard to County Roads (see attached). All these reports were discussed and will be presented to the land use working group. Mike Preston stated maps will be prepared to show traffic flows.

01-08-96

ROAD DEPARTMENT Supervisor- Tim McComb reported that culverts have been installed on CR P, and CR F and 25. New weight limit signs have been ordered for all county bridges. Discussed request by the Dolores Fire Department for an extra transmission at the county shop. It would be used in an old truck given to them by the county. Request was denied since there still might be a need for the extra one at the county shop.

PLANNING: Planning resolution P-1-96E was presented whereas William B. and Fern C. Grimes, owners of 160.41 acres, would be granted an exemption to the subdivision regulations to create a 12.04 acre tract for, Doug and Nelma Lard in Section 2, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-2-96E was presented whereas Ronald G. Porter, owner of 75 acres in Section 17, T.36N., R.16W., would be granted an exemption to the subdivision regulations to sell to an adjoining landowner, Ronald C. Volz, 1.13 acres which will be added to Mr. Volz' property consisting of 3.29 acres to make a 4.42 acre parcel. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Planning resolution P-3-96E was presented whereas Robert L. Leighton, owner of 80 acres, would be granted an exemption to the subdivision regulations to create a 7.32 acre tract in Section 22, T.36N., R.16W. This tract will be adjoined to property owned by Empire Electric Association and will not be considered a separate tract. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations for Fred and Carol Denton to split 18 acres into two 9 acre tracts was tentatively approved. Other items noted: An amendment to a moderate subdivision owned by Wayne and Monica Noland to add one more lot. A request by Stan Pierce to split a tract in the Ranchland Hills Subdivision – amended plat needs signature from all the property owners.

ROSE-RY ACRES SUBDIVISION final plat was signed.

BOARD OF SOCIAL SERVICES was conducted.

LANDFILL Manager Ron Lanier reported on construction of landfill facility.

1995 CERTIFICATION OF LEVIES AND REVENUES REPORT by the Montezuma County Commissioners was signed.

ADJOURNED AT 4:25 p.m.

Deputy Clerk

January B. 8, 1996

SEAL

Chairman

**Minutes 01/15/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 15, 1996

STATE OF COLORADO

ss.

COUNTY OF MONTEZUMA

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held\_ on Monday, January 15, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, January 8, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for December 1996, and the Treasurer's quarterly reports were received.

ACCOUNTS PAYABLE: General fund vouchers #24015 thru #24188 in the amount of \$134,718.23, Road fund vouchers #9064 thru #9116 in the amount of \$46,598.82 and Landfill fund vouchers #173 thru #193 in the amount of \$51,324.02 were approved for payment.

911 AUTHORITY –BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-01-96 to the Treasurer to pay \$647.14 from the 911 account, to U.S. West Communications, Denver, CO 80244-001. The motion was seconded by Comm Story and carried.

MC ELMO GRAVEL PIT owner Eleanor Tozer met to discuss the county's contract with her for gravel. She asked that the future contracts be for one year at a time. She also asked for a report on how much the county has crushed from the pit and how much has been hauled from it. This will be compiled.

PROPOSED MONTEZUMA COUNTY DISPATCH CENTER: Representatives from the Cortez Fire Department, Montezuma County Hospital District (MCHD), Mancos Fire, Dolores Fire, Pleasant View Fire and Lewis Arriola Fire (see attached list) met with the Board to discuss the proposed center. Colorado State Highway Patrol representative Alan L. TeBrink was also present. Telecommunication statutes were read. Spokesperson Chris Rubino presented an informational packet supporting the proposal. The group asked that a percentage be allocated for the center, if the proposed 1% sales tax is approved by the voters. After discussion, it was affirmed that the Board would commit \$125,000 to the project, if the decision is made that the proposed center is in the best interest of the community. Letters will be written to appropriate political entities asking for their support.

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

PLANNING: Resolution P-04-96E was presented whereas Sarah Bradford, owner of 27.86 acres, would be granted an exemption to the subdivision regulations to sell a 3.56 acre tract to Walter Ertel, in Section 31, T.37N., R.15W. This tract will be restricted to use as an irrigation reservoir only and will be further restricted to no commercial or residential buildings or use. This is the only exemption that will be granted this property. Comm McClellan moved to adopt the resolution, seconded by Comm Story and carried. Request from Kenneth and Jane Polich to amend resolution P-48-88 (see minutes of December 19, 1988) was tabled - the property may need to be considered as a subdivision.

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BOARD OF SOCIAL SERVICES was conducted.

CLERK Evie Ritthaler presented a report on combined precincts for the March 5th presidential primary election. She stated they are reorganizing files in the Clerk's office - subdivision plats will be placed in the Assessor's office (microfiche copies of the plats will be retained in the Clerk's office vault), and survey plats will be moved from the basement to the Clerk's office.

ROAD DEPARTMENT Supervisor Tim McComb reported on the McElmo gravel pit - it is about exhausted. He was informed of the requests made earlier by Eleanor Tozer. The CR G (McElmo) project was discussed. It was affirmed that until the Energy Impact grant is approved, they should continue to do normal maintenance and work on the first four miles, within the \$70,000 fund range. The work can be used as in-kind for the grant project. Engineer Fred Thomas will be contacted to look at changes needed on irrigation pipes in the project, and compile a report for the Board. Supervisor McComb asked for approval of overtime pay for Road Department foremen. This was discussed and approved (see below for policy).

POLICY - OVERTIME PAY FOR ROAD DEPARTMENT FOREMAN: Comm McClellan moved to approve overtime pay or comp time for road department foremen, contingent on approval by the Road Supervisor, seconded by Comm Story and carried.

SENIOR NUTRITION CENTER Manager Sue Fletcher ask if the \$4,000 profit made in 1995 could be made a part of her operating budget for 1996. This was approved.

PROPOSED COMPREHENSIVE LAND USE PLAN: Mike Preston met to talk about the working group's decision making process.

COMM Colbert was absent in the afternoon.

REALTOR Alyne Eakins presented a request from Bill Marsden about procedures for approval for his client to build condos with multiple ownership. Action was tabled until owner is contacted and more information is received on the proposal. Subdivision regulations were discussed.

SOUTHWEST EMERGENCY MEDICAL SERVICES (SWEMS) COUNCIL APPOINTMENTS: Recommendations from the Montezuma County EMS Council were received. Based on these recommendations, Comm Story moved to appoint Liz Palmer, representative and Mike Duerrhssen MD, as alternate to the SWEMS Council, seconded by Comm McClellan and carried.

ADJOURNED at 3:00 p.m.

Deputy Clerk

Chairman

January 15, 1996

**Minutes 01/22/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 22, 1996

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 22, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, January 15, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

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

BOGGY DRAW NATURAL RESOURCE EDUCATIONAL CENTER representative Kevin McGargail reiterated his requests of January 8, 1996. The Board stated that they agree with the concept, and will write a letter of support for the GOCgo grant request, if Mr. McGargail comes back to the Board with information showing support from the school districts.

CLERK Evie Ritthaler and Treasurer Bobbie Spare asked if employees may donate sick leave to other employees who need it. This was discussed and the below policy was approved. They also asked if department heads could meet with the Board once a month. This was affirmed and meetings will be scheduled on the third Monday of each month at 11900 a.m. Clerk Ritthaler stated there is no money in the election budget. Expenses will be kept on each election and paid for at the end of each election from the General Fund. POLICY - DONATION OF SICK LEAVE! Comm McClellan made a motion to approve the donation of sick leave by employees(s) to other ' if they chose to do so, and the recordation of the voluntary donations on time sheets, which are signed by the employees. The motion was seconded by Comm Story and carried.

COUNTY ROAD 20, LEE - HINDMARSH: Comm Story moved to approve and sign a letter to Rich Lee and Russel Hindmarsh setting forth what needs to be done and by whom - pertaining to the proposed 1993 project on CR 28, seconded by Comm McClellan and carried.

LANDFILL Manager Ran Lanier gave an update report on the landfill facility.

HEALTH DEPARTMENT Nurse Bette Sutter presented the Immunization Contract between the Department of Health and the Montezuma County Board of Commissioners. Comm McClellan moved to sign the Immunization Contract, seconded by Comm Story and carried. She also presented a summary on functions and responsibilities of the Health Department in 1995. At the Board's request, Nurse Sutter will compile information on PHO-HMO health insurance plans.

CONSERVATION EASEMENT - BEARCREEK: Attorney Denny Ehlers presented information clarifying Charles minor subdivision, which includes a conservation easement. Suggestions were made that the plat and deed show a more exact description of use for the two lots, including the notation that the 22 acre conservation easement be restricted to a one single family residence. Action is tabled until more information is received from Attorney Ehlers.



01-22-96

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BOARD OF SOCIAL SERVICES was conducted.

GENERAL FUND ORDER: Comm McClellan moved to direct the Clerk to issue Order Number 0-02-96 to the Treasurer to transfer \$30,116.53 from the General Fund to the Department of Social Services Fund (see attached for explanation) seconded by Comm Story and carried.

REALTOR Pat Blacker met to discuss an easement on private property.

MAJORS & HALEY P.C. representative Chris Majors presented his report – Montezuma County, Estimate Cost of Gravel Crushing and Gravel Hauling, For the Year Ended December 31, 1995, which was requested by the Board. Road Department Supervisor Tim McComb was present. The report was discussed.

Recommendation was made that more inventory control is needed in the road department.

PROPOSED MONTEZUMA COUNTY DISPATCH CENTER: A conference call was held between the Department of Telecommunication representative Bob Tolman and the Board pertaining to the proposed center. Statutes were discussed. A meeting will be scheduled with representatives from the Telecommunication office, State legislators, and other interested entities.

ROAD DEPARTMENT Supervisor Tim McComb reported that CR BB was bladed last week. He gave a report on figures supporting the department's request for gaming fund monies. Other items discussed: (a) complaint about no snow plowing on CR P.7; (b) gravel too thick at the intersection of CR L and Hwy 666 (Graffis Motors); (c) used heating units from Corky's Plumbing for possible use in the shop; and, (d) meeting with BLM personnel to look at BLM land for gravel, using access thru the adjoining McElmo (Tozer) gravel pit.

FAIR BOARD President Darlene Hamilton and Extension Agent Kenny Smith met to discuss harassment rules and regulations set forth in the Fair Board Rule book. Recommendation was made that Agent Smith meet with the dissatisfied party and resolve the problems.

SUBDIVISION IMPACT FEES were discussed and the below policy was adopted.

POLICY – SUBDIVISION IMPACT FEES: The Board having previously approved \$800.00 per lot impact fees for major subdivisions, and the Board now finding that said fees should also be assessed against moderate and minor subdivisions and exemptions, hereby assesses said \$800.00 per lot impact fees on all major, moderate, and minor subdivisions, and exemptions that create separate tracts after January 22, 1996. Moved by Comm Story, seconded by Comm McClellan and carried.

PLANNING: A verbal request from Bob Leighton for an exemption to the subdivision regulations to trade 7.94 acres to Verl and Goldie Hamilton for 38 acres was tentatively approved. A verbal request from Issac and Millie Gilpin for an exemption to the subdivision regulations to split from 50 acres, 10 acres for their son was tentatively approved. Signing of Rishel Subdivision plat was tabled until the easement is checked. Action on Don Griffin's exemption request was tabled until the final plat is received.

RULE SUBDIVISION final plat was signed.

ADJOURNED at 4:30 p.m.

SEAL

Deputy Clerk    Chairman

January 22, 1996

**Minutes 01/29/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 29, 1996

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 29, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, January 22, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss impact fees. Steve Harris will be asked to compile information on impact fees using a base charge plus other factors.

SAN JUAN ALMANAC newspaper reporter interviewed the Board about environmental issues in connection with public land. After the interview she also talked with Mike Preston.

FAIRGROUND RACE TRACK: Manager Dante Sena and spokesperson for the dissolved Race Track Association Tom Hall and others (see attached list) met to ask that the Board sign the International Motor Car Association (I.M.C.A.) Contract. The contract allows sanctioned races at the track. County responsibilities were discussed. The group was told that - (a) The county involvement will be reevaluated in 1997. (b) They need to work up a budget and a long range plan, showing how they intent to pay for the activities at the track, and bring these to the Board. (c) They need to work closely with fairground Manager Sena. Comm McClellan moved to sign the I.M.C.A. contract and the I.M.C.A. Track Technical Inspector form and to pay the \$450.00 membership fees, seconded by Comm Story and carried.

LANDOWNERS Don and Glenda Griffin reiterated their concern about utility easements proposed by Empire Electric in a proposed 2-lot subdivision. Comm Story was excused because of a conflict of interest. The Griffins stated that they were willing to make a new offer on the location of the easements, which would still be somewhat different than Empire's proposal. They were encouraged to go back to Empire with the new offer.

PARTNERS representative Lisa Cockran presented use statistics for the juvenile holding facility in Montezuma County. Undersheriff Bob McDonnell was present. She stated they are aggressively seeking more funding. She was encourage to continue to contact State entities for funds, since the county has no available monies for the organization. She will come back periodically with updates on use of the facility. Crime prevention was discussed. A meeting will be scheduled with the Judges, District Attorney and Administrator to prepare an agenda in connection with the Crime Forum organization.

PLANNING: A planning resolution P-5-96E was presented whereas Bob Leighton, owner of 82 acres, would be granted an exemption to the subdivision regulations to create a 7.94 acre parcel to trade to Verl and Goldie Hamilton - a portion of this 7.74 acres is within the City limits of Cortez, in Section 27, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution which addresses only the County portion, seconded by Comm McClellan and carried. A planning resolution P-6-96E After-The-Fact was presented

01-29-96

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whereas Gerald Wolf, owner of 9.52 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption for a 4.85 acre tract and a 4.67 acre tract in Section 7, T.36N., R.15W. This is the only exemption that will be granted this property and the seller must inform the purchaser of conditions noted on the resolution. Comm story moved to adopt this resolution, seconded by Comm Colbert and carried --Comm Story "aye," Comm Colbert "aye," Comm McClellan "nay." A planning resolution P-7-96 After-The-Fact was presented whereas Mike Brunk and Nancy Secor-Brunk, owners of 10 acres, would be granted an exemption to the subdivision regulations to record a 10 acre after-the-fact exemption, in Section 31, T.35N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Scott Bell for an exemption to the subdivision regulations to amend Resolution P-46-94 to give his mother an additional 4 acres to make her acreage 11.38 acres, less CR ROW .7 acres, net 10.7 acres was tentatively approved. Later, the planning resolution P-46-94 Amended was presented whereas Scott Bell, owner of 80 acres would be granted an exemption to the subdivision regulations to amend P-46-94 to give his mother an additional 4 acres in Section 36, R.36N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Judith Simmons and Kyle Hensley to split 5 acres from 60 acres was tentatively approved. Approval of the Irene Stacer Subdivision plat was tabled, contingent an installation of a septic system. \*\*\*\* Planning Manager Ginger Black presented - Schedule of Montezuma County Subdivision and Exemption Fees, 1995 Completed Subdivision report, and 1996 Subdivisions Pending report (see attached).

BOARD OF SOCIAL SERVICES was conducted.

CRIME FORUM - Bob Diederich met to ask for an update on proposed Crime Forum meetings. He was told a meeting will be scheduled to establish an agenda. Proposed dispatch center was discussed.

ROAD DEPARTMENT Supervisor Tim McComb stated they have been blading roads. Road plan for 1996 will be completed by next week. They are compiling a list of culverts and extensions to culverts needed on CR G (McElmo). Discussed complaints received on the condition of CR BB. Oil companies, whose heavy usage of the roads may be contributing to the problem, will be contacted and a meeting scheduled with the Board. Supervisor McComb will inspect the road this week. Administrator Weaver asked for approval to hire a company to upgrade the county's Mined Land Reclamation permits. Comm McClellan moved to recruit the service to meet the qualifications to get the Mined Land Reclamation permits in order, seconded by Comm Story and carried. Reported on meeting with BLM representative about a gravel pit or) BLM lands. The county can acquire use of 40 acres of BLM lands for a gravel pit in McElmo canyon (see January 22, 1996 minutes) - appropriate paperwork will be done. Supervisor McComb stated that the contract for the sandstone pit has expired. It was affirmed that this contract needs to be renegotiated.

SYLVAN CEMETERY BOARD APPOINTMENTS, Comm McClellan moved to appoint John E. Pock, Bessie White and Lori Olander to the Board, seconded by Comm Story and carried.

MCGRATH - GELLATLY SUBDIVISION PLAT, Comm McClellan moved to approve and sign the final plat for the McGrath - Gellatly Subdivision, seconded by Comm Story and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk                      Chairman

January 29, 1996

SEAL

**Minutes 02/05/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY COLORADO  
FEBRUARY 5, 1996

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 5, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, January 29, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for January 1996 was received.

PAYROLL: General fund vouchers #14891 thru #15009 in the amount of \$140,452.00, #24192 in the amount of \$15,848.71, #24193 and #24197 in the amount of \$88,281.53, Road fund vouchers #15010 thru #15040 in the amount of \$47,153.01, #9118 in the amount of \$31,616.02, and Landfill fund vouchers #15041 thru #15044 in the amount of \$6,631.74 and #252 in the amount of \$3,926.72 were approved for payment.

PROPOSED JUVENILE DELINQUENT CENTER: La Plata County may not want the proposed Juvenile Delinquent Center. The possibility of locating the center in Montezuma County was discussed.

SOUTHWEST REGIONAL TRANSPORTATION COMMITTEE MEETING which was attend by Comm Story and Comm McClellan was discussed. Additional funding needed for the first 6 miles out of Dolores for road widening was noted. \*\*\* Later in the day a conference call was held with Department of Transportation representative Al Shablo. He stated that an application needs to be completed and submitted for funds to widen the 6 miles – this will be done. The 37 mile project on Hwy 145 was included in the 20 year plan done in 1994, but widening costs for the first 6 miles out of Dolores was not included at that time. He noted that all the applications will go on a list to be reprioritized at a follow up meeting. Mike Preston was present. The State Transportation Improvement Plan (STIP) was discussed.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct issue Order Number 0-03-96 to the Treasurer to pay \$646.99 account, to U.S. West Communications, Denver, CO 80244-0001 was seconded by Comm Story and carried.

FAIRGROUND RACE TRACK: Manager Dante Sena and Cindy Galyon presented the 1996 proposed Balance Sheet showing expenditures and income of the race track. Following questions were asked and discussed: (1) Will any type of organization be formed? Yes, they will consider forming a Driver's Association. (2) Is there to be a working budget? Yes, but they will, need a start up amount of approximately \$4,000. (3) How will inventory of ticket sales be controlled? Tickets will be issued and monies after each race will be checked against the tickets. (4) How will the inventory of tee shirts be done? There will be a one time order and sales will be balanced with the monies collected. (5) Time-wise, how will Manager Sena run the fairgrounds and do the extra work for the race track too? By using volunteers, UPS persons, and people from the jail. \*\*\* Manager Sena also stated that the concessions at the track will be run by the county with Sue Fletcher as manager. He and Sue will be the only ones authorized to write

checks. There will be extra expenses this year to bring the stands and the electrical system at the track up to date. \*\*\* Items noted by the Board were (a) if volunteers are not available, extra personnel cannot be hired; (b) all monies will have to be accounted for; (c) the Pace track has always been a county facility and will continue to be that; (d) any improvements need to stay within the budget allocated; (e) a balance sheet will be turned in after each race; and (f) vouchers will be used to reimburse the \$4,000 petty cash fund - any profit will be shown in the General Fund.

FAIRGROUNDS: Manager Sena was told of a complaint that the no smoking rules were not being observed, and dogs were running loose at the facility. He will check on this.

BOARD OF SOCIAL SERVICES was conducted.

SAN JUAN NATIONAL FOREST SERVICE representative Ann Bond showed the video she prepared on the Pine Zone project - "Ponderosa Pine Forest Partnership", and presented a copy to the Board. The video will be used, on the national level, as a pilot project to let others know about this type of cooperation. Copies were ordered for use in Montezuma County.

OFFICE OF COMMUNITY SERVICE: Mike Preston presented an application for a grant made for the Western Regional Biomass Energy Program (WRDEP), which will be done by NEDS Corporation at the Western Excelsior Corporation in Mancos, whose owner is Charlie Mitchell. The grant will be used to study a process for generating electrical power and co-generating heat to dry logs from waste wood products. Comm Story moved to apply for the grant, seconded by Comm McClellan and carried. It was affirmed that the pilot program will be extended one more year.

POLICY CLARIFICATION - SUBDIVISION AND EXEMPTION IMPACT FEES: Planning Manager Ginger Black asked for clarification of the impact fee policy (see January 22, 1996 minutes). It was affirmed that the \$800 impact fee is in addition to administration fees charged for subdivisions and exemptions (see attached - "Schedule of Montezuma County Subdivision and Exemption Fees").

4-D RANCH SUBDIVISION PLATS Comm McClellan moved to approve and sign the final plat for the 4-D Ranch Subdivision, seconded by Comm Story and carried.

NOLAND SUBDIVISION PLAT: Comm Story moved to approve and sign the final plat for the Noland Subdivision (moderate), seconded by Comm McClellan and carried.

ADJOURNED FOR LUNCH with the City of Cortez.

UNDERSHERIFF Bob McDonnell asked if the Board wants to review the impact figures submitted by the departments, in the initial process, for the Gaming Impact monies. It was affirmed that he may continue to mail in the figures without the Board's review.

ROAD DEPARTMENT Supervisor Tim McComb reported that all of CR 8 (McElmo Canyon) was bladed last week. Supervisor McComb stated that he checked CR BB and CR 10 - they were bladed the week before so were in good shape. In connection with these roads, Administrator Weaver stated that he contacted Celsius, but was unable to talk with the appropriate personnel. He will call them again. The suggestion was made that the Schedule A roads in this area not be maintained in the winter - in the past this was the policy. After Celsius is contacted, a meeting will be scheduled with all the entities involved to discuss usage of these roads. Shell Western E&P has expressed that they want to use these roads in April to move in drilling rigs. They were told that they need to meet with the Board before April. Supervisor McComb stated that road department personnel evaluations have been done. The averaging point method was discussed.

02-05-96

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WRIGHT WATER ENGINEERS representative Eric Bikis and Natural Resource Conservation Service representative Doug Ramsey met to ask if the County would be the lead agency in qualifying for grant monies from the Colorado Historical Society. Monies would be used to make a video, for public use, of the Mesa Verde Park/Morefield Canyon paleontology study area. They presented the grant application for review. Photos and information about the project were also presented. Comm Story moved to sponsor the project and sign the grant application, seconded by Comm McClellan and carried.

WEED MANAGER Ron Lanier stated that there is legislation being proposed for a State funded Noxious Weed Program. He has requested more information and will keep the Board posted. He reported that the Weed Brochure is in the process of being ready for distribution, and asked for approval to pay for the cost to insert it in the local newspaper. Approval was given. Noxious weed information will also be made available at the Ag Expo weed booth and the 4Corners Weed Symposium. Comm Story asked if the Weed Committee needs to be organized again -no action was taken. Manager Lanier asked for approval to attend and teach at the Colorado Weed Management workshop in Glenwood Springs, CO. Approval was given, if there is money in the Weed Program budget for travel expenses. This was affirmed.

STATUTES re the District Grazing Advisory Board (35-45-109) were noted.

ADJOURNED at 4:00 p.m.

Deputy Clerk     Chairman

February 5, 1996

SEAL

**Minutes 02/12/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 12, 1996

STATE OF COLORADO        )  
                                      ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 12, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, February 5, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

DISTRICT 3 - Republican candidate for County Commissioner, Jerry Black attended the meeting.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's report for January 1996 was received.

ACCOUNTS PAYABLE: General fund vouchers #24190 thru #24404 in the amount of \$313,483.49, Road fund vouchers #9125 thru #9186 in the amount of \$108,467.06 and Landfill fund vouchers #251 thru #281 in the amount of \$35,739.59 were approved for payment.

ANASAZI HERITAGE CENTER Director Lou Ann Jacobson met to ask if the County would support and sign a grant application for monies from the State Historical Society. The monies would fund the Escalante Trail project for 24 signs. Status of request for GoCO grant monies for the same project is not known, but any duplication will be turned back. She presented the signature portion of the grant application for review. Comm McClellan moved to support and sign the grant application, seconded by Comm Story and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to talk about making application for GoCO grant monies for improvements at the fairgrounds. Discussed were reasons for not submitting the application at this time. These included insufficient time to submit the application, availability of in-kind work, need for public input, physical plans, and cost figures. It was affirmed that the application for grant monies will be postponed. Public meetings will be tentatively scheduled for late summer for input and discussion on future improvements and uses of the fairgrounds.

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

SOUTHWEST COMMUNITY RESOURCES (CDBG): Request for reimbursement from Colorado Housing was signed. Amended quarterly report was received. Audit of 92 CDBG Contract #C852740 was received and certification of project completion was signed.

STATIONERY BID: Comm McClellan moved to accept the low bid from Pleasant Press for printing and stationery for 1996, seconded by Comm Story and carried.

RESIDENT Galen Larson met to discuss proposed legislation to weaken local government (SB 48).

LANDOWNERS Gina and Pat Leonetti met to ask if they needed an after-the-fact exemption. They own two separate adjoining parcels. One acre was taken from one parcel and added to the other to straighten out the property line. Both parcels have been re-surveyed with the change. It was noted that there is no problem at this time since both parcels are owned by the Leanettis. It was suggested that they go to the Title Company for any further clarification.

MESA VERDE NATIONAL PARK representative Larry Nordby met to ask if the County would support four grant applications for monies from the Colorado State Historical Society. The larger grant would be used to do documentation and recordation of the Cliff Palace ruin, and the three "mini" grants would be used to preserve the plaster at Mud House, do tree dating of Spring House, and edit a manuscript on Balcony House for publication. Applications were reviewed. Comm Story moved to support and sign the applications, seconded by Comm McClellan and carried.

HAY MEADOWS SUBDIVISIONS Owner and developer Walter Ertel and Attorney Hazen Brown met to discuss the proposed subdivision. The plat was reviewed - county road warding on the plat will be changed to road, since the road is within the subdivision and not a county maintained road. They were told that the Road Department needs to sign off on the road specs. Impact fees were discussed. Mr. Ertel stated that the subdivision access is off a State Highway, and asked what county service was he receiving for the fees. Equality of fees was discussed. No action was taken. The Board stated they will continue to review the fees and will get back with him. Mr. Ertel stated he will work with them on any decision about the fees.

ADJOURNED FOR LUNCH with the Dolores County Commissioners.

BOARD OF SOCIAL SERVICES was conducted.

ROAD DEPARTMENT Supervisor Tim McComb presented a copy of old 1953 maps showing county roads. They have been blading roads. Road complaint by Laura Kennedy was mentioned; road will be checked. Dolores County purchase of gravel was discussed. Letter from Southwest Land Services, Inc. stating preliminary scope of work and charges for updating county's Mined Land Reclamation permits was presented, reviewed, and approved.

SOUTHWEST MEMORIAL HOSPITAL: A group of concerned citizens (see attached list), and Southwest Memorial Hospital representatives Laura Rice and Aryol Brumley met to discuss Southwest Memorial Hospital organizational changes, Physician Hospital Organization, (PHO), and Southwest Health-Net, an insurance plan owned by the physicians. Spokespersons Donald and Judy Jolovich asked how a public entity can form a private organization and take over the public entity without involving the public. They asked that a public meeting be scheduled for input about questions raised by the changes. Ms. Rice explained the various plans and changes. Comm Colbert asked if the changes will affect payment of claims from county employees through the county insurance plan. She stated that payment for county employees and people under other plans will not be affected by the changes and the insurance claims will be paid for as in the past. Mr. Brumley affirmed that a public meeting will be scheduled and publicized in the newspaper.

SOUTHWEST EMERGENCY MEDICAL SERVICES (SWEMS) Coordinator Steven Malarchick met to update the Board on his position and duties as the SWEMS coordinator for several counties. He asked that a letter of support be written for continuing grant monies from the State of Colorado EMS program to fund the coordinator position. This will be done. The dispatch center and new trauma legislation were discussed.



02-12-96

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MONTEZUMA EMS COUNCIL part-time EMS Coordinator Misty Delaney presented "Amendment to Montezuma County, Emergency Medical Service (EMS) Plan, January 1996" and a list of the members. She stated that she is preparing a grant application to be submitted to the State EMS program for a communication console. She asked for a letter of support from the Board. This was affirmed.

911 AUTHORITY BOARD: City of Cortez Police Chief Roy Lane asked if \$5,500 can be allocated from the Emergency 911 funds to interface the old computer system with the new computer system at the Justice Building. The amount was not included in the original request. The Emergency 911 budget was reviewed. Comm McClellan moved to approve the payment of \$5,500 from the account, seconded by Comm Story and carried.

CROW CANYON representative Ricky Lightfoot met to ask if the County would support two grant applications for monies from the Colorado State Historical Society. Monies would be used to convert traditional printed site reports to electronic database publications, and to publish a technical report on 13 sites in Sand Canyon. Applications were reviewed. Comm Story moved to support and sign the applications, seconded by Comm McClellan and carried.

MANCOS VALLEY RESOURCES (MVR) representative Tom Vaughan met to ask if the County would support a grant application for monies from the Colorado State Historical Society. Monies would be used for an Environmental Monitoring and Collection Management Plan (CMP), Mancos Valley Historical Collection project. The application was reviewed. Comm Story moved to support and sign the application, seconded by Comm McClellan and carried.

FAIRVIEW CEMETERY BOARD APPOINTMENT: Comm McClellan moved to reappointed Claudia Applin to the Board, seconded by Comm Story and carried.

LANDFILL Manager Ron Lanier gave an update on the facility.

ADJOURNED at 4:00 p.m.

Deputy Clerk Chairman

February 12, 1996

**Minutes 02/20/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 20, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, February 20, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, February 12, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for January 1996 was received.

SOUTHWEST OPEN HIGH SCHOOL teachers Stan Davis, Jonathan Houck, and students (see attached list) attended the meeting until noon. Chairman Colbert and Administrator Weaver gave a short summary on the role of county government, departments, and services.

NOTICE OF CLAIM pursuant to C.R.S. 24-10-109 from Attorneys Crane and Tejada, for client George E. Olds to County of Montezuma, The Board of County Commissioners of the County of Montezuma, Montezuma County Sheriff's Office, Montezuma County Sheriff's Office Deputies, Robert Squires, Don Graves, and William Conner was presented to the Board. The Notice will be submitted to the Insurance Company.

HEALTHDEPARTMENT Nurse Sutter met to discuss the following issues. (1) block grants, (2) proposed Septic Bill to remove cap charge of \$150, (3) State Director of Public Health Department appointment – letter supporting a doctor in that position will be written, (4) update on meetings with the Southwest Memorial Hospital re programs done by the Health Department, (5) Hospital District mill levy monies – statutes read – will continue to meet with them and will keep Board informed, (6) meeting with City Manager and City Council about health issues in the City, and (7) personnel – Health Department wages versus private.

COLORADO DIVISION OF WILDLIFE (DOW) representative Pat Tucker presented a letter of thanks for being included in a comprehensive land plan meeting. He stated the DOW is available for any further information needed by the Board or the working group. The proposed Habitat Partnership Program was discussed. The program personnel would work with a local committee to address local concerns and problems. The Board stated they welcome more cooperation with the DOW about local issues. It was mentioned that the Board has not received a response from their inquiry to the DOW about help with funding for a Animal Damage Control position. This concern will be relayed to the appropriate personnel.

DEPARTMENT HEADS: Sheriff Kennell, Clerk Ritthaler, Road Supervisor McComb, Treasurer Spore, Finance Officer Sanders, Assessor Cruzan, Extension Office Director Brandt and Health Department Nurse Sutter met with the Board. Each department head explained their role in the County organization to the students. Assessor Cruzan gave an update on a possible increase of Shell Western E&P, Inc. CO2 production, and the impact or lack of impact that it might have on revenue for the county. Clerk Ritthaler stated that planning for the upcoming election is on time. The students were reminded that they can register at their school and were encouraged to be involved with the voting process. Finance Officer Sanders reminded everyone that (a) workmen comp claims need to be submitted on time, (b) employees should be encouraged to fill out forms even if the claim is not

pursued, and (c) any information received from the doctor on a claim needs to be submitted timely. Monthly bills are due by noon Thursday prior to the Monday that they are paid. A memorandum was given to each department head about stationery and newspaper bids. Road Department Supervisor McComb reported they are waiting on the decision for Energy Impact grant monies before work is started on CR G (McElmo). He mentioned the idea of using road department funds to hire a full-time sheriff deputy to patrol county roads. Responsibilities would include writing tickets for speed and bridge limit violations. Sheriff Kennell stated they have reserve and certified deputies that could fill the need. He asked the students if any of them would be interested in being involved in the crime forum meetings. Several gave their name, address and phone number so they can be notified of the meetings. Treasurer Spore stated everything is going OK in their department. Extension Office Director Brandt stated their department has several projects planned which include the Child Water Fair and Ag Expo. She gave an update on the reinvention of the Extension offices. Available computer technology was mentioned. Health Department Nurse Sutter stated a blood pressure clinic is scheduled for tomorrow in the extension office. She mentioned that if the county is interested in an employee cholesterol/blood pressure screening clinic, it will be planned for late spring. This was affirmed. LIQUOR LICENSES: Deputy Clerk Betty Davis presented a new application for an on the premises Hotel Restaurant and Extended Hour Liquor License for the Round-Up Junction Restaurant. Owner Dean Hansen was present. A public hearing will be scheduled for March 25, 1996, at 10:00 a.m. A one mile radius was set for the investigation by the Sheriff's department with Mr. Hansen doing the polling. \*\*\*\* Deputy Clerk Davis presented a renewal of a 3.2% beer license for Leonard Blanton dba Mesa Oasis Campgrounds. The Sheriff reported no problems with this outlet. Comm Story moved to approve the renewal, seconded by Comm McClellan and carried.

ADJOURNED FOR LUNCH with the Open High School teachers and students.

PLANNING: Items were discussed and affirmed as follows: A recording fee of \$21 will be the total charge for the amended variance P-46-94 (see January 29, 1996 minutes) for Scott Bell, since he was only adjusting the acreage given to his mother. Vic Hodges will be told he does not need an exemption to record an easement. PLUM THICKET SUBDIVISION PLAT (Irene Stacer): After discussion and acceptance of the contract for septic work, Comm Story moved to approve and sign the final plat for the Plum Thicket Subdivision, seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor Tim McComb presented the proposed 1996 Road Plan. It was discussed. The proposal for a sheriff deputy to patrol county roads was discussed again; action was tabled. Acceptance letter of project outline and responsibilities from Rich Lee was noted. Entities have been contacted and are tentatively scheduled to meet next Monday to discuss maintenance, etc. on CR BB. Copies of keys to unlock gates on the temporarily closed unimproved road section of CR 24 (see September 25, 1995 minutes) will be gotten from Vic Hodges for the Road Department and Lonnie Elliot.

ADMINISTRATOR Tom Weaver presented cost figures for Montezuma County for the use of the proposed Juvenile Detention Center, if it is located in La Plata County. Also presented was a contract for funding a ½ part-time Animal Damage Control position – action was tabled.

WEATHERMAKER SUBDIVISION PLAT (Don Griffin): Comm McClellan moved to approve and sign the final plat for the Weathermaker Subdivision (minor), seconded by Comm Story and carried.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED at 2:15 p.m.

SEAL

Deputy Clerk    Chairman

February 20, 1996

**Minutes 02/26/1996 Regular**

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 26, 1996**

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held On Monday February 26, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held an Tuesday, February 20, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Request received in a letter from Fred Thomas concerning the Sanitation District was tabled.

**PROPOSED JUVENILE DELINQUENT CENTER:** A conference call was held with the La Plata County Board of Commissioners, County Attorney, and Durango City Manager about land and site of the Center. The Montezuma Board stated that the City of Cortez has offered to donate land in the Industrial Park for the facility. The La Plata County Board presented two options if the facility is built in La Plata County, (1) donation of land in La Plata County, (2) or a costshare plan that would include payment for the land by the counties that would use the facility. Sometime this week, the La Plata Board will let the Montezuma Board know which option they endorse.

**OFFICE OF COMMUNITY SERVICES:** Mike Preston stated he has a meeting next week with representatives from the Ford Foundation and the Natural Resources Law Center. They will do an on-site inspection of the Fine Zone project with the idea of supporting the project with funding. Any funds made available by the entities will be used for continuation of the Fine Zone Project. A meeting with the Commissioners will be tentatively scheduled for next week at 2:00 p.m. Options and alternatives for **impact** fees were discussed. Mike Preston presented two informational reports, "Montezuma County Road System Input Fee Policy" and "Road Upgrade Construction Cost - 10 Year Improvement Plan." Impact fees for lots, building permits, and raising the road mill levy were discussed. At the request of the Board, a policy alternative report comparing the options will be compiled by Mike.

SHERIFF Sherman Kennell met to discuss the cost of incarceration of a Montezuma County prisoner in a Brand Junction facility, and transportation costs related to the same. He asked if a storage room in the Montezuma County jail area can be converted to a cell, so the prisoner can be kept locally. This was affirmed. *Sheriff Kennell* mentioned that one dispatcher is retiring. It was affirmed that the Colorado State Patrol has the responsibility of filling the position, if that needs to be done to provide services.

**RESIDENT Mike** Tobin stated that the Planning Committee approved his subdivision, contingent on the Commissioners approving a 50 foot easement, instead of the usual 60 foot easement. Comm Story made a **motion** (1) to vary the road easement from 60 to 50 feet with a 24 foot running surface, to Mike Tobin's driveway access to the second lot in the subdivision; and (2) that this action only applies to the Mike Tobin subdivision, since he does not own the land on each side, and if any land is developed along the

road, more right-of-way will be necessary before approval is given for the development. The motion was seconded by Comm McClellan and carried. It was also noted that after Mr. Tobin does the road to county specs, Road Department Supervisor McComb needs to inspect it for approval. Charles Tobin was also present.

**DUNCAN MINOR SUBDIVISION (Valarie Duncan):** Comm Story moved to **approve and sign** the final plat for the Duncan Minor Subdivision, seconded by Comm McClellan and carried.

**NORTHCUTT SUBDIVISION (Carl Northcutt):** Comm Story moved to approve and **sign** the final plat for the Northcutt Minor Subdivision, seconded by Comm McClellan and carried.

**BOYER SUBDIVISION (William Boyer):** Comm **Story moved to approve and sign** the final plat for the Boyer Subdivision, seconded by Comm McClellan and carried. Mr. **Boyer** was present.

**PLANNING:** A planning resolution **P-8-96** was presented whereas **Dan R., Brenda K., Destry R. and Jennifer Daves, owners** of 320 acres, would be granted an exemption to the subdivision regulations to record a 5.02 acre exemption for Destry Daves in Section 3, T.38N., R.18W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried.

A planning resolution **P-9-96** was presented whereas **Kyle L. Hensley and Judith A. Simmons**, owners of 60 acres, would be granted an exemption to the subdivision regulations to record an Exemption for 5.00 acres less 0.5 acres in the County road for 4.5 net acres in Section 19, T.35N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried.

A planning **resolution P-10-96 After-The-Fact** was presented whereas **William K. and Kay L. Goode**, owners of 23.7 net acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 31, T.36N., R.15W. This property was purchased by the Goode's from Glen and Marlene Osterfeld. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried.

A planning **resolution P-11-96 After-The-Fact** was presented whereas **Cynthia Lee and Frank V. Green, owners** of 14-83 acres, would be granted an after-the-fact exemption to the subdivision regulations to record an After-the-Fact exemption. The property was purchased by Jim and Teresa Taylor from Glen and Marlene Osterfeld. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded and carried. **A verbal** request from **David Lindsey** to split 5 or 6 acres from a 56 acre tract **was tentatively** approved.

**PRIVATE FAMILY CEMETERY:** Attorney **John Kelly** met to discuss action tabled concerning the removal of bodies from a private family cemetery on a parcel of private land (see minutes of September 7, 1993). Since the case is in Court, it was determined that information about the law suit needs to be checked before the Commissioners, acting as the Board of Health, take any action. Attorney Slough will look at the case file.

**BOARD OF SOCIAL SERVICES** was conducted.

**RESIDENTS Mr. and Mrs. Ronald Volz** met with the Board. Mr. Volz questioned information entered on his survey plat showing the addition of a one acre tract to his 3 acre parcel. After discussion, it was affirmed that the information on the plat is for public information, therefore it should remain on the plat.

**FINANCE OFFICER** Mary Ann Sanders met to discuss the donation of sick leave policy adopted January 22, 1996.

**ADJOURNED FOR LUNCH** with State Telecommunication representatives re Dispatch center.

02-26-96

COUNTY ROAD BB: Giant Transportation (Celsius) representative Ron Freed met to discuss the condition and maintenance of CR BB. Figures showing monies contributed to the road by Giant (Celsius) were submitted. Mr. Freed affirmed that his trucks would go around, when the road is too wet. It was suggested that he ask his truck drivers to slow down. He stated this will be done.

HAY MEADOWS SUBDIVISION owner and developer **Walter Ertel** met to discuss impact fees, administration fees, etc. for the subdivision. Since the subdivision access is off of a State Highway, Mr. Ertel asked if the impact fees could be earmarked to blacktop a section of CR M, which is close to the area and is included in the proposed upgrading plan for county roads. The following proposal was presented to Mr. Ertel! At the time the final plat is approved and signed he will pay the full administration fees of \$500 per lot (less applicable driveway credits), and impact fees of \$800 per lot, said impact fees to be payable as follows: payment for the first half will be due immediately, and at the same time, an irrevocable "letter of credit" will have to be submitted for the second half, which will be due when the Road Department can schedule the blacktop project for CR N. Mr. Ertel accepted the proposal. Road Supervisor McComb was present.

**POLICY – USE AND PAYMENT OF IMPACT FEES:** The Board is setting the following policy for impact fees for subdivisions located on State Highways: (1) a developer may ask for consideration that the impact fees be used for improvement on county roads near his subdivision, that re included in the County Road Upgrade Plan, and (2) at the time the final plat is approved and signed, one-half of the impact fees need to be paid, and an irrevocable "letter of credit" be submitted for the other half of the impact fees, which will be due when the county road department can upgrade the road.

**ROAD DEPARTMENT** Supervisor Tim McComb will check the Northcutt subdivision roads for county spec compliance. Tentative approval for \$250,000 of Energy Impact grant monies to improve CR G (McElmo Canyon) was discussed. Transfer of gaming impact monies to pay for culverts for CR G was discussed - will be done when billing for items is received. Information on trade out for work with the Town of Mancos will be researched. Road Department **Plan for 1996** was approved. Personnel was discussed. Shop foreman position is vacant - will be posted and advertised. Lock on gate closing off a section of the Cache Canyon road will be replaced.

**LANDOWNER Geraldine Paxton** asked if impact fees for one lot in her proposed 2-lot subdivision could be waived since there is already a house on one lot. This was discussed and the policy below was adopted. She was told that she needs to pay Administration fees of \$300 (no driveway permit needed) for one lot, \$400 for one lot, and impact fees of \$800 on the created lot.

**POLICY - AMENDED SUBDIVISION IMPACT FEES:** Impact fees of \$800 shall be assessed on each lot created by subdivision or by exemption, except a lot with an existing residence shall not be so assessed. Moved by Comm Story, seconded by Comm McClellan and carried. (See January 22 and February 5, 1996 Minutes.)

STATUTES concerning monies collected for speeding tickets and bridge limit violations were read.

**911 AUTHORITY BOARD** reinstatement of fees will be researched.

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

Deputy Clerk Chairman

February 26, 1996

SEAL

Minutes 03/04/1996 – 03/05/1996 Regular

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 4 – 5, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 4 and Tuesday, March 5, 1996, at the courthouse in Cortez, Colorado, there were present:

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

**MINUTES** of the previous meeting held on Monday, February 26, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

**MISCELLANEOUS CORRESPONDENCE** was read and contents noted. The **Sheriff's** report for **February** 1996, and the **Workman's Camp Annual Report** were received.

**PAYROLL:** General fund vouchers **#15053 thru #15173** in the amount of **\$138,186.35**, **#24406** in the amount of **\$15,848.71**, **#24407** in the amount of \$87,586.97, Road fund vouchers **#15174 thru #15204** in the amount of **\$47,390.07**, **#9188** in the amount of \$31,915.38, Landfill fund vouchers **#15205 thru #15208** in the amount of \$6,236.25 and **#282** in the amount of \$4,288.98 were approved for payment.

**911 AUTHORITY BOARD:** Comm McClellan made a motion to direct the Clerk to issue **Order Number 0-04-96** to the Treasurer to pay **\$646.93** from the 911 account to U.S. West Communications, Denver, CO 80244-001. The motion was seconded by Comm Story and carried.

**OFFICE OF COMMUNITY SERVICES:** Mike Preston presented a County Road Revenue Analysis - Impact Fees report. The report was discussed.

**RESIDENT DAVID SWENSEN** presented his proposal for a two-lot moderate subdivision. He wants to split a 5.02 acre parcel into a 3 acre parcel with a house and a 2 acre parcel with a commercial building. The commercial property will be "**restricted to commercial, absolutely no residential use on commercial.**" He was told that he needs to check with the State Department of Transportation for access and the Mancos Water District to be sure water taps are sufficient for the commercial building. Mr. Swenson stated that there is a commercial easement to both of the properties, separate septic systems, and water taps already in place. Since use will not change and both parcels have buildings on them, no impact fees will be charged. Administration fees will be \$400 per lot. Planning Manager Ginger Black was present.

**PLANNING:** The moderate subdivision proposed by **Mindy Rosenbaugh**, within the Verde Acres Subdivision, was presented. Since recorded covenants show that Lot 20 can be divided, all the residents in the subdivision do not have to sign off on the plat. Administration fees and one impact fee for a total of \$1,400.00 will be charged for the two-lot subdivision. **Bear Creek Ranch Minor Subdivision** plat was presented and discussed. It was noted that the site of the one residence and roads have not been entered on the plat for the Conservation Easement tract as requested (see January 22, 1996 minutes). Action **was tabled**. **Phase II of the Lakeside Estates Mobile Home Park** was discussed. Since this phase was approved in 1984, the county does not need to take any further action. The minor subdivision proposed by **Margart Stevenson**, within the Stevenson Minor was presented. Highway access needs to be checked and everyone in the subdivision needs to sign off on the amended subdivision plat.

**HAY MEADOWS SUBDIVISION** developer **Walter Ertel** presented the final plat for approval. Comm McClellan moved to **approve** and **sign** the Hay Meadows Subdivision plat, seconded by Comm Story and carried. Planning Manager Black was present. Mr. Ertel paid \$11,200.00, which included all the administration fees and one-half of the impact fees for the subdivision, and submitted an irrevocable "letter of credit" for \$5,600 to cover the remaining amount due for the impact fees. Impact fees will be used on CR N.

**LIQUOR LICENSE:** Deputy Clerk Betty Davis presented an application for renewal of a **Hotel and Restaurant, Extended Hours license** for the **McPhee Marina Recreation Complex, Inc.** The Sheriff's department reported no problems with the outlet. Comm Story moved to **approve** the application, seconded by Comm McClellan and carried.

**BOARD OF SOCIAL SERVICES** was conducted.

**STATUES** on the 911 Authority Board reinstatement of users fees were read.

**HEALTH DEPARTMENT** Nurse Bette Sutter presented the department's Year End Report. The programs were discussed. Other issues mentioned were the need for more space, raises, and a concern about the donated sick leave policy in regard to employees vacation time needing to be used before donated leave can be used. These were discussed. In regard to the sick leave policy, she was told that when the policy is looked at her concern will be taken into consideration. Contract of a partnership between the Dolores County Home Health Service and the Montezuma County Home Health Service was reviewed. Comm McClellan moved to **sign** the contract extending home health care to Dolores County, seconded by Comm Story and carried.

**PRIVATE FAMILY CEMETERY:** It was determined that the Montezuma County Board of Health does not have rules or regulations to address the moving of the bodies (see minutes of February 26, 1996). Application will need to be made through the Colorado Department of Health. This information will be relayed to Attorney Jon Kelly. Nurse Sutter was present.

**PINE ZONE PROJECT:** Ford Foundation representative **Francis Koran**, Natural Resources Law Center representative **Betsy Rieke**, Fort Lewis College Local Affairs representatives Sam **Burns** and **Tim Richard**, Office of Community Services representative **Mike Preston** and **Carla Garrison**, Federal Lands representative **Mary Chapman**, and U.S. Forest **Service representatives Bob Dettman, Thurman Wilson**, and **Jim Powers** met to discuss the Pine Zone Project (past/present/future). Items discussed were: (a) leadership of Montezuma County in instigating the partnership with the Forest Service and other entities, (b) need for and how to accomplish local level involvement in these types of projects, (c) problems with pricing and guaranteed source of supply before commercial business can invest, and (d) the next step in the approximate 3-year process. Funding from the Ford Foundation might be available.

**ROAD DEPARTMENT** Supervisor Tim McComb presented the Road Department Organizational Chart. Reported big hole on CR 35.5 will be checked. Items discussed for the proposed work on CR G (McElmo Canyon) were; gravel supply, cost to do three lifts of chip seal on 8 miles this year, Rock Creek bridge area, posting of delay signs, and how to control traffic while work is being done. Supervisor McComb asked if 10 hour work days could be scheduled when the work is started. This was affirmed. Scheduling of employees for the project was discussed. Cost figures on hiring deputies will be compiled. Statutes on posting speed limits were discussed. The Board will do an on-site inspection of the road before work is started.

**REQUEST** received in a letter from Engineer **Fred Thomas** concerning the Sanitation District was discussed. Since comments are needed from Sanitation Manager Mick Periman, action was **tabled**.

**RECESSED at 4:15 p.m.** until Tuesday, March 5, 1996 at 3:00 p.m.



03-05-96

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OFFICE OF COMMUNITY SERVICES: Mike Preston met with the Board to discuss a policy for road impact fees. Loretta Murphy and Lyle Bilberry were present. The below policy was adopted. POLICY - ROAD IMPACT FEES: Comm Story made a motion to adopt the following policy: A Road Impact base fee of \$800 shall be assessed on each lot created by subdivision or by exemption, plus \$50.00 per lot, per mile from the State Highway to the subdivision or exemption entrance as shown in the below scale, except a lot with an existing residence shall not be so assessed. Motion was seconded by Comm McClellan and carried.

**From Immediately off State Highway to**

- 1 mile = \$50	-11 miles = \$550	-21miles = \$1,050
- 2 miles = \$100	-12 miles = \$600	-22 miles = \$1,100
- 3 miles = \$150	-13 miles = \$650	-23 miles = \$1,150
- 4 miles = \$200	-14 miles = \$700	-24 miles = \$1,200
- 5 miles = \$250	-15 miles = \$750	-25 miles = \$1,250, etc.
- 6 miles = \$300	- 16 miles = \$800	
- 7 miles = \$350	-17 miles = \$850	
- 8 miles = \$400	-18 miles = \$900	
- 9 miles = \$450	-19 miles = \$950	
- 10 miles = \$500	-20 miles = \$1,000	

ADJOURNED at 4:45 p.m.

Deputy Clerk Chairman – Acting

March 4-5, 1996

SEAL

*Adm Fees*

*\$300 per parcel being described in the exemption are rd impact fees as dictated (3-4-96 9-9-96)*

*LaVerde*

*83-87*

*8-21-95*

**Minutes 03/11/1996 Regular**

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 11, 1996**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 11, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday and Tuesday, March 4 - 5, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports for **February** 1996 were received.

ACCOUNTS PAYABLE: General fund vouchers **#29468 thru #29663** in the amount of \$109,849.60, Road fund vouchers **#29664 thru #29717** in the amount of \$24,887.40, and Landfill fund vouchers **#29718 thru #29730** in the amount of \$21,377.21 were approved for payment.

CONTIGUOUS COUNTIES, LIMITED GAMING IMPACT FUND: Bob Brubaker reported on a recent meeting with the Gaming Advisory Committee. He gave figures reflecting changes by the Committee, which showed grant amount decreases in the original applications submitted by governmental entities from Montezuma County. A letter will be written to Department of Local Affairs Deputy Director Jerry Smith, addressing questions about history relating to prior receipt of funds. Representative Brubaker will meet with the Committee again.

**ANIMAL DAMAGE (PREDATOR) CONTROL PROGRAM:** The Work Plan/Financial Plan for the period of January 1 - December 31, 1996 was submitted for review. Comm Story made a motion to sign the Cooperative Agreement No. 96-73-08-0310-RA between the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Damage Control and the Montezuma County Commissioners, Cortez, Colorado. Motion was seconded by Comm Colbert. Comm Colbert "aye". Comm Story "aye", and Comm McClellan "nay." Motion carried. The contract will pay for a one-half position for an animal damage control specialist. Montezuma County Commissioners will provide funding up to \$4,100 in support of the Agreement and this Work Plan for 1996.

**UNDERSHERIFF** Bob McDonnell met to give the Board an update on the robbery of the Valley National Bank, Dolores, CO and the capture of two suspects. The suspects are incarcerated in the La Plata County jail - expenses will be paid for by the Federal Government since this was a federal offence. Gaming impact fees were discussed.

LANDOWNERS David and Mary Leonard presented a "Letter of Intent" (see attached) concerning their proposed campground. The development is off CR 10, which has a "Trail of the Ancients" designation. They stated that they will comply with State rules for a primitive campground in regard to sufficient sewage disposal. Since there will be no division of land, the question of whether subdivision rules, regulations and impact fees are applicable to this type of commercial development was discussed. It was noted that the County has no commercial use rules, regulations or impact fees in place at this time. Action was tabled. The Board asked the Leonards to come back in two weeks. They stated they would. Planning Manager Ginger Black was present.

LANDOWNERS John Bishop and Ruth Davis met to discuss their proposed mobile home park on CR B within one mile of Hwy 160. The 3 acre parcel owned by them, already has two mobile homes on it. They stated they would like to create six to eight more permanent rental spaces for mobile homes. Concern for health and welfare were discussed. The park would need to have a state engineer designed septic system. Current mobile home park regulations were read, and a copy given to them. Action was **tabled**. They were asked to come back in two weeks. They said that they would. Planning Manager Ginger Black was present.

LANDOWNERS Bob and Vicki Archibeque stated that they bought land represented to them as having a variance, but it was brought to their attention that the legal description on the variance does not match their property. They presented the corrected legal description. Planning Manager Ginger Black presented planning resolution P-31-79. It was affirmed that this variance will be amended to show the correct legal description. The only charge will be \$21.00 for the recording fee.

**BOARD OF SOCIAL SERVICES** was conducted.

PLANNING: Since no action was taken, it was determined that a check for fees will be returned to **Basin Title** concerning sale of property by Loren Gates to Vivian Wolf (see November 6, 1995 minutes Joyce Bowles). Wayne Lee's request for the release of the irrevocable letter of credit for his subdivision was discussed. He will be told that before the letter can be released road department approval is needed, stating that the subdivision road is built to county specs. **Joe McDonald's** proposed subdivision which shows a 35 acre parcel, not included, in the middle of the acreage was discussed. He has indicated that if requested, he will put the acreage all together, leaving the large parcel at one end or the other. The Board stated they prefer that the 35 acre parcel not be in the middle of the proposed subdivision. Mr. McDonald will be informed. Letter from Attorney Ehlers clarifying the location of the proposed access road and residence on the **Bear Creek Ranch Subdivision Conservation Easement** was noted and accepted. However, it was noted that on the subdivision parcel plat, the historically used stock drive is not shown. To avert future problems, Mr. Ehlers will be asked that this easement be shown on the plat.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss two proposed commercial developments in the county. Ginger Black, Loretta Murphy and Lyle Bilberry were also present. Statutes on definition of a subdivision were read. The following issues were discussed: (1) Needs that should be addressed in connection with the Leonards proposed campground: (a) adequate public facilities for public health - sewage disposal; (b) adequate public safety - road condition for emergency vehicles, and water availability for fire risk; and (c) the physical integrity of the county. Also discussed was whether the county is in a position within the next two weeks to put in place all the rules and regulations, and impose impact fees to solve the immediate problem. Suggestion was made that commercial developments at this time be taken care of on a case-by-case basis since no rules, etc. are in place. (2) Proposed mobile home park by **Bishop and Davis**; (a) be considered under the Mobile Home Park regulations already in place; and (b) charge a total of \$7,500 for impact fees and \$400 per lot administration fees.

ADJOURNED FOR LUNCH with the City of Cortez. The Airport Committee approved the minutes of January 8, 1996.

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

REGION 9: Grant proposal was submitted and reviewed. Comm Story moved to **support** the application for a grant from the Farmers Home Administration for Housing Preservation to supplement the Revolving Loan Fund, seconded by Comm McClellan and carried.

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ROAD DEPARTMENT Supervisor Tim McComb reported that Bill McLaughlin met with landowners along CR G (McElmo Canyon) and got permission for the road department to take out corners, old trees, and move fences for more right-of-way for proposed improvements. Some of the culverts have been done and they are ready to start gravelling. The letter showing Energy Impact monies being awarded for the proposed work on CR G (McElmo) was noted. Paperwork will now be started for finalization of the grant. Access on the Eleanor Tozer's property to get to the proposed gravel pit on Bureau of Land Management land was discussed. Ms Tozer will be asked to submit a letter stating her conditions for the access and length of time for the lease. Personnel released by Workman's Comp for sedentary duties was discussed. Workman's Comp personnel will be contacted for clarification. Mechanic position will be advertised in the paper. Cache Canyon road reopened today. Supervisor McComb asked if the Board would like to meet with the contractor from Grand Junction who did the landfill road. This was affirmed and tentatively scheduled for next week.

TOWN OF MANCOS: Comm Story made a motion to pay the Town of Mancos allocated monies in the amount of \$20,413.00 for 1995 and prior years from the Road and Bridge mill levy fund, as it relates to the assessed valuation for Mancos. The motion was seconded by Comm McClellan and carried. The Treasurer will be asked to make allocations to the Town of Mancos monthly, based on the Road and Bridge mill levy fund and the assessed valuation for Mancos.

ADJOURNED at 3:15 p.m.

Deputy Clerk      Chairman

March 11, 1996

SEAL

Online Copy

**Minutes 03/18/1996 Regular**

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 18, 1996**

STATE OF COLORADO     )  
  ) ss.  
COUNTY 6F MONTEZUMA   )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 18, 1996, at the courthouse in Cortez, Colorado, there were present:

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

**MINUTES** of the previous meeting held on Monday, March 11, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

**MISCELLANEOUS CORRESPONDENCE** was read and contents noted. The **Sheriff's and Clerk's** reports for **February** 1996 were received.

**SUNDANCE CANYON SUBDIVISION** developer **Paul Long** asked if impact fees can be used for roads in the subdivision. The access is off a State Highway (see minutes of October 23, 1995). Reference was made to the Policy - Use and Payment of Impact Fees adopted February 26, 1996. He was told that in accordance with this policy, the impact fees will have to be applied to a nearby county road that is included in the road upgrade plan. Mr. Long also asked if the road for Phase I, which is designated as a public road on the plot, can be changed to a private road. He presented affidavits signed by all the subdivision owners stating that they would like this section of road to be private. Discussed were different options to amend the plat and change the road dedication. Mr. Long agreed to a public hearing to consider changing the road designation from public to private and amending the plat. The hearing is tentatively scheduled for April 1, 1996, and will be advertised in the newspaper. Mr. Long will be notified of the time. It was noted that the road in Phase II is designated as a private road.

**STATUTES** on Home Rule Cities and authority beyond City limits were read. Further research will be done.

**LIQUOR LICENSE:** Deputy Clerk Betty Davis presented an application for renewal of a **3.2% beer** license "on and off premises" for the **Wild Wild Rest** establishment. The Sheriff's Office reported no problems with this outlet. Comm McClellan moved to **accept** the application, seconded by Comm Story and carried. It was noted that the public hearing for an "an the premises" Hotel/Restaurant Liquor License, with Extended Hours License for the **Roundup Junction Restaurant** scheduled for March 25, 1996, at 10:00 a.m. is postponed. The public hearing is tentatively rescheduled for April 1, 1996, at 10:00 a.m. Mr. Hansen will be notified of the change.

**SANITATION MANAGER** Mick Periman met to discuss the request received in a letter from Engineer Fred Thomas concerning the responsibilities, etc. of the Sanitation District. The following items and how to implement them) were discussed: (1) address health and safety concerns, and water quality and water supply in the proposed Comprehensive Land Use Plan, (2) monitor streams - with increased testing on the Dolores River and testing on the Mancos River above and below the town of Mancos, (3) need for sign *off on* sewage systems before transfer of any deed, and (4) requirement that engineers send a copy of their report on sewage systems to Manager Periman. No action was taken. Mike Preston was present.

**DEPARTMENT HEADS:** Extension Office Director Jan Brandt, Finance Officer Mary Ann Sanders, Senior Nutrition Director Sue Fletcher and Assessor Bob Cruzan met with the Board. **Assessor Cruzan** mentioned the possible need for more security in the courthouse, since there has been an increase of incidents. Bill Bedker will be asked to look into what can be done without creating a problem with the fire codes. **Nutrition Director Fletcher** invited everyone to the Senior Nutrition Outreach Program Open House at the Annex. **Extension Director** Brandt reported on the success of the Ag Expo and gave an update on several programs and grants. Earlier, **Clerk Evie Ritthaler** submitted her report for February 1996.

**COUNTY HEALTH INSURANCE:** Finance *Officer Sanders* asked if the County plans to continue to pay the health insurance for **Mary Cross**, wife of deceased county employee James Cross, and her three children after the allowed 36 month period. Comm Story made a motion that the county **continue** to pay for this coverage until the youngest child is of legal age (18 years), subject to review by the Board. The motion was seconded by Comm McClellan and carried.

**ROAD DEPARTMENT** Supervisor Tim McComb stated that Bill Pigg, contractor for the landfill road chip and seal project came last week and took pictures of the job. A meeting scheduled for next week with him will be rescheduled for April 1. The request from **Chester Tozer** for the county to clean out a 1/4 mile section of irrigation ditch along CR G (McElmo Canyon) was discussed and action **tabled** until minutes are researched. Supervisor McComb presented an idea for doing chips differently. The new method would require another screen and conveyor. He will compile cost figures. Discussed options for access to BLM gravel - will continue to work with Eleanor Tozer.

**LANDFILL ORDER:** Comm McClellan made a motion to direct the Clerk to issue **Order Number 0-05-96** to the Treasurer to transfer \$150.00 from the Landfill Fund to the General Fund. The City of Cortez remitted a check on February 15, 1996, for Landfill fees and the \$150.00 amount was inadvertently included. This amount, which was to pay the Annex for the Western Swing Class should have been deposited in the General Fund. The motion was seconded by Comm Story and carried.

**RISHEL SUBDIVISION PLAT:** Comm Story moved to **approve and sign** the final plat for the Rishel Subdivision, seconded by Comm McClellan and carried.

**PLANNING:** A planning resolution **P-31-79 Amended** was presented whereas **Bob and Vicki Archibeque**, owners of 2.60 acres would be granted an exemption to the subdivision regulations to record an amended exemption for the 2.60 acres due to the fact that the resolution was recorded with an incorrect legal description in Section 18, T.36N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried. A planning resolution **P-53-92 Amended** was presented whereas Richard Neal, owner of 4.99 acres, would be granted an exemption to the subdivision regulations to record an amended exemption on 3.59 acres in Section 16, T.36N., R.15W. The remaining 1.40 acres is across Simon Draw and has been fenced off and corrals built on this property by the adjoining landowners - Suckla, who were under the impression that this property was part of their property. Mr. Neal will deed this property to the Sucklas. This 1.40 acres is not considered a separate tract to be sold, but will be added to the tract of the adjoining landowners. The original resolution describes the NW tract of 6.98 acres, the Central tract of 65.14, which is now 64.93 and the SW tract which was 4.99 and is now 3.59. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried. A **planning resolution P-12-96 After-The-Fact** was presented whereas **Dan and Carol Sturtz**, owners of 2.30 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption for the 2.30 acres in Section 34, T.37N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm

03-18-96

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McClellan and carried. A planning resolution P-13-96 was presented whereas Fred and Carol Denton, owners of 18.26 acres, would be granted an exemption to the subdivision regulations to record an exemption on 9.84 acres and 8.42 acres in Section 13, T.36N., R.14W., which property is split by Colorado State Hwy 184. This the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an after-the-fact exemption to record 4.3 acres owned by Durango Ice & Produce Co. (David Haley) was tentatively approved – since there is a building on the acreage no impact fee will be charged. A verbal request from Eddie and Rose Francisco to create a 14 site RV Park outside Mancos, Co. was tentatively approved. It was affirmed that administration fees of \$400 per lot will be charged.

BOARD OF COMMISSIONERS REGULAR MEETING CHANGE: It was affirmed that the Board will not meet again until April 1, 1996.

BOARD OF SOCIAL SERVICES was conducted.

CORTEZ JOB SERVICE CENTER BUSINESS PLAN, PROGRAM YEAR 1996 was signed.

ADJOURNED at 2:30 p.m.

Deputy Clerk    Chairman

March 18, 1996

Online Copy

**Minutes 04/01/1996 Regular**

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY COLORADO  
APRIL 1, 1996**

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado held on Monday, April 1, 1996, at the courthouse in Cortez, Colorado, there were present:

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

**MINUTES** of the previous meeting held on Monday, March 18, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

**MISCELLANEOUS CORRESPONDENCE** was read and contents noted.

**PAYROLL:** **General** fund vouchers **#15218 thru #15342** in the amount of \$141,820.19, **#24611** in the amount of \$15,848.71, **#24612** in the amount of \$89,011.58, Road fund vouchers **#15343 thru #15373** in the amount of **\$46,277.80**, **#9249** in the amount of \$31,147.22, and Landfill fund vouchers **#15374 thru #15377** in the amount of \$6,164.13, **#0303** in the amount of \$4,246.02 were approved for payment.

**911 AUTHORITY BOARD:** Comm McClellan made a motion to direct the Clerk to issue **Order Number 0-06-96** to the Treasurer to pay **\$647.27** from the 911 account to U.S. West Communications, Denver, CO 80244-001. The motion was seconded by Comm Story and carried.

**LANDOWNER R. W. Kirkpatrick** met to discuss his proposed moderate subdivision, which includes approximately 9.11 total acres. His proposal is to create two parcels - a 3 acre and a 6 acre tract. It was noted that the horseshoe shaped parcel **has a width and length problem, and the middle** area is owned by another person. Mr. Kirkpatrick was informed that he needs to go through the Planning Commission, and that the plat presented needs to show the exact dimensions and easements of the two parcels. The original parcels were created by variances.

**PLANNING:** A planning resolution P-14-96E **After-The-Fact** was presented whereas **Robert King**, owner of .75 acres, would be granted an exemption to the subdivision regulations to record a .75 acre after-the-fact exemption in Section 36, T.39N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried. A planning resolution **P-15-96E After-The-Fact** was presented whereas **Grace Marie Gilpin**, owner of 52.15 acres, would be granted an exemption to the subdivision regulations to record a 10.93 acre exemption for her son Jessey J. Gilpin in Section 11, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution **P-16-96E After-The-Fact** was presented whereas **Durango Ice & Produce Co., David Haley**, owner of 4.040 acres, would be granted an exemption to the subdivision regulations to record a 4.040 acre after-the-fact exemption in Section 9, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried. A planning resolution **P-17-96E** was presented whereas **Lynn K. Neal**, owner of 64.95 acres, would be granted an exemption to the subdivision regulations to record an exemption an 28.86 acres in Section 16, T.36N., R.15W. This is the only exemption that will be granted this



property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried. A planning resolution **P-18-96E After-The-Fact** was presented whereas **Michael J. Wagner**, owner of 12.00 net acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption on 12.00 acres in Section 33, T.36N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried. A verbal request from **Paul Varnell** to split 3 acres from 45 acres was tentatively **approved**. A verbal request from **James Malcom** to split 3-1/2 acres from 180 acres was tentatively **approved**. It was noted that since the mobile home was moved onto the property in the past two weeks, applicable administration fees and an impact fee of \$800 will apply -Mick Periman was contacted and no septic permit has been issued. A verbal request from **Junior (Jack) and Jeanne Smith** for an after-the-fact exemption to split 10 acres from 160 acres was tentatively **approved** for Randy Smith. \*\*\*\*\* Other items were: (1) **Lonnie Elliot's Moderate Subdivision** was reviewed and action **tabled**, due to the fact that the surveyor named the **subdivision Lonnie's Minor Subdivision**. Surveyor Fred Thomas will change the mylars. (2) **Gregory E. Munson and Erik Hamerschlag's** proposal to create a 2-lot moderate subdivision was presented. An easement from **Cliff Fossum** (Spring Canyon Subdivision) will need to be presented, before the subdivision can be approved. Mr. Fossum created the subdivision through which the road runs. Problems with landowners outside the subdivision using the road need to be resolved between Cliff Fossum and the landowners, not the Board. (4) Request by **Pat McClenney and Rocky Wilson** of the **Merritt Tracts** to allow an 18' roadway (60' easement). The request **was denied** - the roadway needs to be 24', due to the amount of tracts using the road now and in the future. (5) Proposed **3-lot Joe McDonald Subdivision** and proposed further split of one lot within the subdivision by a prospective buyer was discussed. Approval to split the one lot was **denied**, because of a length and width problem and speculation on the part of the one buyer.

**PUBLIC HEARING - ROUNDUP JUNCTION RESTAURANT LIQUOR LICENSE:** It being the time set aside, a Public Hearing was conducted for the consideration of a Hotel/Restaurant Liquor License with an Extended Hours license for the Roundup Junction Restaurant. The roll was called and proof of publication was read. Present were Deputy Clerk **Betty Davis**, Clerk **Evie Ritthaler**, owner **Dean E. Hanson**, and Sheriff Department Investigator **Kalvin Boggs**. No public was present. Deputy Clerk **Betty Davis** presented the applications for the licenses. Fingerprint results **have been received, and there** is no problem. Polling was done by Mr. Hansen. **The polling report showed that** within the set radius of one mile, 21 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 19 affirmative, 0 against, and 2 no opinion** for both questions. Investigator Bogg's report showed that an investigation was done of Mr. Hansen's financial and character background and the report showed they were favorable for Mr. Hanson. The establishment was physically inspected and approved. Distances from churches and schools were approved. Comm Story moved to **approve** the applications for A Hotel/Restaurant Liquor License with an Extended Hours license for the Roundup Junction Restaurant, seconded by Comm McClellan and carried. These proceedings were taped for the record.

**LIQUOR LICENSE:** Deputy Clerk Betty Davis presented an application for renewal of a Hotel/Restaurant Liquor License with an Extended Hours License **for Stoner Creek**. The Sheriff and Health Departments reported no problems with the establishment. Comm McClellan moved to **approve** the applications, seconded by Comm Story and carried.

**COLORADO STATE FOREST SERVICE - ANNUAL FIRE OPERATING PLAN** was submitted for review. Comm McClellan moved to **approve and sign the plan**, seconded by Comm Story and carried.

**AMENDMENT TO CEBT EMPLOYEE PARTICIPATING AGREEMENT** (Health Insurance) effective July 1, 1996, between Montezuma County (the Employee) and the Board of Trustees (the Trustees) of the CEBT (the Trust) was **accepted and signed**.

**ABATEMENT:** Assessor Cruzan being present, a petition for abatement of property tax was presented for **Ernest S. and Margaret E. Allsup**, #42 5331-031-00-005, 1995, erroneous assessment, \$1,286.08. Assessor Cruzan recommend approval of the petition. Comm McClellan moved to **approve** this petition, seconded by Comm Story and carried. All proceedings were taped for the record and it was noted that the Assessor and all the Commissioners were present.

**COLORADO DEPARTMENT OF TRANSPORTATION** submitted for approval the remodeling plan for the Sleeping Ute rest area facilities. Comm McClellan moved to **approve** this plan, seconded by Comm Story and carried.

**SHERIFF** Sherman Kennell requested approval to built a rifle and pistol range within the 240 acre landfill acreage (see minutes of January 16 and 23, 1995). Landfill Manager Ran Lanier was present. EPA requirements and contamination of ground waters from lead were discussed. No action was taken. At this time, use of the area will remain status quo. Sheriff Kennell will check with other entities for the possibility of securing another location for the range.

**LANDOWNERS David and Mary Leonard** met to discuss their proposed campground (see March 11, 1996 minutes). Sanitation Manager **Mick Periman** and Planning Manager **Ginger Black** were present. It was noted that the campground is classified as a semi-developed sanitation area, rather than a primitive area. State and County regulations were reviewed. Manager Periman stated that any facility built where people live and work will need adequate and sanitary toilets. Concerns for health and safety were discussed. The Leonards were told that a septic permit approval would be contingent on an on site inspection of the area by Manager Periman. The County requested that they secure septic and driveway permits, and any State permits applicable to this type of development. Impact fees will not apply.

**OFFICE OF COMMUNITY SERVICES:** Mike Preston met to discuss the agenda for the upcoming comprehensive land use meeting. **Carla Garrison** presented information on the proposed Guard Station timber sale. She recommended that alternative 2 be supported by the Board. This was affirmed. Use and non-use of Bear Creek and other grazing allotments were discussed. Ms. Garrison will present concerns about these to San Juan National Forest Service personnel.

**ADJOURNED FOR LUNCH with** City of Cortez.

**ATTORNEY** Slough was absent in the afternoon.

**LEWIS ARRIOLA FIRE DEPARTMENT** representative **Kay Garlinghouse** asked if the county would furnish and haul five truck loads of gravel for the roadway and yard at their proposed training center facility. Road Supervisor Tim McComb was present. **Approval** was given for the gravel, contingent on them doing the hauling. Ms. Garlinghouse stated they will try to locate someone to do the hauling. She will get back with Supervisor McComb to set a date for the delivery.

**SOUTHWEST EMS (SWEMS) COUNCIL** Secretary Kay **Garlinghouse** presented three names recommended for appointment as representatives to the SWEMS Council. Comm Story made a motion to **appoint** Liz **Palmer, Gary Woolsey, and Dr. Duehrssen**. The motion was seconded by Comm McClellan and carried. The request that the Board approve a change in the SWEMS Council By-Law 2.7 was **tabled**.

LANDOWNER on CR 21, **Gary Molzahn** stated that he needs to tap into MVI water. He will need to cut through the road since the pipe cannot be run through the culvert in the area. He asked if the road department fees to cut a county road could be waived. His request was **denied**.

**KOCH MATERIALS** representatives **Bill Pigg and Bill Barton** met to discuss an adjustment for the unacceptable oil job done by the company on CR F and CR 25 (landfill road). Mr. Pigg presented pictures showing the problem areas in the road. He proposed re-shooting (patch spraying) the bad areas and re-doing them, with no charge for use of the equipment or to get the oil back.

down for the job. Supervisor McComb was present and stated that the county would still have to apply a certain amount of hot mix to correct the problems. The Board stated that they felt that the road should be repaired to a condition that would make it ready for the third lift. A proposal was made that (a) the County buy back the returned \$4,000 worth of oil, and (b) Koch Materials supply the equipment and do the work to get the road in shape for the scheduled third lift. Mr. Pigg asked for time to consider the proposal. This was affirmed, and action was tabled. Problems with work done by the company on CR G (McElmo Canyon) were discussed. Mr. Pigg stated they will fix those problems.

**PUBLIC HEARING – SUNDANCE CANYON SUBDIVISION PHASE I ROAD:** It being the time set aside, a Public Hearing was conducted for the purpose of considering a request from developer Paul Long to change Road 38.5 beginning at the Sundance Canyon Subdivision Phase 1, from public to private. The roll was called and the proof of publication was read. Road Supervisor Tim McComb, William E. Boyer, Prudential Triple realtor Colen Noland, and Planning Manager Ginger Black were present. Mr. Boyer, owner and developer of the William Boyer Subdivision presented a recorded Agreement that states he can use the Sundance Canyon Subdivision Phase I road as access to his proposed subdivision which is off this section of road. This was discussed. Comm Story made a motion to approve the change of the Phase I road from public to private and the recording of such on an amended plat, contingent on the acknowledgement of the fact that between William E. Boyer, William Boyer Subdivision, and Paul Long, Sundance Canyon Subdivision, there is a recorded Use Agreement that runs with the property, and such agreement will be noted on the Sundance Canyon and William Boyer Subdivision final plats. The motion was seconded by Comm McClellan and carried. These proceedings were tape recorded.

**ROAD DEPARTMENT** Supervisor Tim McComb reported that a road bore will have to be done in connection with the Lee-Hindmarsh project on CR 28 (see January 22 and February 20, 1996 minutes). Costs, fees, and who should pay for these extra expenses, which were not included in the original project were discussed. Supervisor McComb will compile cost figures for consideration. They will be hauling some gravel to CR G this week – the culverts are in. The Board asked Administration Weaver to do a workup on monies available for the CR G (McElmo Canyon) project. Department of Transportation eligibility for highway users tax report was submitted for approval. It shows mileage for forest service roads less than last year. Action was tabled until further clarification by Supervisor McComb of why they show a decrease in the mileage.

**MONTEZUMA WATER COMPANY** representatives Mike Bauer and Jim Youngs met to discuss the City of Cortez's rights within the one to three mile radius of the city limits in connection with rural water lines. They were told that they are welcome to any information that the county might have pertaining to this concern.

**HOLIDAY SCHEDULE FOR 1996** was amended to include Friday, July 5, 1996.

**BOARD OF SOCIAL SERVICES** was conducted.

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

Deputy Clerk      Chairman

April 1, 1996

SEAL

**Minutes 04/08/1996 Regular**

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY COLORADO  
APRIL 8, 1996**

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado held on Monday, April 8, 1996, at the courthouse in Cortez, Colorado, there were present:

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

**MINUTES** of the previous meeting held on Monday, April 1, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

**MISCELLANEOUS CORRESPONDENCE** was read and contents noted. Treasurer and Sheriff reports were received for **March** 1996.

**HEALTH DEPARTMENT** Nurse Bette Sutter presented an amendment to the WIC (Women, Infant, and Children) Contract for review. Comm McClellan moved to sign this amendment, seconded by Comm Story and carried. Other items discussed were the Community Health Plan and a need for more office space.

**LANDOWNER Buzz Crowley** and Don **Crowley** presented a plat for a planned subdivision. Planning Manager Ginger Black was present. Action was **tabled** until all the necessary paperwork is completed.

**ABATEMENT:** Assessor Bob Cruzan being present, a petition for abatement of property tax was presented for **Delbert D. Darland and Clifford A. Darland, #11 5611-352-03-002-CO24, 1994, erroneous assessment, \$26.43 and 1995, erroneous assessment, \$22.91, erroneous assessment.** Assessor Office representatives Leander Gridley and Tom Rice were also present. Comm McClellan moved to **approve** this petition, seconded by Comm Story and carried. All the proceedings were taped for the record, and it was noted that the Assessor and all the Commissioners were present.

**LANDOWNER Patti Elliott** (Glen Elliott), owner of 20 acres, asked if they could split *off a* one-acre parcel for commercial use. She was told that if this is done, the one acre parcel would be restricted to commercial use only. Also discussed was the option of creating a minor subdivision - 3 and 17 acre parcels, with applicable impact fees of approximately \$2,400. They will consider both options and come back later.

**PLANNING:** A planning resolution P-19-96E **After-The-Fact** was presented whereas **Junior (Jack) L. and W. Jeanne Smith**, owners of 160 acres, would be granted an exemption to the subdivision regulations to record a 10 acre tract that he deeded to his son Randy L. Smith and his wife Deidre L. Smith in 1982 in Section 30, T.36N., R.13W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm McClellan and carried. A planning resolution **P-20-96E** was presented whereas **Paul Varnell**, owner of 45 acres, would be granted an exemption to the subdivision regulations to record a 3 acre tract in Section 20, T.35N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. \*\*\*\* Other items discussed were; (1) A request from **Ken Polich** for approval of an after-the-fact exemption for a 3-lot split. Mr. Polich believed the 3-way split was made in 1988. County records show that the buyer, Fred Crouse, only requested one lot be varied out, P-48-88, and only one split was paid for by Mr. Crouse. Mr. Polich will be informed that, if he desires to split the acreage, he will have to create a minor subdivision. (2) A clarification was requested from **John and Gwenlyn Decker** on acreage bought in 1960 as three separate parcels, but combined on their tax bill. They will be informed that they should check with their Title Company to see if the lots are okay so the property can be sold the same way it was purchased.

**STATUTES** on major street plans were read. It was suggested that any land development within 3 miles of the City limits be submitted to the City for comments in connection with their major street plans.

**SOUTHWEST COMMUNITY RESOURCES (CDBG):** Request for reimbursement from Colorado Housing and the First Quarterly Report were **signed**.

**SOUTHWEST MEMORIAL HOSPITAL:** A group (see attached list) concerned about the Montezuma County Hospital District's plan to privatize the operation of Southwest Memorial Hospital, and Clerk Evie Ritthaler met with the Board. These proceedings were taped for the record. **Clerk Ritthaler stated** that she had been contacted by an individual, who asked about the procedure to recall District members. This procedure was explained to the individual. As a result of this request, she met with Southwest Memorial Hospital representative Steve Selzer for more information on the proposed changes. Clerk Ritthaler told the individual that she would meet with the Board of Commissioners with the concerns about the changes. The group decided to also meet with the Board. Donald Jolovich read a letter "Taxpayer voices lost by hospital restructuring? submitted to the Cortez newspaper Editor and other issues (see attached). **Shelia Wilson** read "Our Concerns - Donald and Sheila Wilson (see attached). **Florence Bane** voiced her concerns and stated she felt that there should be an audit of the Hospital and an appraisal of the building. Mancos School representative **Katherine Young** reported that at this time the Hospital is not accepting the Blue Cross HMO plan carried by the school. Blue Cross Chairperson **Katherine Falcon** (Mancos School) stated that there is a problem if the Hospital cannot work with the Group Plans. **Jim Aulston** expressed his concerns. **David G. Long** presented a letter expressing his concerns (see attached). After it was affirmed that statutes will be researched and the Board will meet with Hospital representatives about the concerns before the scheduled June 1, 1996, change over.

**CITY OF CORTEZ representatives Manager Bill Ray, Bob Diederich and Attorney Cliff Fossum** met to discuss the proposed Justice Building - Airport trade. Attorney Fossum presented a Draft Agreement. The agreement was reviewed and discussed. A meeting was tentatively scheduled for April 22, 1996, for finalization of the agreement.

**KOCH MATERIALS** representative **Bill Barton** presented a letter stating their proposal to correct the unacceptable oil job on CR F and CR 25 (landfill) and CR B (McElmo Canyon). See minutes of April 1, 1996. The proposal was accepted. A letter of acceptance will be written and sent to Koch Materials and they will prepare and submit a contract for the project.

**ROAD DEPARTMENT** Supervisor Tim McComb stated that the road cut for the Lee **Hindmarsh** project was bid out. The SCS office will pay 65% of the cost. The Board asked Supervisor McComb to inform Lee and Hindmarsh that the County will split the remaining cost with them. Supervisor McComb stated they are still looking for a screening plant to purchase. Installing pipe as a long-range solution to the **Chester Tozer** ditch problem was discussed. Action is **tabled** - information on a less costly solution from Steve Harris is needed. The ditch has been cleaned out.

**POLICY - MONTEZUMA COUNTY SICK LEAVE POOL (EXPLANATION AND AGREEMENT):** Comm Story moved to **approve** the explanation and agreement effective July 1, 1996, (see January 22, 1996 minutes, Policy Donation of Sick Leave), seconded by Comm McClellan and carried.

**BOARD OF SOCIAL SERVICES** was conducted.

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

Deputy Clerk    Chairman

April 8, 1996

SEAL

**Minutes 04/15/1996 Regular**

PROCEEDINGS OF THE **BOARD OF COMMISSIONERS**  
**MONTEZUMA COUNTY, COLORADO**  
APRIL 15, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 15, 1996, at the courthouse in Cortez, Colorado, there were present:

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

**MINUTES** of the previous meeting held on Monday, April 8, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm Colbert and carried.

**MISCELLANEOUS CORRESPONDENCE** was read and contents noted.

**ACCOUNTS PAYABLE;** General fund vouchers **#29731 thru #29909** in the amount of \$112,079.62, Road fund vouchers **#29910 thru #29978** in the amount of \$52,241.23 and Landfill fund vouchers **#29979 thru #29998** in the amount of \$43,084.86 were approved for payment.

**DOLORES FIRE PROTECTION DISTRICT** representative **Angela Broderick** stated that their Energy Mineral Impact Assistance Program Grant application was turned down. The fire district still wants to build a sub-station. She asked if the County could do any in-kind work and/or furnish gravel for the project. The Board stated that the county can contribute gravel if the district takes care of the hauling. The suggestion was made that they ask private contractors and/or fire district members to volunteer work and equipment. A match with county in-kind work might then be possible. Other ways to raise money for the project were discussed.

**LANDOWNER Ken Polich** met to ask for an after-the-fact exemption (see minutes of **April 8, 1996**). After discussion, Mr. Polich was told he will need to create a two-lot minor subdivision. Impact and administration fees will be approximately \$1,200.00.

**LANDOWNER Betty Porter** met to discuss applicable administration and impact fees, if she decides to purchase 2-1/2 acres from Jackie Wallace (see minutes of June 13, 1994 and February 27, 1995). Any exemption is contingent on Ms. Wallace completing the appropriate paperwork and a stipulation that any building constructed on the property be done on the 2 1/2 acre portion. Impact and administration fees will be approximately \$1,700.00.

**OFFICE OF COMMUNITY SERVICE:** Mike Preston and the Board discussed obtaining more input on rural development land uses.

**PLANNING:** A planning resolution **P-21-96E After-The-Fact** was presented whereas **Thomas J. and Toni R. Kelly**, owners of 4.87 acres, would be granted an exemption to the subdivision to record an after-the-fact exemption on this 4.87 acres in Section 4, T.37N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to **adopt** this resolution, seconded by Comm Colbert and carried. A request from Kent Williamson representing **John Lewis** to trade a 5.75 acre parcel

that has no utility easements and is in the middle of an acreage owned by Harold and Doris French for a 3 acre parcel owned by the Frenchs that has roadaccess and utility easements. The 5.75 acre tract was bought before 1973. Tentative **approval** was given for the trade, contingent on the French's understanding that the 5.75 acre tract cannot be sold as a separate parcel and will be included in their total acreage. The 3 acre parcel will need an exemption and administration fees of approximately \$300.00 will be applicable.

**PRIVATE LANDFILL:** The possibility of a private landowner operating a landfill in the County was discussed. Statutes were reviewed. Action was **tabled** until further information is obtained.

**NAVAJO NATION COUNCIL** representative **Andrew Tso** presented a "Resolution of the Aneth Chapter, Aneth (Navajo Nation), Utah, requesting the Montezuma County Commission and District Attorney George R. Buck to review the standards used in Montezuma County for the prosecution of Indian criminal defendants and to review the prosecution of **Timothy Joe Beletso** and offer a plea agreement in which he would serve no further jail time" (see attached). Montezuma Sheriff Sherman Kennell, Undersheriff Bob McDonnell, and Deputy Johnson were present. Sheriff Kennell explained the procedures, by law, that his department has to follow. Mr. Tso was advised to go through the Court System with his requests. The Board expressed their appreciation to Mr. Tso for his desire to increase cooperation with the County to solve problems between the two entities.

**SOUTHWEST MEMORIAL HOSPITAL** Emergency Room Director Dr. **Michael Duehrssen** presented information for the creation of a Regional Trauma System as dictated by State of Colorado legislation under the Department of Health and Environment. Southwest Memorial Hospital is applying for a Trauma Level 3 designation. Dr. Duehrssen stated they need the support of the Board. This was affirmed. Area Advisory Trauma Council members need to be appointed by the Board of County Commissioners. Dr. Duehrssen agreed to compile a list of qualified persons for the Board's consideration.

**DEPARTMENT HEADS:** Clerk Evie Ritthaler, Extension Office Director Jan Brandt, Finance Officer Mary Ann Sanders, and Treasurer Bobbie Spare met with the Board. **Clerk Ritthaler** stated that cost figures are being compiled and will be submitted for the presidential primary election. Fees charged by the different departments, and changes made to the courthouse security were discussed. **Director Brandt** reported that the final plan for Extension Office reorganization will be received this week. **Finance Officer Sanders** asked if all the departments had received their copy of the Montezuma County Sick Leave Pool Policy. This was affirmed.

**DOLORES CEMETERY** employee **George Green** asked if the septic fee can be waived for the new septic system at the cemetery. He stated that Sanitation Manager Mick Periman is working with them on the system. The fee was waived.

**LIQUOR LICENSES:** Deputy Clerk Betty Davis stated that **Eagle Claw Trading Post** owner is changing the classification of the establishment from individual ownership to a cooperation. The transaction will be handled as a transfer of ownership. The Board affirmed that no public hearing will be required. Deputy Davis presented an application for renewal of a retail liquor store license for **Smitty's Liquor**. The Sheriff Department reported no problems with the establishment. Comm Story moved to **approve** the application, seconded by Comm Colbert and carried. Deputy Davis presented an application for renewal of a **3.2% beer** license for the **Maverik Country Store**. Since the establishment is owned by an out-of-state cooperation, a Certificate of Good Standing was received. The Sheriff and Health Departments reported no problems. Comm Story moved to **approve** the application, seconded by Comm Colbert and carried.

**STATUTES** on Special Hospital Districts and a pertinent case were reviewed. Further research will be done. **BOARD OF SOCIAL SERVICES** was conducted.

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

**JUSTICE BUILDING - AIRPORT trade** draft agreement was discussed. Attorney Slough will talk with City of Cortez Attorney Fossum about details for finalization of the agreement.

**DISTRICT 2** republican candidate **Bob Goffinett reported that** he met with Representative Jim Dyer about including the six miles of highway north of Dolores, CO in the proposed highway construction work on Hwy 145. He will continue to pursue this.

**ROAD DEPARTMENT** Tim McComb asked for input on the four 10 hour day work, week (see minutes of March 4, 1996). Discussion was tabled. They are still working on CR G (McElmo Canyon). Landfill road (CR 25) was damaged from steel rafters being moved on it by resident Bob **Moore**. The Sheriff's department sited Mr. Moore for the damage and he was presented a bill for the repair. A complaint of loose gravel on the upper portion of CR 8 was received -the gravel will be removed. **Koch Materials** is scheduled to repair CR 25 (landfill) chip/seal in June, and complete the three chip/seal lifts on CR G (McElmo Canyon) by the end of August 1996. Administrator Weaver stated that the Energy Impact Grant requires that the CR G (McElmo Canyon) project be an engineered project. The Board affirmed that retired County Engineer Bud Roach will be contacted and offered the job. It was noted that all present and future work needs engineer approval. If Engineer Roach accepts the job, he will also be asked to contact and work with Steve Harris on a solution for the Tozer ditch.

**PAXTON SUBDIVISION:** Comm Story moved to **approve and sign** the Paxton Subdivision plat, seconded by Comm Colbert and carried.

**HEALTH DEPARTMENT** Nurse Bette Sutter met to discuss proposed Southwest Memorial Hospital changes. She presented an **Amended Single Entry Point Agency Contract** for signature. The amendment was **signed**.

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

Deputy Clerk  
April 15, 1996  
SEAL

Chairman



**Minutes 04/22/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 22, 1996

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF MONTEZUMA        )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 22, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, April 15, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

VOLUNTEER FIRE DEPARTMENT representatives Charlie Mitchell and Lyle Cox met to discuss out-of-control residential fires (burning ditches, trash, etc). Discussed were ideas on how to raise public awareness of the problem, the need for weather to be considered before any burning, and lack of enforcement without authority. It was noted that the Sheriff is the designated Fire Warden for the County. These concerns will be discussed later in the day with him.

CONTIGUOUS COUNTY GAMING COMMISSION representative Bob Brubaker reported on a recent meeting with the Commission. A letter from the Ute Mountain Ute Tribe was reviewed. The proposal of a cost-shared study between the Ute Mountain Ute Tribe, Gaming Commission, and Montezuma County was discussed. Suggestion was made, that if such a study is done, it should be done by an independent company. Gaming Commission representatives will be contacted for more information concerning the proposal.

RESIDENT Jay Balfour expressed that he felt that the Montezuma County Hospital District's annual mill levy monies should be used to fund a permanent local dispatch center.

TOBIN SUBDIVISION: Owner Mike Tobin submitted the final plat. Comm McClellan moved to approve and sign the final plat for the Tobin Subdivision, seconded by Comm Story and carried.

EAGLES OVERLOOK cluster developer Carter Norris and Realtor Bob Durant met to discuss the project. A plan was presented. It was noted that this plan had not been seen by the Board before. One 18-foot Phase I road has five sites instead of the allowed four sites, and will have to be looked at before final approval (see minutes of May 15, 1995, policy). Maps were presented showing proposed septic systems, driveway easements, and access roads and were discussed. It was noted that the Department of Transportation has verbally denied access through the former Gift property, now owned by Mr. Morris, unless there is a highway acceleration/deceleration lane. Mr. Norris stated that this access is now not being considered. Access will be off CR 27. Planning Manager Ginger Black was present and stated that there needs to be another agency review, because of access and plat changes. Mr. Morris asked that the Board allow a 20-foot road surface, instead of the required 24-foot road surface for the roads in the cluster development. He feels that with the narrower roads, speed will be lower and visual aesthetics will be better. Action was tabled until more information is obtained from Engineer Steve Harris or) acceptable road widths, and a standard and guideline for cluster-developments is prepared.

BOARD OF SOCIAL SERVICES was conducted.

DAY CARE ASSOCIATION representatives Jimmie Young, Lori Harris, Sherri Kuhn-Pershing and Patsy Archibique met to discuss the State (80%) - County (20%) funded program. Social Services representatives Debbie Cline and Nila Tortoriello were present. Social Services Director Weaver explained the funding for the program and presented 1996 department budget figures. After discussion, it was affirmed that pay for these services would remain status quo. Better communication between the Association and Social Services Department was encouraged.

SOUTHWEST MEMORIAL HOSPITAL Administrator Steve Selzer, Montezuma County Hospital District Board members, Byron Maynes and Aryol Brumley and Attorney Kent Williamson met with the Board. Presented was a copy of a letter sent to Administrator Selzer from Attorney Williamson and Chicago Attorney Monte Bubo. The letter stated that their legal interpretation of the service plan is that the Montezuma County Hospital District does not have to petition the County Commissioners. Also present were Donald and Judy Jolovich, Joe Reedy Florence Bans and Sheila Wilson. Several concerns were expressed by them. The Montezuma County Hospital District Board's scheduled public hearing for April 24, 1996, was noted. If there are still unresolved issues after the hearing, Comm Colbert asked if the hospital and the concerned citizens could form a working group to address these? Both entities agreed to this. The Board stated that they have received a number of calls from the residents about the proposed restructuring.

RESIDENT Ron Volz met with the board to discuss ditches not being pulled on CR L and 22. Road Supervisor McComb was present.

CELSIUS ENERGY (Reliable Exploration, Inc.) representative A. W. Mungall asked if his seismograph company could shout or run surface cable across fairground property. He was advised to meet with Fairground Manager Danta Sena for location of utilities and acceptable location for the cable. Seismograph permit for running surface cable was reviewed and signed.

ROAD DEPARTMENT: Supervisor Tim McComb, Engineer Steve Harris and Engineer Roach were present. Items discussed were: (1) Eagles Overlook cluster road widths - Engineer Harris will do an on-site inspection. (2) Tozer ditch problem on CR G (McElmo Canyon) - Engineer Harris recommended that the hill side be cut. This will be considered. It was noted that Mr. Tozer would have to be asked to give some right-of-way. (3) Engineer job offer to Engineer Roach for the CR G (McElmo Canyon) project - Engineer Roach accepted. The need to compile costs for the entire project and available monies was discussed. \*\*\*\*\* Road Supervisor that the Cortez District foreman position needs to be filled. Someone will be assigned from the current staff as temporary foreman. Supervisor McComb reported that interviews will be held for the mechanic position. After discussion, it was determined that a truck driver position also needs to be filled.

CORTEZ JOB SERVICE CENTER LEASE AGREEMENT: After review, Comm Story moved to sign the Lease Agreement for the Cortez Job Service Center from July 1, 1996 to July 1, 1998, seconded by Comm McClellan and carried.

COLORADO DEPARTMENT OF TRANSPORTATION HIGHWAY USERS TAX: Comm McClellan made a motion to sign the Highway Users Tax road inventory, with the understanding that further research will be done to correct the discrepancy of 17.4 miles. The motion was seconded by Comm Story and carried.

CITY OF CORTEZ Manager Bill Ray and Attorney Cliff Fossum presented the final Justice Building - Airport trade agreement. Proposal to retain common ownership of the airport land was discussed. Comm McClellan moved to sign the Justice Building - Airport Trade Agreement, seconded by Comm Story and parried. Manager Ray asked for a free landfill day in connection with their annual clean-up day, which includes the entire county. Comm McClellan moved to approve a free landfill day on June 1, 1996, with restrictions of some items and no commercial, seconded by Comm Story and carried.

04-22-96

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SHERIFF Sherman Kennell reported on the sale of a car and upcoming trade/sale of old guns. He asked if the old guns can be sold to sheriff deputies and/or posse members. After discussion, it was affirmed that the bid from the dealer can be accepted to trade the old guns for new guns, but any sale of the guns needs to be advertised, and be in compliance with any applicable gun laws. Sheriff Kennell explained the crime prevention elementary school program that volunteer Deputy Johnston will be conducting. Expenses incurred to buy a uniform and badges for the program in the amount of \$400 were approved. Sheriff Kennell stated that a fund drive is being conducted to collect funds to pay for a McGruff suit, which will also be used in the program, and asked how these funds should be handled. He was told he needs to use the voucher system for monies collected and payments made. Sheriff Kennell was asked about input for enforcement of residential fire control. He stated that there is no law in place to recapture any expenses for fighting these fires. It was noted that the Board will consider going to the State legislature for a change in the law.

DENMARK STUDENTS: Three Denmark students met with the Board. Their questions about local, state, and federal government were discussed.

PLANNING: A verbal request from Roberta Peterson to split off and sell 25 acres from a 60 acre tract was tentatively approved. A verbal request from David Lindsay to split 5 to 6 acres from 56 acres was tentatively approved. It was noted that every lot in a subdivision needs to be checked for a suitable septic system and that the buyer needs to be informed of the type of system that is acceptable. Administrator Weaver stated that Sanitation Manager Mick Periman has been notified of this requirement.

LONNIES SUBDIVISION: Comm McClellan moved to approve and sign the final plat for Lonnie's Subdivision, seconded by Comm Story and carried.

KNOLLMILLER SUBDIVISION: Comm McClellan moved to approve and sign the final plat for the Knollmiller Subdivision, seconded by Comm Story and carried.

ADJOURNED at 4:25 p.m.

Deputy Clerk      Chairman

April 22, 1996

SEAL

**Minutes 05/06/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 6, 1996

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 6, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, April 22, 1996 were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff and Treasurer reports for April 1996 were received.

PAYROLL: General fund vouchers #15386 thru #15509 in the amount of \$144,458.25, #24799 in the amount of \$15,848.71, #24800 in the amount of \$90,353.70, Road fund vouchers #15510 thru #15540 in the amount of \$45,856.32, #9326 in the amount of \$31,590.98, Landfill fund vouchers #15541 thru #15544 in the amount of \$6,164.13 and #0331 in the amount of \$4,246.02 were approved for payment.

JUSTICE BUILDING – AIRPORT TRADE AGREEMENT signed by all the parties was received and reviewed.

PROBATION DEPARTMENT: Comm McClellan made a motion to appoint Patrick Sheeran and Bob McDonne3ll to the Twenty-Second Judicial District Community Corrections Board. The motion was seconded by Comm Story and carried.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-07-96 to the Treasurer to pay \$646.93 from the 911 account to the U.S. West Communications, Denver, Co 80244-0001. The motion was seconded by Comm Story and carried.

RESIDENT Bob Moore presented pictures showing damage and repair on the landfill road (see minutes of April 15, 1996). He felt that the costs quoted to him for restitution were too high. Later in the day, Mr. Moore returned and this was discussed with Road Supervisor McComb. It was noted that this is a decision for the courts.

CONTIGUOUS COUNTY GAMING GRANTS: The priority list as agreed upon by the Committee for the gaming grants was presented by representatives as follows: Sheriff Department – Bob McDonnell, District Court – Sandy Weaver, Fire Districts – Patricia Higgins, Social Services – Kathy Talcott. The priority list was approved and the grant applications were signed.

COMMISSIONER Colbert was absent from 9:30 a.m. to 1:00 p.m.

HEALTH DEPARTMENT Nurse Bette Sutter stated that the department will schedule cholesterol screening for county employees during the months of June, July and August. She asked if the county would pay for refreshments during the screenings - this was approved. A request for lottery funds for a prevention for substance abuse summer camp program was tabled. AAA Title III-D and Title III-F contracts were discussed. Amendment to the WIC contract was resigned.

LANDOWNER Bruce McAfee asked if there would be any problem if he sold his land that has a shared easement with the County shop. Action was tabled until the deed is reviewed. Mr. McAfee will be contacted with the information.

RV PARK owners Elmer and Vanda Jones (see minutes of August 1 and August 15, 1994 and October 23, 1995) presented a letter from the State of Colorado in connection with the State regulations. The letter noted that State regulations only apply if the park generated over 2,000 gals of sewage a day. They were told that since their park does less than this, they will need to comply with county regulations. Mr. Jones asked for and was given a copy of the county regulations for an RV Park. They will need to complete an application, submit all the required paperwork, and go through the Planning Commission/Public Hearing procedures.

LIQUOR LICENSES: Deputy Betty Davis presented an application for renewal of a 3.2% beer license for the McPhee Marina Recreational Complex, Inc. The Sheriff Department reported no problems with this establishment. Comm Story moved to approve the application, seconded by Comm McClellan and carried. Deputy Betty Davis presented an application for renewal of a Hotel and Restaurant liquor license for Nanny's Beanery. The Sheriff Department reported no problems with the establishment. Comm Story moved to approve the application, seconded by Comm McClellan and carried.

EAGLES OVERLOOK Cluster Development representative Realtor Bob Durant reported that owner Carter Norris is scheduled to meet with the Department of Transportation Friday, May 3rd. Width of roads and number of allowed sites were discussed. Planning Manager Ginger Black presented information on road width requirements by other counties. It was noted that before any final decision, the Board needs to review the State Highway access codes. Action was tabled until the final proposal is presented. Mr. Durant's request that the cost of the Geological Hazard report be deducted from the county fees was denied.

AMENDED NOLAND SUBDIVISION, Comm Story moved to approve and sign the Noland Subdivision amended plat, seconded by Comm McClellan and carried.

VERDE ACRES, UNIT II SUBDIVISION: Comm Story moved to approve and sign the Verde Acres, Unit II, resubdivision of Lot 20 (owners James and Mindy Rosenbaugh), seconded by Comm McClellan and carried.

PLANNING: A planning resolution P-22-96E was presented whereas Harold and Doris French, owners of 67 acres, and John and Margaret Lewis, owners of 5.75 acres, would be granted an exemption to the subdivision regulations in Section 9, T.36N., R.13W. Mr. French will trade a 3 acre tract connected to CR 41 for a 5.75 acre parcel. The 5.75 acres will become part of the 67 acres currently owned by the French's and will not be considered a separate parcel to be sold. This the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Buzz Crowley to split 15 acres from 56 acres and sell this parcel to Richard Tibbets was tentatively approved. A verbal request from Rodney Reidhead to create a minor 3 lot subdivision was tentatively approved.

ADJOURNED FOR LUNCH with the City of Cortez and an on-site of CR G.2.

ROAD DEPARTMENT Supervisor Tim McComb stated that work on CR G (McElmo Canyon) is ahead of schedule. After considering all the options, approval was given for pipe to be installed in the Chester Tozer ditch. Mag-chloride scheduling was discussed. CR BB looks good. Supervisor McComb reported that bids will be let soon for the Oak Bridge replacement. Engineer Roach will be asked to look at the 17 mile discrepancy in the Highway Users Tax road inventory. Road department personnel assigned to work on CR G (McElmo Canyon) are working four 10 hour days until the project is completed.

05-06-96

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SOUTHWEST MEMORIAL HOSPITAL: Concerned citizens Joe Reed, Florence Bane, Sheila Wilson, and Judy Jolovich met to ask the Board to stop any action until a full disclosure is made of the proposed changes at the hospital. They stated again that they felt that there is a need for a complete audit and a vote by the people.

OFFICE OF COMMUNITY SERVICE: Mike Preston, Carla Garrison, Fort Lewis College representative Sam Burns, Colorado State University representatives Danny Lynch and Cathy Jones met to discuss the Pine Zone project. Mr. Lynch reviewed the Biomass Cogeneration at Western Excelsior Corporation Summary Report Timber Harvesting Study.

BOARD OF SOCIAL SERVICES was conducted.

VOLUNTEER Nancy Johnston presented her crime prevention programs that she is presenting at the elementary schools. The Board commended her efforts.

FIRE STATUTES were read.

ADJOURNED at 5:00 p.m.

Deputy Clerk    Chairman

May 6, 1996

SEAL

Online Copy

**Minutes 05/13/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 13, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 13, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, May 6, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. A letter from Stanley Morris concerning the completion of the proposed comprehensive land use plan by the July 1, 1996, deadline was noted.

ACCOUNTS PAYABLE: General fund vouchers #29999 thru #30185 in the amount of \$115,444.62, Road fund vouchers #30186 thru #30236 in the amount of \$41,465.95 and Landfill fund vouchers #30237 thru #30253 in the amount of \$22,282.05 were approved for payment.

SOUTHWEST MEMORIAL HOSPITAL representative Attorney Kent Williamson presented a copy of House Bill 96-1295, effective July 1, 1996. This and the lease agreement document were discussed with Attorney Williamson.

BOARD OF COUNTY COMMISSIONERS discussed action to take in connection with the proposed changes at Southwest Memorial Hospital. The question was asked, How can an elected board (government entity) turn over monies to a private entity? After discussion the following motion was made. Comm Story moved to notify the Montezuma County Hospital District Board that they are required to petition the Board of County Commissioners for the proposed major service plan changes, seconded by Comm McClellan and carried. Comm McClellan moved to amend the motion to show that notification will be by letter, seconded by Comm Story and carried.

SUBDIVISION developer Cory Veach presented the final plat showing all the utilities signed off on his subdivision plat. Since Empire Electric's underground lines will be installed in the roads, completion of the roads has been postponed until this is done. Empire Electric has notified Mr. Veach that they will not schedule installation of the utilities, which includes utility placement in a lot line, until the final approval of the plat by the Board. Mr. Veach assured the Board that no changes in the lot lines would be made. Empire Electric was contacted and this information was conveyed to them. They stated that contingent on this information, the work will be scheduled. The Board tentatively approved the final plat, contingent on no changes in the plat design and completion of the roads within the subdivision. Mr. Veach requested that impact fee monies be used on CR 27. He was assured that monies would be applied to upgrade CR 27 and any monies left would be used on the other road in the area, CR H.

ENGINEER Bud Roach met to discuss the size of pipe for the Chester Tozer project. He recommended that 15" pipe be used. He was asked to come back and discuss this with Road Supervisor McComb and Chester Tozer at 1:30 p.m. He agreed to this.

ASSESSOR Bob Cruzan presented a letter from the Colorado Assessor Association about the passing of SB96-218 – “Concerning Possessory Interests for Purposes of property Taxation.” Comm McClellan made a motion that a letter, co-authored by Administrator Weaver and Attorney Slough and signed by all the Commissioners, be sent to Governor Romer requesting that he veto SB 96-218. The motion was seconded by Comm Story and carried.

LANDOWNER Walter Ertel stated that gravel trucks are using CR M and CR 26 in order to avoid using CR L which has a gravelled area that is rough. He asked if CR L could be repaired to alleviate this situation, since it is the closest route to the state highway. He was told that this will be considered.

SALT BRUSH SUBDIVISION (moderate) final plat was presented by developer Jim Candelaria. Comm McClellan moved to approve and sign the final plat, seconded by Comm Story and carried.

LANDOWNER Mae Lisenbury and Don Smith met to ask if Ms. Lisenbury's mother could split a 2 acre parcel into two 1-acre parcels. She would keep one for herself and sell the other to Mr. Smith. The request was denied since the acreage is too small to split.

UNDERSHERIFF Bob McDonnell was asked to comment on what action can be enforced by the Sheriff's Department in connection with dogs being a nuisance to neighbors in the county. Undersheriff McDonnell will check into what other counties are doing. Authority for a leash law will be researched. State and County vicious dog resolutions were mentioned.

PROPOSED INTERGOVERNMENTAL LEASE AGREEMENT between the Board of County Commissioners of Montezuma County and the Colorado Department of Labor and Employment was presented. Comm Story moved to sign the agreement, seconded by Comm McClellan and carried.

ANNUAL JOINT OPERATING AND FINANCING PLAN, ATTACHMENT 1 between the Montezuma County Sheriff, the Board of County Commissioner and the USDA, San Juan and Rio Grande National Forest from January 1, 1996 thru December 1996 was presented. Comm McClellan moved to sign the attachment, seconded by Comm Story and carried.

PLANNING: A planning resolution P-65-84 Amended was presented whereas Johnney and Cretia Burris, owners of 17.85 acres, would be granted an exemption to the subdivision regulations in Section 25, T.36N., R.15W. They would like to amend Resolution P-65-84 to give Mr. Burris' mother an additional 1.2 acres to make her acreage 3.02. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Claude Hassey to split 40 acres into two 20 acre parcels and create a minor subdivision was tentatively approved. A letter from Spring Canyon developer Cliff Fossum about use of his private subdivision road by other developers was reviewed. Action was tabled until the Board talks with Mr. Fossum.

LOTTERY MONIES: Clarification for use of lottery monies in regard to a request from a private school for playground equipment was presented. Local Affairs will be contacted.

JUSTICE BUILDING SPACE: Request for office space from the District Court, and other entities requesting such were tabled.

HEALTH DEPARTMENT: Proposed agreement between the Montezuma County Health Department and Southwest Memorial Hospital for a pre-natal nutrition program was tabled. Comm Story moved to deny Nurse Sutter's request for lottery monies for a prevention for substance abuse summer camp program (see May 6, 1996 minutes), seconded by Comm McClellan and carried.



ADJOURNED FOR LUNCH with Housing Authority representative Terry Wheeler.

ROAD DEPARTMENT SUPERVISOR Tim McComb reported that Dunlap and Kelly hills slide areas are holding. The request earlier by Walter Ertel was discussed. Repairing of CR L, to encourage gravel truck traffic on it instead of CR M and CR 26, was considered. Mountain Gravel and the City of Cortez will be asked if they will cooperate with the County in this endeavor. Use of impact fees from Jim chandelier's Salt Brush Subdivision for CR G and CR 24.5 was discussed. Harry Hall's access, fence, and gate problem was mentioned. Supervisor McComb reported work is on schedule on CR G (McElmo Canyon) project – Zwicker pipe is in. Turned in the application for the bridge on CR 27. Complaints about speeders on county roads were discussed. Use of a public awareness program to explain what speed does to county roads, instead of patrolling by the Sheriff's department was discussed. Mag-chloride just in front of homes on CR BB and CR 10 was done by Celsius Energy, Co. County road 28, Hindmarsh fence/land exchange project, has been surveyed.

LANDOWNERS Mr. and Mrs. Chester Tozer met to discuss the size of pipe they felt was needed for their ditch. Road Department Supervisor Tim McComb and Engineer Bud Roach were present. Fifteen inch pipe versus eighteen inch pipe was discussed. Mr. Tozer was asked if he would take responsibility for maintenance of the ditch if the 18" pipe was used – he said "no," since the problem with the ditch was created years ago when the county road was changed. Mr. Tozer stated that the 200 to 300 foot of flat section not in pipe was no problem. He asked that the county clean this section, since a backhoe is needed for the process. All options were discussed and recommendations made. Comm McClellan made a motion that the Road department install 18" pipe with a 24" culvert. The motion was seconded by Comm Story and carried. The county will consider keeping the 15" pipe already on site for other uses by the road department.

SOUTHWEST MEMORIAL HOSPITAL: Concerned citizens Joe Reed and Florence Bane met to ask if a decision had been made by the Board. The Board stated that a letter will be written to the Montezuma County Hospital District Board requiring that they petition the Board of County Commissioners. The letter will ask that they the Hospital District Board response to the request by next Monday, May 20, 1996. Mr. Reed and Ms. Bane were encouraged to meet with the Hospital District Board members and discuss their concerns. A copy of House Bill 96-1275 was given to them.

ADJOURNED at 3:15 p.m.

Deputy Clerk    Chairman

May 13, 1996

**Minutes 05/20/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 20, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 20, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, May 13, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for April 1996 was received.

SPRING CANYON SUBDIVISION: Developer Cliff Fossum and landowners Gregory Munson and Erik Hamerschlag met to discuss use of the Spring Canyon Subdivision road. Planning Manager Ginger Black was present. Munson and Hamerschlag, owners of 31+ acres located past the subdivision stated they would like to split their acreage into two parcels, with each owning their own parcel instead of the present joint ownership. They asked for clarification on use of the private subdivision road, and what would be required of them to obtain approval for the minor 2-lot subdivision. It was noted that according to information presented, Munson and Hamerschlag's deed gives them the right to use the private road. After discussion, Munson and Hamerschlag were told that any tentative approval for the minor subdivision would be contingent on: (a) bringing up to county specs the section of road from the cul do sac of the Spring Canyon Subdivision to their land, and (b) the Board receiving a copy of a Road Maintenance Agreement between them and the Spring Canyon Subdivision Landowner Association. Cliff Fossum stated he has no problem with the proposed subdivision, if these two items are done. Munson and Hamerschlag stated they did not have the funds to improve this section of road to county specs. They asked if they might continue using the road "as is" and build more than one home on the 31+ acres. This was affirmed.

PROPOSED COUNTY-WIDE BAN ON OPEN FIRES: Undersheriff Bob McDonnell and Fire Department representative Jay Balfour presented information showing the need to ban open fires in the county, and asked that the Board consider this, due to the existing dry conditions. Statutes were read. It was noted that other government entities including the Bureau of Land Management, Forest Service, and Mesa Verde Park have set forth a ban on open burning, etc. Comm Story made a motion (a) to adopt a resolution to ban open fires and prohibit trash burning in Montezuma County and, with such resolution being in effect until such time that conditions warrant a change in policy, and (b) to follow up with an enforceable ordinance to ban fires in accordance with State statutes. Motion was seconded by Comm McClellan and carried.

UNDERSHERIFF McDonnell presented Animal Control regulations adopted by Eagle County and Montrose City for review.

LOTTERY MONIES: Information obtained for clarification on use of lottery monies was mentioned. Funds should be only for facilities, activities, etc., that are used by the public (see minutes of May 13, 1996).

PLANNING: A planning resolution P-23-96E was presented whereas Roberta Peterson, owner of 60 acres, would be granted an exemption to the subdivision regulations to record a 25.03 acre tract, which is to be sold to Ran and Sheryl Englehard in Section 9, T.36N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Other items discussed: (1) Reiterated requirements that Elmer and Vanda Jones need to met before approval of their RV Park, (see May 6, 1996, minutes). (2) Proposed changes on the Salt Brush Subdivision final plat approved May 13, 1996, were discussed. It was noted that since the subdivision will be increased by two lots and go from a moderate to a major subdivision designation, developer Jim Candelaria will have to go through the Planning Commission with an amended plat. (3) Reiterated that driveway permit fees are only be charged for one access into a subdivision regardless of the number of lots. (4) Discussed Flanagan, Foster, Uranga families two proposed land trades (acreage will be attached to adjoining properties and not considered as separate tracts), and two proposed exemptions. Tentative approval was given, contingent on access, 3 acre minimum parcels, and surveys showing all the changes on the two 160 acre parcels.

BOARD OF SOCIAL SERVICES was conducted.

OFFICE OF COMMUNITY SERVICES: Mike Preston gave an update on the Pine Zone Project. Grand Junction, Co., newspaper article "Louisiana Pacific Corp. Sanctions Hit Small Loggers Hard" was noted.

ROAD DEPARTMENT Supervisor Tim McComb reported that the 18" pipe for the Chester Tozer project is being installed today. It was noted that CR L was graded and trucks are using it more. Supervisor McComb was asked to contact Richard Tibbets about his plans for chip sealing CR 26 in connection with the Mildred Estates Subdivision. Supervisor McComb stated that scheduled work on CR G (McElmo Canyon) is about done - still need to do three miles of gravel. Amount of subdivision impact monies available to do Kelly hill will be checked.

DEPARTMENT HEADS: Clerk Evie Ritthaler, Extension Office Director Jan Brandt, Health Department Nurse Bette Butter, and Road Department Supervisor Tim McComb met with the Board. Clark Ritthaler presented her, monthly report. Ballot issues and deadlines were discussed. Clerk Ritthaler reported that most of the maps have been moved to the Assessor's office. A request by the Assessor that the remaining maps have a new display rack instead of the cabinet now being used was discussed. Clerk Ritthaler feels that the cabinet is sufficient, but has no problem with the Assessor replacing it with a display rack, if he wants to pay for it. One recording Deputy Clerk recently attended a workshop which was paid for by the State. High cost of the presidential primary election was discussed. Health Department Nurse Sutter presented for review the Pre-natal Nutrition Program Contract between the Health Department and Southwest Memorial Hospital. Comm Story moved to sign the contract, seconded by Comm McClellan and carried. Scheduled cholesterol testing was discussed. Nurse Butter asked for an update on the Southwest Memorial Hospital proposal. She was told that the Board has not heard from the Montezuma County Hospital District Board. Extension Office Director Brandt discussed the Cooperative Extension 2000 - Implementation Plan - Final Draft. Effects of dry weather on the agricultural community were discussed. The extension office is working with several entities to develop a booklet for small acreage landowners to address water availability, what they can grow, etc. CRP regulations were discussed. Hiring of a Juvenile Crime Task Force facilitator was discussed.

05-20-96

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LANDOWNER Jack King met to discuss a septic system being put in at the Heritage Funding, Inc. (Nine Star Corporation property – see minutes of June 14, 1993 and August 22, 1994). He asked if a septic permit has been approved. He stated that he feels that the bridge into the property is too narrow for a sewage truck to come in to pump out any closed system. Sanitation Manager Mick Periman will be contacted and asked to do an on-site inspection of the site.

ADJOURNED at 12:30 p.m.

Deputy Clerk    Chairman

May 20, 1996

SEAL

Online Copy

**Minutes 05/28/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 28, 1996

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, May 28, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, May 20, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

CITY OF CORTEZ Manager Bill Ray and Rick Smith presented the Cortez Montezuma County Airport Taxiway Slurry Contract between the City of Cortez, Montezuma County, and Intermountain Resurfacing, Inc. for review. Comm McClellan moved to sign the contract, seconded by Comm Story and carried.

FAIRGROUNDS Manager Dante Sena met to ask that \$4,000 be deposited into a revolving petty cash account to pay drivers after the scheduled Friday race. The fund will be reimbursed with monies made from concession and ticket sales. All receipts will go into the General Fund - the only funds going into the petty cash account will be monies authorized by the Board. Checks and balances will be in place to account for all monies collected, and vouchers will be submitted for each expenditure. After each race, a financial report will be filed with the Board the following Monday. Current fees for tickets were discussed. Comm Story moved to adopt the ticket charges of \$5.00 for adults and \$3.50 for children, seconded by Comm McClellan and carried. Success of the procedures will be checked periodically. Other items discussed were horse boarding, income, activities, races and oil burners.

BUTLER/TWIN SPRUCE SUBDIVISION landowners Jimmie and Mary Patton and John and Charleen Patton met to ask for approval of an internal change of a boundary line within two separate lots jointly owned by them. The amendments and maps showing the land involved in the Twin Spruce Ranch/Butler Subdivision were reviewed. It was determined that the Patons would need the sign off of property owners on their side of the river, since all the amendments and changes had changed and separated lands in the original subdivision. Action was tabled. \*\*\*\*Later in the day, the Paton's met with the Board again. A fax was received from Virginia Lee James, the only other property owner, stating she had no objections to the proposed change. The Pattons were told that an original notarized copy of the fax needs to be recorded with the amended plat. Comm Story moved to approve the lot boundary change for Lot 28 and Lot 29 of the Butler/Twin Spruce Subdivision, which is separated by change and severed by the Dolores River, seconded by Comm McClellan and carried.

UNDERSHERIFF Bob McDonnell presented a report an the Leadership Montezuma program. He gave applications to the Board for anyone they might know that would be interested in the program this year.

**FREE LANDFILL DAY:** Baker Sanitation owner Les Baker and Dolores Mayor Jim Cattles met to discuss the upcoming free landfill day scheduled for June 1, 1996. Mr. Baker stated that his company, in the past, has donated equipment and paid for part of the dump fees for cleanup efforts in Mancos, Dolores, Dove Creek and Rico with the towns paying for any remaining charges. This year the City of Cortez Manager Ray contacted the towns of Mancos and Dolores and included them in their annual clean-up day. Mr. Baker said he does not have enough equipment to do this efficiently if the clean-up is all scheduled on one day. Since it has been published and planned, Mr. Baker asked for approval to continue hauling his bins the next day, if necessary. This was affirmed. It was noted that Baker Sanitation's goodwill policy can be continued as they see fit – separate and apart from the free landfill day. For clarification, the Board stated that (a) the Community Clean-up Day is for individual residents to have an opportunity to take their trash to the landfill free for one day; (b) the free day is only for Montezuma County residents; and (c) Mr. Baker's concerns will be addressed, if there is another free day approved next year.

**DOLORES COUNTY** representative Barbara Smith met to ask for clarification on the free day at the landfill. She was told that the day is only for residents of Montezuma County, and fees will be charged for any trash from Dolores County.

**PROPOSED FIRE BAN – ORDINANCE 1-96:** Two options were presented and discussed. Comm Story made a motion to introduce Ordinance 1-96 (see attached), read it, and submit it for publication with the notice that the proposed Public Hearing will be on June 10, 1996 at 10:00 a.m. The motion was seconded by Comm McClellan and carried. Comm Story introduced the ordinance and Comm Colbert read it. It will be published this week in the Mancos Times, the Dolores Star and the Cortez Sentinel.

**PLANNING:** A planning resolution P-82-77 After-The Fact was presented whereas Edward G. Merritt, Jr. and Sheryl H. Merritt, owners of 12.78 and 29.22 acres would be granted an exemption to the subdivision regulations to record an after-the-fact variance on the 29.22 acre tract in Section 17, T.37N., R.15W. June Lee Merritt obtained a resolution on the 12.78 acres on December 5, 1977 when the property was first split – the second parcel should have been included in that resolution. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Ernie Scheller to cancel a variance was presented. Tentative approval was given for Mr. Scheller to vacate planning resolution P-15-85 and split 4 acres from 52 acres under a new exemption. Also mentioned was Elmer Jones' problem with requirements for his RV Park. The Board stated that Mr. Jones should be told to come to them, if there are any further problems. It was noted that from now on the Administration Office will record all subdivision plats – cost will be paid out of administration fees.

**WHITEWOLF SUBDIVISION (MODERATE):** Comm Story moved to approve and sign the Whitewolf Subdivision final plat, seconded by Comm McClellan and carried.

**BEAR CREEK RANCH SUBDIVISION:** Final plat was submitted and reviewed for the Bear Creek Ranch Subdivision, which includes a Conservation Easement. Action was tabled until all pertinent paperwork is signed and house site and road easement in the conservation easement is addressed.

**LANDOWNER** Jack Gallagher representing landowner Pat Harden Mr. Harden proposed minor 2-lot subdivision. Right-of-way discussed. Action was tabled until minutes are researched restrictions by the Board to Rodney Carriker on the access.

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ROAD DEPARTMENT Supervisor Tim McComb reported that all the mag-chloride is done except for some sections that need to be re-done. A letter from a resident on K.6 asking if he could pay the county to do mag-chloride in front of his property was discussed. Supervisor McComb was asked to check with the resident. Lack of local contractors to do this work was discussed. Repair of holes and need for guardrail on CR 27 will be checked and guardrail will be installed for approximately 20 feet. CR L was mentioned. It was affirmed that chip/sealing the gravelled section of the road will have top priority, as soon as they start this year. Supervisor McComb was asked to contact Mildred Estates developer Richard Tibbets to schedule work on CR 26. The one mile section will be prepared (bladed and shaped) by the county, and Mr. Tibbets will put on two lifts of asphalt. CR O's (McElmo Canyon) nine miles will be done by the end of the week. The Local Affairs contract is about done. Oil companies will be contacted for share of funds for the McElmo project. They are still making chips at the McElmo gravel pit. Consideration to purchase a screen was tabled due to current budget restraints. CR BB is rough again. Funds available to do some work on Kelly Hill were discussed. The mechanic position has been filled.

AMENDED WORK PLAN/FINANCIAL PLAN between the Montezuma County Commissioners and the U.S. Department of Agriculture, Animal and Plant Health Inspector Service, Animal Damage Control was signed.

FARM SERVICE AGENCY representative Paul White met to discuss the county-wide drought and what help is available through his agency. He asked for a letter from the Board stating they agree with a request for and need of the Non-Insurable Agriculture Program (NAP), and a letter asking for relaxation of the requirements in connection with planting crops. This was affirmed.

STATUTES for proposed dog and cat ordinance was discussed. Action tabled until Montezuma County 1988 ordinance is checked.

ADJOURNED at 3:15 p.m.

Deputy Clerk    Chairman

May 28, 1996

SEAL

**Minutes 06/03/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 3, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday June 3, 1996, at the courthouse in Cortez, Colorado there were present:

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

MINUTES of the previous meeting held on Tuesday, May 28, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for May 1996 was received.

PAYROLL: General Fund – Payroll vouchers #15553 thru #15674 in the amount of \$140,771.67, District Attorney voucher #24996 in the amount of \$15,848.71, County Treasurer voucher #24997 in the amount of \$89,434.11; Road Fund – Payroll vouchers #15675 thru #15704 in the amount of \$44,132.56, County Treasurer voucher #9385 in the amount of \$29,745.61; and Landfill Fund – Payroll vouchers #15705 thru #15708 in the amount of \$6,164.13, County Treasurer voucher #0356 in the amount of \$4,246.02 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-08-96 to the Treasurer to pay \$647.35 from the 911 account to the U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

SANITATION Manager Mick Periman reported on the Heritage Funding, Inc. (Nine Star Corporation) property sewage systems. One septic disposal company was contacted and asked if they could service the one holding tank system. They did it once, but stated they would not do it again, since they felt that the bridge decking is unsafe. At this time there is one percolation and one holding tank system on the property. Manager Periman stated that either the bridge has to be repaired or the holding tank system needs to be replaced by a percolation system. He will continue to work with the problem. A request from a landowner for approval of another septic system on two separate/adjoining parcels (5+ acres and 3+ acres), that total 9 acres and already has two septic systems was discussed. The landowner will be asked to amend the boundaries of the 9 acres to create three, 3-acre parcels.

LANDOWNERS of 2.6 acres, Mike and Judy Dyster met to ask for approval to replace three septic systems that are not up to standards, with two new systems. Sanitation Manager Periman was present. After discussion, they were told that they need one engineered system that will accommodate two households.

U.S. FOREST SERVICE representatives Mike Znerold and Mark Tucker gave a brief update on forest drought conditions in connection with grazing timber and other uses. The Board recommended "status quo" and stated they would cooperate in any way needed.



SOUTHWEST MEMORIAL HOSPITAL: Concerned citizens Sybil Jashowski, Don and Judy Jolovich, Florence Bane, Galen Larson and Joe Reed met to discuss the Montezuma County Hospital District's "Revised Lease and By Laws" and "Summary of the Audited Financial Statement for 1994 – 1995." Mr. Jolovich presented their concerns (see attached) and stated that they recommended a full audit by an independent non-affiliated Certified Public Accounting Firm. Statutes were read for petition procedures. They were told that Attorney Williamson was scheduled to meet with the Board later in the day.

LANDOWNER Patti Elliott (Glen Elliott) stated that they have decided to create a minor 2-lot subdivision (see minutes of April 8, 1996), and asked for tentative approval. This was affirmed. Planning Manager Ginger Black was present.

PLANNING: A planning resolution P-24-96E was presented whereas Ernest and Bernice Scheller, owners of 52.54 acres, vacate Resolution P-15-85 which created 4 tracts and were granted an exemption to the subdivision regulations to record a 4.55 acre tract, leaving 47.99 acres in Section 6, T.34N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Other items discussed: (a) Ruth Smoot and James Wynes boundary adjustment. It will be recommended that for a clear title they need to apply for an exemption – fees will be charged for one exemption. (b) Impact fees for RV Parks, mobile home parks, and commercial recreational developments. It was determined that fees will be charged for RV Parks (overnight), since there are regulations in place, but no fees will be charged at this time for mobile home parks or commercial recreational developments, since there are no regulations in place at this time for mobile home parks or commercial recreational developments, since there are no regulations in place at this time. (c) Request by Jack Gallagher (see May 28, 1996 minutes) for approval of Mr. Harden's proposed 2-lot subdivision. Rodney Carriker variance reviewed. Contingent on 60' easement, tentative approval was given. (d) Change in the McDonald Subdivision (Minor) pre-sketch plat. It was noted that there will be no fee charged for Lot 4 (35 acres) which will be part of the proposed subdivision. The proposed subdivision was tentatively approved.

SOUTHWEST MEMORIAL HOSPITAL representative Attorney Kent Williamson presented Petition C.R.S. 32-1-207 – Montezuma County Hospital District files a Petition seeking the approval of the Montezuma County Board of Commissioners. The Board acknowledged the receipt of the Petition by the Montezuma County Hospital District and a check covering the filing fee in the amount of \$250.00. Official Public Hearings in accordance with State statutes were scheduled for Monday, July 1, 1996, at 7:30 p.m. at the Cortez Conference Center, Tuesday, July 2, 1996, at 2:00 p.m. at the Mancos Fire House and Tuesday, July 2, 1996, at 7:30 p.m. at the Dolores Community Center. The County will be responsible for publishing the notices every Thursday through the month of June, and for any radio advertising. Hiring of a Court Reporter was discussed, but no decided.

ADJOURNED FOR LUNCH with the City of Cortez and Towns of Mancos and Dolores.

LANDOWNER Bernice Wheeler and Willa Dean Hall met to discuss an increase in Ms. Wheeler's property tax evaluation. Assessor Cruzan was present. Ms. Wheeler needs to register a protest. Assessor Cruzan will check the records, and contact Ms. Wheeler.

ROAD DEPARTMENT Supervisor Tim McComb reported that gravelling is done on CR G (McElmo Canyon). the road is ready for asphalt. Koch Materials representative Bill Pigg has been contacted. He stated that they are available to do the first asphalt lift next Monday. The second lift will be scheduled in three weeks. Maintaining the gravel for five weeks versus maintaining the one asphalt lift for three weeks was discussed. The recommendation was to go ahead with the first lift. To slow down traffic signage will be used and a Sheriff's Deputy (off-duty) will be hired. The Sheriff will be contacted with the proposal. The Road Department will pay the Deputy's salary. Closing the road to through traffic during designated

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times was mentioned. Also discussed was another company that might be available once a week for work on the second lift and other projects in the County. This will be checked. Discussed complaints about the condition of CR BB – the water truck will be used and the road graded in two weeks – CR 31 and CR 32. Priority for purchasing a water truck and/or screening plant was discussed. Supervisor McComb was asked to compile figures comparing costs for the county to do jobs versus contracting out some of the work to local businesses. The Board asked that his department do continuous research on more cost effective methods for management of the road department.

LANDOWNERS Jeff and Linda Quam asked for an after-the-fact variance on their six acre parcel. They were told that they need to submit a legal survey and corners need to be pinned and market.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss the review the Cortez City Street Plan. Also discussed the need to acquire street plans from the towns of Mancos and Dolores. Ballot issues – sales tax and the option to de-Bruce the County were discussed.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

June 3, 1996

Online Copy

**Minutes 06/10/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 10, 1996

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF MONTEZUMA        )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 10, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, June 3, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for May 1996 was received.

ACCOUNTS PAYABLE: General fund vouchers #24995 thru #25153 in the amount of \$95,244.89, Road fund vouchers #9392 thru #9444 in the amount of \$81,040.66 and Landfill fund vouchers #363 thru #383 in the amount of \$17,190.83 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-09-96 to the Treasurer to pay to the below listed entities a total of \$3,702.00 (\$2,750 -H.T. E., Inc.; \$808 - Cortez Travel; \$144 - Holiday Inn) from the emergency 911 Funds to connect the E-911 to the Computer Aided Dispatch (see minutes of February 12, 1996). The motion was seconded by Comm Story and carried.

COUNTY EXTENSION OFFICE Agent Ken Smith and Director Jan Brandt presented a slide show on the Orchard/Vineyard Research Demonstration Project, at the Southwestern Colorado Research Center, in Yellow Jacket, CO.

LIQUOR LICENSE: Deputy Betty Davis presented an application for renewal of a retail liquor license for the Dawson Lake Store. The Sheriff's Department reported no problems with the establishment. Comm Story moved to approve the application, seconded by Comm McClellan and carried. Also presented was a "Change to Modify Premises" for the Eagle Claw Trading Post. The proposed change is to convert a personal residence on the property to a liquor storage area. Comm Story moved to approve the application for a "Change to Modify Premises," seconded by Comm McClellan and carried.

ENERGY IMPACT GRANT draft from the Department of Local Affairs for EIAF #3211 - Montezuma County McElmo Road was reviewed.

SENIOR NUTRITION Manager Sue Fletcher gave an update on programs for Mancos, and Dolores (AAA Contract). Cost effectiveness of meals being prepared at Dolores versus being prepared at the Cortez kitchen and delivered to Dolores was discussed. Manager Fletcher recommended that the meals continue to be prepared at Dolores, and stated that data shows that this is cost effective. The Board was invited to attend a lunch meeting with the respective towns and LaPlata representative Charlie Speno.

PROPOSED FIRE BAN PUBLIC HEARING - ORDINANCE 1-96: The public hearing scheduled for June 10, 1996 at 10:00 a.m. was postponed until next week, Monday, June 17, 1996, at 10:00 a.m., since the public notice did not get published in the papers in time.

ADMINISTRATOR Weaver stated that the first lift of asphalt is being done on CR G (McElmo Road) today. Road Department Supervisor McComb will be there all day.

SOUTHWEST MEMORIAL HOSPITAL: After discussion, it was affirmed that a Court Reporter will be hired for the scheduled public hearings.

HEALTH DEPARTMENT: A letter from Director Bette Sutter requesting an increase in fees for septic system permits was discussed. Comm McClellan moved to increase the cost for a Septic System Permit from \$85.00 to \$120.00 effective July 1, 1996, seconded by Comm Story and carried.

COMMUNICATION COMMITTEE – DISPATCH CENTER representative Paul Sauer met to discuss funding for the proposed dispatch center. He asked if the board would submit to them a written commitment, stating that if the one cent sales tax is approved by the voters that 25% will be designated to fund the proposed dispatch center. He stated that they are pursuing grants for monies to purchase equipment. He was presented the County's proposed graph showing 9% of the sales tax going to fund the Dispatch Center, which is all that the Board feels can be allocated. The Board stated that instead of a written commitment, the graph when presented for publication, will serve as the official document to show the public how the monies will be used.

PLANNING: a VERBAL FROM L.D. Gleeson, owner of 13.62 acres to amend variance P-7-93 to change lot lines to create a 3 acre parcel, a 4 acre parcel, and a 6.62 acre parcel was tentatively approved.

AMENDED STEVENSON MINOR SUBDIVISION: Comm Story moved to approve and sign the amended Stevenson Minor Subdivision plat, seconded by Comm McClellan and carried.

LANDFILL Manager Ron Lanier gave an update on the baler and construction at the landfill. After he visited other operations for on-hands training, it was determined that for safety reasons there is a need for a range hood with an exhaust fan for over the baler/hopper area. This is being designed and will be installed. Cost of free day at the dump was discussed.

BOARD OF SOCIAL SERVICES was conducted.

LANDOWNER Doug Aiken and Lewis-Airrola Fire Protection District representative Lynn Gardner met to ask permission to do a controlled burn on Mr. Aiken's property. Recently there was a fire on the property due to dry grasses, and several trees were burned. He explained that this request for the controlled burn is to keep this from happening again on another section of the property. Mr. Gardner stated that the Fire District would take responsibility for the burn. Approval was given, contingent on the burn being done before Monday, June 17, 1996. If it can not be done within this time frame, they were requested to notify the Board.

LANDOWNER Bruce McAfee asked for verbal approval to sell land that has a shared easement with the County shop (see May 06, 1996 minutes). The plat was reviewed. Tentative approval was given, contingent on Mr. McAfee obtaining a legal description of the small parcel. The county will move the gate.

OFFICE OF COMMUNITY SERVICES: Mike Preston discussed issues regarding the proposed comprehensive land plan. A written survey for public input was recommended and tentatively approved.

ADJOURNED at 3:00 p.m.

Deputy Clerk    Chairman

June 10, 1996

SEAL

Before adoption of Subdivision Regs - No

**Minutes 06/17/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 17, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 17, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, June 10, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports for May 1996 were received.

CLUB 20 representative Bill Bauer reported on a meeting he attended with Forest Service and BLM personnel about drought conditions in connection with grazing permits in the area. A letter will be written to Forest Service representative Mike Znerold asking that the Board be notified of any major change in grazing policies, etc.

WEED MANAGER Ron Lanier presented an invitation from the Extension Office in La Plata County for a Weed Tour in connection with Colorado State Noxious Weed Awareness Week.

PLANNING: A planning resolution P-25-96E was presented whereas Maurice Ritter, owner of 41 acres, would be granted an exemption to the subdivision regulations to record a 4.86 acre tract in Section 28, T.36N., R.13W. for Tern Colyer. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-58-84 After-The-Fact was presented whereas, Roberta Keeler was the owner of 12.06 acres. On the first recorded resolution dated October 15, 1984, only the 2.76 acre tract was described. This resolution is to describe the remaining two tracts, consisting of 1.92 acres and 7.38 acres. The 1.92 acre tract is restricted to commercial use only. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Tom Colbert to split 7.6 acres from approximately 700 acres was presented. Due to a conflict of Comm Colbert was excused. The verbal request was tentatively approved.

HARDER SUBDIVISION: Comm McClellan moved to approve and sign the Harder Subdivision, seconded by Comm Story and carried.

PUBLIC HEARING - FIRE BAN - ORDINANCE 1-96: It being the time set aside, a Public Hearing was conducted on the proposed Montezuma County Ordinance No. 1-96 to ban open fires. The roll was called and the Proof of Publication was read. These proceedings were tape recorded. Sheriff Sherman Kennell, District Attorney George Buck and Andrew Gatzke were present. Sheriff Kennell presented evidence of high fire danger. The definition of "open fire" was read by Attorney Slough. Statutes were discussed. Comm Colbert explained the ordinance. Concerned citizen Andrew Gatzke stated he was against the ordinance and brought up the following issues; (a) What is considered an incinerator as defined in the definition of open fire? (b) Is the Board a regulatory body or an administrative body? (c) Is the ordinance constitutional? (d) Does it take away control by the people for their health, safety and welfare? (e) Aren't there enough laws to enforce on this issue? Sheriff Kennell stated that since the request was made by

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the Board to ban open fires and prohibit trash burning (see May 20, 1996 minutes), there has been a decrease of open burning. Requests are still being made by individuals asking for permission for controlled burns. Also discussed was wording in regard to suspending said ban, and how county monies are involved if there is a wildfire. Comm Story made a motion to continue the public hearing until next Monday, June 24, 1996, at 10:00 a.m. The motion was seconded by Comm McClellan and carried.

DEPARTMENT HEADS: Clerk Evie Ritthaler, Extension Office Director Jan Brandt and Financial Officer Mary Ann Sanders reported they had no items to discuss. It was affirmed that regular scheduling for department head meetings will be discontinued. If an issue arises, time to discuss it will then be scheduled.

TOWHEAD MINOR SUBDIVISION: Comm Story moved to approve and sign the Towhead Minor Subdivision (Glen and Patti Elliott), seconded by Comm McClellan and carried. Plat will not be recorded until impact fees are paid through the Title Company.

OFFICE OF COMMUNITY SERVICES: Mike Preston invited the Board to a meeting with Colorado State University representatives on June 26, 1996, to discuss the Pine Zone Project, etc.,.

SOUTHWEST MEMORIAL HOSPITAL: Rhonda Tanner has been contacted to be the court reporter for the scheduled public hearings. Agenda and procedures for the hearings were discussed.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED at 12:30 p.m.

Deputy Clerk                      Chairman

June 17, 1996

SEAL

Online Copy

**Minutes 06/24/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY COLORADO  
JUNE 24, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, hold on Monday, June 24, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, June 17, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PLANNING: A verbal request from Jim Eddy to revise variance P-68-93 to adjust property lines was tentatively approved. A verbal request from Charles Douglass for an after-the-fact variance on a parcel created in 1984 was tentatively approved, contingent on an engineer designed closed septic system. A verbal request from Jerry and Neeta Mahaffey to split 5 acres from 160 acres was tentatively approved. A verbal request from John W. and Jane McDonald to trade the same amount of acreage with Michael and Loretta McDonald was tentatively approved. A verbal request from High County Transportation (J. W. Crowley) to split 14.99 acres from 57.14 acres was tentatively approved. Discussed having Sanitation Manager Periman submit a follow-up report an installation of proposed septic systems, and make it an item that needs to be signed off an before final approval.

LIQUOR LICENSE: Deputy Clerk Tammy Neely presented an application for an "Extended Hours License" for the McPhee Marina Recreational Complex, Inc. This license would be in conjunction with the retail liquor license and 3.2% beer license, which empire April 12, 1997, Comm McClellan moved to approve the "Extended Hours License" application, seconded by Comm Story and carried.

CLERK Evie Ritthaler reported that her office has had questions asked about the procedure to revoke term limits for county elected officials, which were voted in by the people in 1994. She checked with Dennis Polhill. He stated that the only way term limits can be revoked is if the Board al County Commissioners put the question an the ballot for a vote by the people. The Board stated that they have no interest in putting the question on the ballot, at this time.

ENERGY IMPACT GRANT from the Department of Local Affairs for EIAF 03211 - Montezuma County McElmo Road was signed.

PUBLIC HEARING - CONTINUED - BAN OPEN FIRES - ORDINANCE 1-96: It being the time set aside, a Public Hearing was continued from June 17, 1996, on the proposed Montezuma County Ordinance No. 1-96 to ban open fires. The roll was called. These proceedings were tape recorded. Sheriff Sherman Kennell and Fire District representatives Fred Petit, Lyle Cox, Lloyd Johnson, Chandler Chaffin, and Paul Sauer were present. Definitions of "incinerator and contained" were discussed. It was noted that consideration of any suspension will be based an existing wildfire danger. Comm Colbert read the proposed revised Ordinance 1-96. Comm Story moved to adopt Ordinance 1-96 (see attached), seconded by Comm McClellan and carried. Ordinance 1-96, as adopted, will be published one time in the Dolores, Cortez and Mancos papers.

06-24-96

STATUTE on sale of firecrackers was read.

ASSESSOR Bob Cruzan reported that he is collecting information to calculate a value for the ARA Mesa Verde evaluation for 1996. It was noted that the Board of Equalization will convene on July 1, 1996. Residential and agriculture property taxes were discussed.

ROAD DEPARTMENT Supervisor Tim McComb reported that they have completed the work on CR G (McElmo Canyon). Asphalt was done on nine miles. The Board stated that the job looks good and expressed their appreciation to the road department for a job well done. CR BB was graded. Supervisor McComb stated that they will start working on the landfill road today; asphaltting will be done this week. They have scheduled the first lift of asphalt on CR L (1/2 mile) for next week. Due to dry conditions this year, most of the mag-chloride is being re-done. A request from the Town of Dolores for information on gravel supplied in the past by the County was noted and will be compiled by the road department.

GENERAL LIABILITY INSURANCE BID: Comm McClellan presided as Chairperson. Comm Colbert and Attorney Slough were excused because of conflicts of interest. The only bid submitted was by Wolcott Insurance Services, Inc., (Penco). Comm McClellan moved to accept the Wolcott Insurance Services, Inc. bid of \$106,000.00, seconded by Comm Story and carried.

BOARD OF SOCIAL SERVICES was conducted.

ADJOURNED at 11:50 a.m.

Deputy Clerk  
June 24, 1996  
SEAL

Chairman

Online Copy



**Minutes 07/01/1996 – 07/02/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 1 - 2, 1996

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 1, 1996, at the courthouse in Cortez, Colorado, and special public hearing meetings held on Monday, July 1, 1996, and Tuesday, July 2, 1996, there were present:

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

MINUTES of the previous meeting held on Monday, June 24, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff Department report for June 1996 was received.

PAYROLL: General fund - Payroll vouchers #15716 thru #15847 in the amount of \$148,539.62, District Attorney voucher #25157 in the amount of \$16,212.68, County Treasurer voucher #25158 in the amount of \$92,311.70, Road Fund - Payroll vouchers #15878 thru #15881 in the amount of \$5,532.99, County Treasurer voucher #9449 in the amount of \$30,477.20; and Landfill Fund Payroll vouchers #15878 thru #15881 in the amount of \$6,164.13, County Treasurer voucher #385 in the amount of \$4,246.02 were approved for payment.

SOUTHWEST MEMORIAL HOSPITAL: Statutes were read and discussed.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-10-96 to the Treasurer to pay \$649.21 from the 911 account to the U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

TOWN OF MANCOS - ORDER: Comm McClellan made a motion to direct the Clerk Number 0-11-96 to the Treasurer to pay \$20,338.75 to the from the Road and Bridge fund. This clears up all past bridge obligations. Motion was seconded by Comm Story and carried.

HEALTH DEPARTMENTS Change Order Letter No. 1 increasing the amount of the contract with the State Immunization Program between the State of Colorado, Department of Public Health and Environment and Montezuma County Board of Commissioners covering January 1, 1996 through December 31, 1996 was signed.

CONTIGUOUS GAMING COMMISSION representative Bob Brubaker stated that he is unable to go to the next Gaming Commission meeting. He asked if one of the commissioners could attend in his place. This was affirmed.

OFFICE OF COMMUNITY SERVICES: Mike Preston and Lyle Bilberry presented informational packets on the following: Inter-governmental Relations: Municipalities, Infrastructure, Services and the Costs of Growth, and The Revenue Picture. These were discussed. The information will be mailed to the comprehensive land plan working group for consideration before their-next meeting scheduled for July 9th. Mail out survey was discussed.

**PLANNING:** A planning resolution P-68-93 Amended was presented whereas Jim Eddy, owner of 9.22 acres, would be granted an exemption to the subdivision regulation to create and record an amended exemption on two tracts – 3.49 acre tract and a 5.73 acre tract. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-26-96E was presented whereas J.W. Crowley dba High Country Transportation, owner of 57.14 acres, would be granted an exemption to the subdivision regulations to record a 14.99 acre tract for Mountain Gravel & Construction. The remaining 41 acres, more or less, will be part of a separate subdivision. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request from Dewayne and Mary Ann Findley to amend variance P-58-92 to include 14.39 acres was tentatively approved.

**MOQUI POINT ESTATES SUBDIVISION:** Comm Story moved to approve and sign the Moqui Point Estates Subdivision, seconded by Comm McClellan and carried.

**WAPITI RIM SUBDIVISION:** Comm Story moved to approve and sign the Wapiti Rim Subdivision, seconded by Comm McClellan and carried.

**EASEMENT:** Comm McClellan moved to sign the Easement from Montezuma County, by and through the Board of County Commissioners, to Kenneth L. Thomsen and Karen K. Thomsen (see attached) seconded by Comm Story and carried.

**RESIDENT** Carol Allen, who is leasing property on unimproved CR 18, and Michele Reid met to ask if the county maintains the road. The Board stated that CR 18 is classified as an unimproved county road, therefore the road has no county maintenance.

**ROAD DEPARTMENT** Supervisor Tim McComb submitted the gravel report for the Town of Dolores. The below order was issued. Supervisor McComb reported that they are grading. The first lift has been done on CR L – the asphalt on the landfill road has been done to the gate. Striping for CR G (McElmo) is scheduled for later this month. They are moving the crusher to the Ormiston Gravel pit. Supervisor McComb asked if the road department personnel working on crushing and grading could work four 10 hour days/weekly. This was affirmed.

**TOWN OF DOLORES – ORDER:** Comm McClellan made a motion to direct the Clerk to issue Order Number 0-12-96 to the Treasurer to pay \$8,039.24 to the Town of Dolores from the Road and Bridge fund. This clears up all past years road and bridge obligations. Motion was seconded by Comm Story and carried.

**ADJOURNED** for lunch with the City of Cortez and Towns of Dolores and Mancos.

**RECESSED** at 1:00 p.m. till 7:30 p.m. at the Cortez Conference Center for the scheduled Southwest Memorial Hospital public hearing.

**PUBLIC HEARING – SOUTHWEST MEMORIAL HOSPITAL:** It being the time set aside, a Public Hearing was conducted for the purpose of determining the petition filed by Montezuma County Hospital District, requesting approval of the proposed transfer of property owned by the Montezuma County Hospital District and operations of Southwest Memorial Hospital to a newly organized non-profit Colorado corporation, Southwest Health Systems, Inc. The hearing was held at the Cortez Conference Center on Monday, July 1, 1996, at 7:30 p.m. The roll was called and the Proof of Publications were read. Court Reporter Rhonda Tanner recorded the proceedings. Statutes pertaining to the proposed transfer were read. Approximately 126 persons attended the hearing. The public was invited to state their concerns; approximately 27 persons did so. The hearing recessed at 10:45 p.m. to continue at 2:00 p.m. at the Mancos Fire House on Tuesday, July 2, 1996.

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CONTINUED PUBLIC HEARING - SOUTHWEST MEMORIAL HOSPITAL: It being the time set aside, a Public Hearing was continued at the Mancos Fire House on Tuesday, July 2, 1996, at 2:00 p.m. The roll was called. Court Reporter Rhonda Tanner recorded the proceedings. Statutes pertaining to the proposed transfer were read. Approximately 55 persons attended the hearing. The public was invited to state their concerns; approximately 25 did so. The hearing recessed at 3:55 p.m. to continue at 7:30 p.m. at the Dolores Community Center on Tuesday, July 2, 1996.

CONTINUED PUBLIC HEARING - SOUTHWEST MEMORIAL HOSPITAL: It being the time set aside, a Public Hearing was continued at the Dolores Community Center on Tuesday, July 2, 1996, at 7:30 p.m. The roll was called. Court Reporter Rhonda Tanner recorded the proceedings. Statutes pertaining to the proposed transfer were read. Approximately 55 persons attended the hearing. The public was invited to state their concerns' approximately 18 did so. Transcript of the procedures will be prepared by Court Reporter The Hearing is closed to public comments, but is open to receive any information requested by the Board of County Commissioners.

ADJOURNED at 10:00 p.m.

Deputy Clerk      Chairman

July 1-2, 1996

Online Copy

**Minutes 07/08/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 8, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 8, 1996, at the courthouse in Cortez, Colorado there were present:

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

MINUTES of the previous meetings held on Monday, July 1, and Tuesday, July 2, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

HEALTH DEPARTMENT: Comm Story moved to sign the Renewal of 1996-97 County Environmental Health Contract between the State of Colorado, Department of Health and Montezuma Board of County Commissioners, seconded by Comm McClellan and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented a table on the present sales tax. Option for a proposed 3-1/2% county-wide sales tax versus a 1% county sales tax was discussed. The suggestion was made to ask the City of Cortez and the Towns of Mancos and Dolores to submit figures on the issue. This will be done. Mike gave the agenda for the finalization of the proposed comprehensive land plan. Enforcement of a cease and desist issued by the State of Colorado to a resident about an illegal dump area was discussed. CLERK Evie Ritthaler mentioned (a) that there would be considerable cost involved if the Southwest Memorial Hospital question is put on the ballot, and (b) opinion polls and petitions requesting a question be put on the ballot.

LIQUOR LICENSE: Deputy Betty Davis presented an application for Transfer of Ownership – Change of Name to Schroeder – Colorado, Inc. dba Eagle Claw Trading Post and Liquor Store for a 3.2% beer license and a retail liquor store license. Requirement to have a public hearing was waived since there is no change in the establishment. Report showed fingerprints were okay. Comm Story moved to approve the application for the Transfer of Ownership, seconded by Comm McClellan and carried.

PLANNING: A planning resolution P-58-92 Amended was presented whereas Willard Walker, owner of 18 acres who previously deeded a 3.31 acre parcel to his son, would be granted an exemption to the subdivision regulations to record an amended variance for Dewayne and Mary Ann Findley dba Aspen Wall Wood, Inc., for 14.39 acres in Section 23, T.37N., R.15W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt the resolution, seconded by Comm Story and carried. A planning resolution P-29-96E was presented whereas Thomas K. and Virginia Colbert, owners of 483.77 acres, would be granted an exemption to the subdivision regulations to create a 7.60 acre tract for their son Bentley K. Colbert in Section 12, T.35N., R.14W. This is the only exemption that will be granted this property. Due to a conflict of interest, Comm Colbert was excused. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Impact fees were discussed with Planning Manager Karen Welch and Loretta Murphy. Discussed Paul and Virginia Broyles request (for their children – Perrill) for clarification of requirements to sell 3 small parcels created in 1968. They are in the Summit Lake East area, but not in a subdivision. It was noted that any action would be contingent on engineered design septic systems.

07-08-96

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DEED – Discussed family of Sylviano Garcia's request for a deed from the county to convey a small area from the Mancos County Shop to them to clear up a lot boundary line. No action was taken. Administrator Weaver will check the plat.

BOARD OF SOCIAL SERVICES was conducted.

STATUTES on Road and Bridge funds from road and bridge property tax monies were read. It was affirmed that in the future these monies owed the City of Cortez and Towns of Mancos and Dolores will be cash payments issued in accordance with the statutes.

ROAD DEPARTMENT Tim McComb reported they are still blading roads and are finishing up on the mag-chloride re-do. Availability of private companies in the area to do mag-chloride was discussed. Supervisor McComb stated that the Fiat Allis dozer at the landfill is broke down. The D-8 is at the Ormiston gravel pit. Options were discussed on obtaining another dozer if it takes a while to fix the Fiat Allis. The Board asked about the following: (a) Progress on grant monies – Ken Charles has all the information. (b) Unattractive appearance of the Cortez County Shop due to weeds and unsightly fence – Supervisor McComb will check on getting UPS help to make the area look better. (c) Condition of equipment – good. Supervisor McComb reported that after a meeting with road department employees and a vote by them – they will work from 7:00 a.m. to 3:30 p.m. 5 days a week. The crusher crew will continue to work 4/10 hour days/weekly. Chips for Dolores County (1,500 yards) are scheduled to be crushed at the Ormiston gravel pit.

SOUTHWEST MEMORIAL HSOPITAL: It was affirmed that personal letters stating pros and cons on the Southwest Memorial Hospital issue will be kept in two separate files. One file will have letters received before and during the public hearings and will be considered as part of the hearings. The other file will have letters received after the hearings. The files will be kept in the Administration Office.

LETTER from the Town of Mancos asking that the original plat map of the Town of Mancos be released to them for display was discussed. Administrator Weaver will check with Clerk Evie Ritthaler. The Board stated they have no problem with Mancos having the map.

ADJOURNED at 2:15 p.m.

Deputy Clerk      Chairman

July 8, 1996

SEAL

**Minutes 07/15/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 15, 1996

STATE OF COLORADO     )  
  )  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 15, 1996, at the courthouse in Cortez, Colorado there were present:

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

MINUTES of the previous meeting held on Monday, July 8, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read contents noted.

ACCOUNTS PAYABLE: General fund vouchers #30479 thru #30664 in the amount of \$206,494.10, Road fund vouchers #30665 thru #30733 in the amount of \$294,772.99 and Landfill fund vouchers #30734 thru #30754 in the amount of \$47,944.50 were approved for payment.

PLANNING: A planning resolution P-68-83 Amended was presented whereas Glen M. and Sharon K. Tanner, owners of 26.35 acres, would be granted an exemption to the subdivision regulations to record an amended variance by documenting the second parcel consisting of 16.34 acres in Section 6, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt the resolution, seconded by Comm McClellan and carried. A planning resolution P-30-96 After-The-Fact was presented whereas Rhenna St. Clair, owner of 16 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 33, T.36N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt the resolution, seconded by Comm McClellan and carried. Co-op Acres Subdivision plat was presented. Action was tabled until it is noted on the plat that the property is to remain commercial. A verbal request for an exemption to the subdivision regulations to sell one of two tracts in a parcel divided by the highway was received from James and Dawn Epps. The total parcel contains a 27.6 acre tract and a 19.7 acre tract. Tentative approval was given for them to sell one tract, contingent on both tracts being surveyed and described in the exemption.

SOUTHWEST MEMORIAL HOSPITAL, Concerned citizens Florence Bane and Dan and Judy Jolovich presented signed petitions that petitioned the Board of Montezuma County Commissioners to bring the Hospital issues to a vote of the people. Statutes on public hearing procedures were read. The petitions were accepted and will be filed with letters received after the public hearing (see July 8, 1996 minutes).

SWENSON SUBDIVISION: Comm McClellan moved to approve and sign the plat for the Swenson Subdivision, seconded by Comm Story and carried. David Swenson was present.

LIQUOR LICENSE: Deputy Clerks Betty Davis and Tammy Neely presented an application for renewal of a 3.2% beer license for Thriftway Marketing Cooperation dba Thriftway 228. The Sheriff and Health Departments reported no problems with the establishment. Comm Story moved to approve the application, seconded by Comm McClellan and carried.

07-15-96

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ORDINANCE 1-96 - BAN OPEN FIRES: Sheriff Sherman Kennell reported that Fire Chief Jay Balfour is contacting each fire district, the Forest Service and Mesa Verde for moisture reports. \*\*\* Later in the day Karen Welch of the administration office reported that there have been several phone calls asking when the ban would be lifted. Persons calling in regard to this matter should be referred to the Sheriff, since he is the enforcing authority. The ban on open fires continues.

JUSTICE BUILDING AND NEW CITY POLICE BUILDING: City of Cortez representatives Bill Ray, Rick Smith, Jim Snow, Attorney Cliff Fossum, Sheriff Kennell and, Chief of Police Roy Lane and Russell Johnson met to discuss the Justice Building and new City Police Building. City of Cortez Manager Bill Ray presented to the Board a draft copy of the lease agreement between the City and County for the Justice Building. They will meet next Monday to discuss the finalizing of the lease. Other issues discussed were: (1) Establishment of cost for city prisoners using the county jail; (2) Cost sharing of operating, records management and communications expenses; and (3) Sharing of computer system – sharing costs versus county buying services from the city. A work session and an on-site inspection of the two buildings were tentatively scheduled for next Monday. Dispatch center was also discussed.

ROAD DEPARTMENT Supervisor Tim McComb was asked to check on complaints about the condition of Kelly hill by Jim Dickey and about water backing up on it. These will be checked. McComb reported they are working on the fiat dozer. It was noted that the landfill road is better. Tentative plans are to start using the new landfill in September. The third lift of chip and seal is scheduled this week for CR G (McElmo Canyon). Second lift for CR L will be worked an as time and materials are available. Bid opening for the Oak Street Bridge is scheduled for Tuesday, July 16. Gravel pit leases and contracts (Hay Camp, Willbanks and Tozer) were discussed. Question of whether the county can gravel some areas on nonmaintained CR 10 on Cahone Mesa was discussed. The road is on Bureau of Land Management (BLM) land and the traffic is going down in the barrow ditches to keep from driving on the rough spots. It would take approximately 15 loads. Supervisor McComb was advised to contact BLM and ask for cooperation from them to either help with the trucking or gravel.

CONFERENCE CALL was held with the Dolores County Board of County Commissioners. Their interest in being involved with the Juvenile Crime Task Force and funding for it were discussed. They were invited to the next tentatively scheduled meeting on August 9th at 9:00 a.m. in the Commissioners' room.

SOUTHWEST MEMORIAL HOSPITAL Attorney Kent Williamson submitted responses to the legal questions asked by the Board during the three public hearing held on July 1 and 2, 1996. Copies of the document will be available for the public.

ADJOURNED at 2:45 a.m.

Deputy Clerk     Chairman

July 15, 1996

SEAL

**Minutes 07/22/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 22, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 22, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, July 15, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. A letter was received from Attorney Cliff Fossum with concerns about accuracy of the minutes of May 20, 1996, in connection with use of the Spring Canyon Subdivision road. The Treasurer's six month report was received.

SHERIFF Sherman Kennell presented a memorandum from the Montezuma County Fire Chiefs and Sheriff Kennell (see attached). The memo and the three fires burning in the area over the weekend were discussed. It was affirmed that the open fire ban continues. Sheriff Kennell reported on the Cross Canyon fire which was 30% on private land and 70% an BLM land. Shared responsibilities and expenses to be paid by the County were discussed. State Forest Service representative Dan Ochocki was present and described the State Forest Service Operating Plan and explained his role in representing the Emergency Fire Fund. Sheriff Kennell mentioned that the County Sheriffs' Association reported to him that the State has increased fees on civil services. He stated that he understood that the Commissioners need to approve these increases. No action was taken.

ORMISTON MEDICAL TRUST FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-13-96 to the Treasurer to pay \$1,622.00 from the Ormiston Medical Trust Fund to Beverly Opferkuch, a cancer patient. The motion was seconded by Comm Story and carried.

QUITCLAIM DEED: Comm McClellan made a motion to sign the quitclaim deed between Silvano E. Garcia and the County of Montezuma. The motion was seconded by Comm Story and carried. Commissioner of Deeds E. Eugene Story signed the deed.

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

CO-UP ACRES SUBDIVISION: Comm Story moved to approve and sign the plat for the Co-Op Acres Subdivision, seconded by Comm McClellan and carried.

PLANNING: A verbal request for an exemption to the subdivision regulations for Kemp and Lita Westfall to split 35 acres from 50+ acres was tentatively approved. A verbal request for an exemption to the subdivision regulations for Scott Bell (Billy Dean Bell Trust) to split 10 acres from 74 acres was tentatively approved. A verbal request for an exemption to the subdivision regulations for James and Elfreide Shane to split 10 acres from 46 acres was tentatively approved. Tentative approval was give for Vernon and Lauralee Ince to create a minor 2-lot subdivision (31 and 5 acres).



SOUTHWEST MEMORIAL HOSPITAL: Concerned citizens Dan and Judy Jolovich, Joe Reed, and Florence Bane asked (a) if the questions published in the newspaper and accepted at the Cortez public hearing have been answered? and (b) can these answers be commented on? They were told that the Board has not received these answers. Mr. Jolovich stated they would like to see the answers. They were told that copies of any documents will be available for the public. The Board will not make any decision until the legal, newspaper, and public questions are answered by the Southwest Memorial Hospital Board. \*\*\*\*\* Later in the day the Dolores public hearing transcript was received from the Court Reporter.

BOARD OF SOCIAL SERVICES was conducted.

RESIDENT James Adams asked for an explanation of the policy addressing the width of road surfaces required in different situations. Explanation was given.

ADJOURNED FOR LUNCH with Crow Canyon representatives at Crow Canyon.

ROAD DEPARTMENT Supervisor Tim McComb stated they are working with fire clean up crews. CR 23 will be bladed as soon as the fire situation is over.

RESIDENT Dale Slavens brought to the Board a copy of the Montrose Daily Press, which had an article on hospital industry changes.

BOARD OF EQUALIZATION: It being 1:45 p.m., the time set aside, the Montezuma County Commissioners convened on Monday, July 22, 1996, to sit as the Board of Equalization. These proceedings were tape recorded, the Proof of Publication was read, and the roll was called. Assessor Bob Cruzan and Appraisers Mary Zummach and Scott Davis were in attendance.

Mr. and Mrs. Noland Alexander appeared before the Board for their decision concerning their appeal on the assessed valuation for 1996 by the Assessor's office on Parcel #5605-311-00-001-H1/H2. Comm McClellan made a motion to award a \$3,500 adjustment for the house. The motion was seconded by Comm Story and carried.

George Mike Young appeared before the Board for their decision concerning his appeal on the assessed valuation for 1996 by the Assessor's office on Parcel #5678-012-00-001. Comm McClellan made a motion to accept the adjustment recommended by the Assessor's office of \$110 on the house and out-buildings. The motion was seconded by Comm Story and carried.

Bernice Lee (Wheeler) appeared before the Board for their decision concerning her appeal on the assessed valuation for 1996 by the Assessor's office on Parcel #5611-252-00-002. Comm Story made a motion to award \$2,000 adjustment, based on the house foundation structure. The motion was seconded by Comm McClellan and carried.

Don Slater appeared before the Board for their decision concerning his appeal on the assessed valuation for 1996 by the Assessor's office on Parcel #5359-164-00-017. Mr. Slater stated he has filed a case on the assessed valuation for 1995 with the Board of Assessment of Appeals and has appealed their decision, which is pending. He feels that any decision made by the court applies to 1995 and 1996, and that the assessed value cannot be increased for 1996. Comm Story made a motion to table any action until clarification of case law and statutes is made. The motion was seconded by Comm McClellan and carried. Mr. Slater will be notified of the clarification.

Ember Conley-Suckla representing B. J. Conley, New Mexico Land & Mortgage Co., appeared before the Board for their decision concerning the appeal on the residential assessed valuation for 1996 by the Assessor's office on Parcel #5359-191-00-001. They are requesting that the classification of the land be changed from residential to agricultural. Comm Story made a motion to change the classification from residential to agricultural. The motion was seconded by Comm McClellan and carried.

07-22-96

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Mr. Robert C. Conner appeared before the Board for their decision concerning his appeal on the assessed valuation for 1996 by the Assessor's office on Parcel #5359-324-00-033. Comm Story made a motion to table any action until further clarification on whether the County Board of Equalization's adjusted value stands for the full 2-year cycle or just for the year in question. The motion was seconded by Comm McClellan and carried. Mr. Conner asked the Board to do an on-site inspection of the property. This was affirmed.

Assessor Cruzan presented an appeal from Mr. and Mrs. Lawrence Wilderson concerning their assessed valuation for 1996 by the Assessor's office on parcel #5363-012-04-004. Comm McClellan made a motion to accept the Assessor's valuation and deny an adjustment. The motion was seconded by Comm Story and carried.

Discussed whether the Board of Equalization should make a motion to ask the Assessor to identify possessory interests in the County that need to be put on the tax roll, notwithstanding the passed legislature law SB 218. No action was taken.

The Board of Equalization recessed at 4:45 p.m. until August 5, 1996.

HEALTH DEPARTMENT: Comm Story moved to sign the 1996-97 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.

REGULAR MEETING of the Board will not be held Monday, July 29, 1996, since this is the 5th Monday of the month. A "special meeting" will be scheduled for Tuesday, July 30, 1996, to meet with the Southwest Memorial Hospital District Board to discuss legal questions and answers in connection with the proposed restructuring. The public is welcome.

ADJOURNED at 5:00 p.m.

Deputy Clerk    Chairman

July 22, 1996

SEAL

**Minutes 07/30/1996 Special**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY9 COLORADO  
JULY 30, 1996

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the special meeting of the Board of Commissioners, Montezuma County, Colorado, held an Tuesday, July 30, 1996, at the courthouse in Cortez, Colorado, there were present:

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

SOUTHWEST MEMORIAL HOSPITAL: Southwest Memorial Hospital District Board members Martha L. Weaver, Aryol Brumley, Rick Beisel, Fay Kautz, Bryon Maynes and District Board Attorney Kent Williamson, Southwest Memorial Hospital Administrator Steve Selzer and Assistant Administrator Craig Ambrosiani and other interested persons (see attached list) met with the Commissioners. This special meeting was called to discuss legal issues concerning the proposed operating lease between the Montezuma County Hospital District and Southwest Health System, Inc.

ISSUES ARE LISTED BELOW:

Issue #1 (a) Can the Southwest Memorial Hospital District Board encumber debt against the Southwest Hospital, building and land, as set forth in the proposed lease, without a vote of the people? (b) Should there be a conveyance agreement to convey equipment and personal property, to Southwest Health System, Inc. or should equipment and personal property be included in the lease as assets?

After discussion, the following was agreed: Paragraph 6.1 and all related language (fee owner) will be removed from the proposed lease agreement, language will be added that the District Board will not encumber Southwest Hospital with any debt without a vote of the people, and all personal property will be put under leased hospital assets. The District Board and their representatives agreed that to keep the Southwest Memorial Hospital whole, the District Board can lease the building, land and personal property to Southwest Health System, Inc., but the lease does not give the District Board the right to encumber debt without a vote of the people. (See attached letter from Attorney Monte Dube.)

Issue #2: (a) How can District monies in the amount of 2.8 million be conveyed to a private non-profit company in accordance with state statutes? (b) If all debt against the Southwest Memorial Hospital at this time is paid before the lease is in effect, should a contingency fund be established with the remaining amount (\$800,000?) as a factor for the continuation of the lease? (c) Who would receive the interest on the contingency fund monies? (d) How are the Commissioners going to account for the amount of debt to be paid and the contingency fund monies?

After discussion, the Board of County Commissioners proposed that all debt against Southwest Memorial Hospital be paid for in full and that a Contingency Fund with the remaining amount (\$800,000?) be established with all the interest going to the Hospital District (who has a right to spend this interest an assets for the Hospital); that an independent auditor be hired to determine, on an agreed cut-off date, the debt and monies to be reserved in the contingency fund; and, that these amounts not include accounts receivables. The Hospital District Board members and their representatives stated they would give this proposal serious consideration and would reply with their answer by Friday, August 1, 1996.

Issue #3: How is the Board for the Southwest Health System, Inc, selected and how many members are on the Board.

Representatives from the District Board stated that the first Board was appointed. All elections thereafter will be open to any individual. Each year for the next three years one-third of the members will be elected. Thus, in three years the nine member board will all be elected, except for the one appointed District Board member, that is voted on by the District Board. They stated that the nine board members can serve for two one-year consecutive terms, and after a layout of one year can run again.

Issue #4: How will Southwest Health System, Inc. obtain collateral for the proposed now Doctors' Medical Building?

Representatives from the District Board stated that this is a separate issue and they are considering several different options.

Issue #5: What are the plans for the levied tax monies?

Representatives from the District Board stated they have not made that decision yet.

Attorney Kent Williamson and Attorney Slough will review the proposed lease agreement for changes, etc. A letter from District Board member Dee Hutchison was read. The District Board presented "Responses to Questions posed in the Advertisement Placed in the June 29, 1996, Edition of the Cortez Sentinel" to the Commissioners. The Commissioners will consider the answers to the questions and respond at a later time.

PUBLIC comments included statements and questions about (a) use of levied tax monies, (b) territory restrictions, (c) results of petition showing 100 to 1 a desire for a vote by the people, (d) public property not owned by the District Board or Commissioners, but by the people and as such any question about use, etc. should go to the people for a vote, (e) insurance policy coverage of law suit and pending notice of intents, (f) restructuring private vs public, (g) buy out of buildings left vacant if new medical building is built, (h) contract with Baxter Supply, (i) collective bargaining with HMO'S, (j) contracts with doctors, hospital and insurance companies, (k) accounts receivables, (l) now medical building's purpose/service to the people, and (m) compliment that this meeting was informative and not confrontational.

ADJOURNED at 11:00 a.m.

Depuly Clerk  
July 30, 1996  
SEAL

Chairman

**Minutes 08/05/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 5, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 5, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meetings held on Monday, July 22, 1996, and Tuesday, July 30, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for July 1996 was received.

EMERGENCY 911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-14-96 to the Treasurer to pay \$7,617.20 for equipment repair, from the Emergency 911 account to U.S. West Comm Services, Inc., Dept. #912, Denver, CO 80271. Motion was seconded by Comm Story and carried.

CONSERVATION TRUST FUND: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-15-96 to the Treasurer to transfer \$58,000.00 from the Conservation Trust Fund to the General Fund for anticipated revenue for the 1996 General Fund Budget. Motion was seconded by Comm Story and carried.

OFFICE OF COMMUNITY SERVICES; Mike Preston gave an update on the land use working group meeting. Agendas were discussed.

SHERIFF Sherman Kennell asked if someone other than himself could be designated as the "Emergency Manager" for the County. The manager is involved in safety (bridges), health hazards, floods, etc. After discussion, it was decided that he would remain the designated person. The Board encouraged him to do the best he could with the time factor. Enabling agreement statutes were read and discussed. Comm McClellan made a motion to adopt a resolution to comply with HB 96-1231 as amending 30-1-104, para (1) (h) & (w), C.R.S., whereas mileage is authorized as 20 cents per mile for regular vehicles or 24 cents a mile for 4-wheel drive vehicles in criminal actions and transporting prisoners. The motion was seconded by Comm Story and carried.

STATUTES were read in regard to the proposed sales tax. A 1% county sales tax vs 3-1/2% county-wide sales tax was discussed. Use tax was discussed.

LANDOWNER Corey Veach met to discuss impact fees for his proposed subdivision. Planning Manager Karen Welch and Road Supervisor Tim McComb were present. Mr. Veach asked if he could pay for the impact fees as he sold the lots. This was denied. He asked if the impact fees would be used on CR 27 and not on the repair of the bridge. This was affirmed. Discussed when the county can schedule work to improve the road with any impact fee monies, paid by Mr. Veach. Mr. Veach asked how other developers pay impact fees and how improvements are scheduled by the County to use these funds. Mildred Estates was discussed. He was told that he can pay for impact fees as follows: (a) Pay all the administration fees and one-half of the impact fees, and (b) Submit a "Letter of Irrevocable Credit" for the remaining one-half of the impact fees to be paid when the County can schedule the work to improve the road using said fees. Action was tabled.

ROAD DEPARTMENT Supervisor McComb was asked to contact Richard Tibbets and ask him when they plan to do the chip/seal on Mildred Road in front of the Mildred Estates Subdivision, so the county can schedule their work in conjunction with Mr. Tibbets to improve the road. It was noted that this work was planned for this summer.

LANDOWNER Erik Hamerschlag stated that he and Gregory Munson are creating a two-lot minor subdivision at the end of the Spring Canyon Subdivision. Planning Manager Karen Welch and Road Supervisor McComb were present. Mr. Hamerschlag stated that they are in the process of signing a Road Maintenance Agreement with the landowners of the subdivision. He asked if the section of road from the Spring Canyon Subdivision to their subdivision could be 18' wide with a 60' easement. This was denied. After discussion, the Board gave tentative approval for the minor subdivision, contingent on the road being built to county specs and the widths as specified on the attached map.

PLANNING: A planning resolution P-27-96E was presented whereas Jerry W. and Neeta Mahaffey, owners of 160 acres, would be granted an exemption to the subdivision regulations to record an exemption on a 5.0 acre tract in Section 11, T.38N., R.14W. to be sold to Marty Robbins. Mr. Robbins was present. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Story and carried. A planning resolution P-28-96E was presented where as Kemper O. and Lita Westfall, owners of 60 acres, would be granted an exemption to the subdivision regulations to record an exemption on a 16.76 acre tract, leaving 43.24 acres in Section 8, T38N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-31-96E was presented whereas David A. and Janet M. Lindsay, owners of 56.83 acres, would be granted an exemption to the subdivision regulations to record an exemption on a 6.12 acre tract leaving 50.71 acres, in Section 8, T.38N., R.17W. Impact fees will be paid for through the Title Company. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations for Anita Collins to split 40 acres was discussed. She has been told that the road needs to be brought up to county specs and she needs all the landowners in the Summit Lake West II Subdivision to sign off on the plat. A verbal request for an exemption to the subdivision regulations for William D. Blair to split 27.5 from an undivided 160 acre parcel left to him and others in his Dad's will was tentatively approved. A verbal request for an exemption to the subdivision regulations for Donovan Acock to split 5 acres from 40 acres, contingent on an easement, was tentatively approved. Three lot minor subdivision by Sam and Liliane Fox was tentatively approved – former exemptions will be cancelled. Three lot minor subdivision by Harold Wilson was tentatively approved. Affirmed it is okay for the Administration office to collect up-front the \$30 fee for signs to post Moderate and Major subdivisions. The amount would then be deducted out of Administration fees.

POLICY - USE OF IMPACT FEES ON NON-MAINTAINED COUNTY ROADS: Impact fees collected from properties on a non-maintained county road will be spent on the non-maintained county road. Property owners will be told that the road will still be classified as a non-maintained road.

SOUTHWEST MEMORIAL HOSPITAL! Concerned citizen Don Jolovich stated he felt that accounts receivables and liquid assets cannot be leased. Difference in cash and accounts receivables and the need to balance accounts payable against accounts receivables was discussed. He also stated that in the responses from the Hospital District Board no response was made to questions about contracts. \*\*\*\* Later in the day, Attorney Kent Williamson was told the concern about the accounts receivables. He was asked if there was some way this account could be paid back to the District over a period of time, so the District would remain whole. He will go back to the District Board with this concern. He presented draft copies that reflect changes made in the By-Laws, Operating Lease and Exhibits.

SANITATION Manager Nick Periman met to discuss septic systems at the Heritage Funding, Inc. (Nine Star Corporation - see minutes of June 14, 1993, August 22, 1994, May 20, 1996) property. The need to design a system to accommodate the whole common-owned area vs issuing septic system permits one at a time was discussed. It was agreed that only lands suitable for septic would be considered in the three acre requirement for septic systems.

BOARD OF EQUALIZATION: It being 1:30 p.m., the time set aside, the Montezuma County Commissioners reconvened on Monday, August 5, 1996, to sit as the Board of Equalization. These proceedings were tape recorded and the roll was called. Assessor Bob Cruzan and Appraisers Mary Zummach and Scott Davis were in attendance.

Ross K. Watkins appeared before the Board for their decision concerning his appeal on the assessed valuation for 1996 by the Assessor's office on Parcel #5609-122-00-050. Comm McClellan made a motion to deny an adjustment. The motion was seconded by Comm Story and carried.

Assessor Cruzan presented the clarification made for Dan Slaters' appeal on Parcel #5359-164-00-017, which was tabled July 22, 1996. Based on cases researched, assessed valuation cannot be increased for 1996, because it is the second year in the second year cycle and there was an adjudication in the first year. Comm McClellan made a motion to leave the assessed valuation the same as 1995, seconded by Comm Story and carried.

Robert C. Conner appeared before the Board for their decision concerning his appeal on the assessed valuation for 1996 by the Assessor's office on Parcel #5359-324-00-033, which was tabled July 22, 1996. An on site inspection was done by the Board of the property. Comm Story made a motion to award an \$8,910 adjustment on the house. The motion was seconded by Comm McClellan and carried.

Assessor Cruzan reported that on July 25, 1996, he hand-carried four Special Notices of Evaluation to the Mesa Verde Company. The company has 30 days to protest the notices.

Discussed the settlement of the 1989-90 Mesa Verde Company case. The issue of value was discussed. The Board of Equalization affirmed that they will stand by the State of Colorado Supreme Court and the Constitution in regard to their decision concerning possessory interest.

The Board of Equalization recessed at 4:00 p.m.

HOUSING AUTHORITY BOARD: Comm McClellan moved to appoint Dennis Rivera a member of the Housing Authority Board, seconded by Comm Story and carried.

COUNTY BOARD OF HEALTH: Statutes on rabies were read. Due to a report of a rabid fox in Montezuma County and at the recommendation of the State Health Department the following was done. Comm McClellan made a motion that pursuant to the Colorado Revised Statutes 25-4-607, it is ordered that as of August 12, 1996, all dogs, cats and other pet animals within Montezuma County be vaccinated against rabies, such vaccination to be performed by a licensed veterinarian - this order will remain in effect indefinitely. The motion was seconded by Comm Story and carried. The order (see attached) will be published in the newspaper.

FAIR BOARD RESTRUCTURING: Suggestion that members be appointed that have no affiliation with the Fair will be considered.

PROPERTY OWNER who was reportedly creating an illegal dump area has been contacted. The county will work with the individual to alleviate the problem.

08-05-96

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AIRPORT: The two-year contract between Isbill Associates, Inc., the City of Cortez and Montezuma County was returned to the City unsigned, since the effective date of the Justice Building – Airport Trade Agreement is September 1, 1996.

ADJOURNED at 5:30 p.m.

Deputy Clerk    Chairman

August 5, 1996

SEAL

Online Copy



**Minutes 08/12/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 12, 1996

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 12, 1996, at the courthouse in Cortez, Colorado, There were present:

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

MINUTES of the previous meetings held on Monday, August 5, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

Treasurer's reports for July 1996 were received.

ACCOUNTS PAYABLE: General fund vouchers #25350 thru #25577 in the amount of \$126,236.38, Road fund vouchers #9530 thru #9597 in the amount of \$103,503.58 and Landfill fund vouchers #414 thru #447 in the amount of \$65,918.77 were approved for payment.

SOUTHWEST MEMORIAL HOSPITAL Assistant Administrator Craig Ambrosiani, Hospital Board member Byron Maynes, and Jim Engel met to discuss what will be included in the lease to Southwest Health System Inc. (SHS). The proposal is that everything including accounts receivables, with the exception of cash, will be leased. Election of organizational board was discussed. A special meeting will be scheduled for sometime this week with the Southwest Memorial Hospital District Board members and any other interested persons to continue the discussion on restructuring. \*\*\*\*\* Later in the morning, Don Jolovich met to state his concerns about the Hospital's contract with Quorum, and whether the SHS board is subject to recall. Private company vs. public entity was discussed. Meeting tentatively scheduled with Hospital representatives this week was mentioned to him.

RESIDENTS Peter Dericks and Nancy Dericks met to discuss the Planning Commission organization. They asked that a moratorium be put in place until the proposed comprehensive land use plan is implemented. Their request was denied.

SUNDANCE CANYON ADDITION II SUBDIVISION developers Paul Long and Mike Fleming stated they felt that their subdivision was planned before impact fees were considered or enforced. Records were researched - minutes of October 23, 1995 and Impact Fee Policy dated February 26, 1996 were read. If they are required to pay impact fees, they asked if these fees may be used on the first 400-foot access to their subdivision off the State highway. Action was tabled until further research.

PROPOSED SUBDIVISIONS: The need to enforce the 6-month rule for completion of paperwork for proposed subdivisions was discussed.

ABATEMENTS: Assessor Bob Cruzan being present, a petition for abatement of property tax was presented for Sonya Pickens-Orton and Larry Lee Pickens, 1987 thru 1993, erroneous assessments. Ms. Sonya Pickens-Orton was present. Assessor Cruzan stated that these were erroneous assessments, but there is a two-year limitation for abatement action. Action was tabled until further research. Ms. Pickens will be notified of the decision.

Petition for abatement of property tax was presented for Barth and Sandra Greenlee, 1995, erroneous assessment, \$69.16. Assessor Cruzan recommended this petition be denied, since the Greenlees filed a protest in 1995, which was denied by the Assessor's office and not pursued to the Colorado Board of Equalization. Comm McClellan moved to deny this petition, seconded by Comm Colbert and carried. All proceedings were taped for the record and it was noted that the Assessor, Comm Colbert and Comm McClellan were present. Comm Story was absent.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for renewal of a liquor license for the Last Chance Liquor Store. The Sheriff's department reported no problems with this establishment. Comm McClellan moved to approve the application, seconded by Comm Colbert and carried.

PLANNING: A planning resolution P-32-96E was presented whereas James R. and Elfraide Shane, owners of 45.89 acres, would be granted an exemption to the subdivision regulations to record an exemption on a 10 acre tract for Mel and Cheryl Jarrett, in Section 31, T.36N., R.18W. This will be the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. A verbal request for an exemption to the subdivision regulations for James Wilson to split 10 acres from 160 acres contingent on a 30' easement and a 60' easement if there is any further development was tentatively approved. Discussed a verbal request to split 18 acres into two 9 acre parcels within the Rolling Hills Estates Subdivision. Action tabled until further research on road access.

SALT BRUSH SUBDIVISION: Comm McClellan moved to approve and sign the Salt Brush Subdivision plat, seconded by Comm Colbert and carried.

ADJOURNED FOR LUNCH with the City. Airport minutes for July 1, 1996, were received.

LANDOWNER Corey Veach again met with the Board to discuss impact fees for his proposed subdivision. He asked if he could trade work on CR 27 for the impact fees. Road Supervisor Tim McComb was present. Action was tabled until Supervisor McComb can compile cost figures for the amount of work that would off-set the impact fees.

ROAD DEPARTMENT Tim McComb stated that he has talked with Richard Tibbets, developer of the Mildred Estates Subdivision. Mr. Tibbets stated that tentative plans are to complete the chip/seal on Mildred Road by the end of the month. The county has done their part in preparing the road. They are blade patching this week and next. A request that the speed limit be lowered at the CR 21 and CR W intersection will be checked on by Supervisor McComb. Stripping of CR G (McElmo Canyon) is being done. Supervisor McComb asked if his department can be reimbursed for their work in regard to the Lowry Ruin fire. This was affirmed.

RETIREMENT: Resolution 1-96 was presented, whereas William Coppinger has been employed by Montezuma County for 50 years and be it resolved that the Board hereby congratulates and expresses appreciation to him for valuable service to the citizens of Montezuma County. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. A plaque was also presented to him.

CONTIGUOUS GAMING IMPACT FUNDS: Bob McDonnell submitted a memorandum showing the results from the Gaming Impact Awards and his suggestions for disbursement of the Direct Funds (see attached). Comm McClellan made a motion to accept his recommendation, seconded by Comm Colbert and carried.

08-12-96

JUSTICE BUILDING AND NEW CITY POLICE BUILDING: City of Cortez representative Bill Ray and Attorney Cliff Fossum met with the Board. They presented "Summary of Issues Relating to Transfer of the Justice Building, Police Building, Airport, Prisoner Days and the Municipal Court Lease and Commissioners Agreement" and applicable documents for review. These were discussed.

PROPOSED Sales Tax was discussed.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

August 12, 1996

SEAL

Online Copy

**Minutes 08/15/1996 Special**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 15, 1996

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Thursday, August 15, 1996, the courthouse in Cortez, Colorado, there were present:

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

SOUTHWEST MEMORIAL HOSPITAL: Southwest Memorial Hospital District Board members Aryol Brumley and Byron Maynes, Southwest Memorial Hospital Administrator Steve Selzer, Assistant Administrator Craig Ambrosiani, Jim Engel, and other interested persons (see attached list) met with the Commissioners. This special meeting was called to discuss the proposed operating lease with Southwest Health Systems, Inc. (SHE) in regard to the accounts receivable and a proposed audit by an independent company.

ISSUES ARE LISTED BELOW:

Issue #1: If accounts receivables (approximately \$4.5 million) are leased, what structure can be in place to provide assurance to the public that this amount will revert back to the Hospital District at some point in time to keep the District whole?

After discussion, it was agreed that the Hospital District Board will come up with a mechanism to satisfy the Commissioners' concerns.

Issue #2: (a) How are the Hospital District and SHS Board members selected? (b) What are the duties of the Hospital District Board and the SHS Board? (c) How often will financial reports go to the Hospital District Board? (d) Can the SHS Board members be recalled?

After discussion, the following answers were stated. Hospital District, Board members are elected by the public; SHS Board members after the first appointed board, will be elected by the public. Each year for the next three years one-third of the members will be elected. Thus, in three years the nine member SHS Board will all be elected by the public. Duties of the Hospital District Board, as lessor, include being the landlord for a leased property and a financial monitor of the lessee. The SHS Board, as the lessee, will make the decisions. The financial reports will go to the Hospital District Board quarterly. The SHS Board members cannot be recalled, since they represent a private non-profit entity.

Issue #3: (a) If the Hospital District Board leases the Hospital to SHS, and in the future the Hospital has to be sold there is a need to clarify the clause "SHS would have the first right of refusal." Clarification would state that this does not mean that the Board of County Commissioners is approving the sale of the Hospital. (b) Need to change language in the exhibit that relates to rent to be paid by SHS. Wording "if the Hospital District has monies to pay the Bond payment for that year that SHS does not have to make that payment," needs to be changed to "SHS has to make the Bond payment."

Representatives for the Hospital stated that the clarification and change will be made.

08-15-96

2

Issue #4: Need for an independent auditor.

Representatives for the Hospital stated that auditors Ernst & Young have been contacted. They will do an audit for the Hospital District and be retained by them. It was noted that the Hospital Board should notify the Board of Commissioners of the results of such an audit.

Issue #5: If a medical building is built will it be a bidding process and use local contractors?

Representatives from the District Board stated affirmative to both these questions.

PUBLIC comments included statements and questions about; (a) Hospital is shifting from a public to private non-profit entity, (b) where are 60,000 new patients coming from, (c) question should go to the public for a vote, (d) insurance coverage for pending cases, (e) who will pay interest on bond (f) authority of Hospital District Board, (g) why do any medical buildings need to be built on hospital property, (h) is this a good thing for the area, (i) libel for good business deal, (j) performance bond, and (k) ability to recall.

ADJOURNED at 2:30 p.m.

Deputy Clerk

Chairman

August 15, 1996

Online Copy

**Minutes 08/19/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 19, 1996

STATE OF COLORADO     )  
                                  )           ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 19, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meetings held on Monday, August 12, 1996, and Thursday, August 15, 1996, were read. Comm Story moved to approve minutes of August 12th, seconded by Comm McClellan and carried. Comm McClellan moved to approve minutes of August 15th, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

NOTICE OF INTENT to file claim by Melanie Chapman was received. It will be forwarded to the Insurance Company and a copy will be sent to the Sheriff.

SOUTHWEST MEMORIAL HOSPITAL: Concerned citizens Shelia Wilson and others (see attached list) brought up several items about the proposed lease between the Hospital District Board and the Southwest Health System, Inc. (SHS). They were that (a) the severable clause should apply to both entities; (b) they were opposed to a private building being built on Hospital land; (c) a performance bond is needed for accounts receivables (d) there needs to be something that shows where patient increase is coming from; and (e) the people have a right to vote on the proposed lease. These items were discussed. They were told that the Hospital District Board has been asked to come up with a mechanism to satisfy the Commissioners' concerns in regard to the accounts receivables. The severable clause will be discussed with the Hospital District Board.

SANITATION Manager Mick Periman, Engineer Fred Thomas and others (see attached list) met to discuss county regulations in regard to acceptable septic systems, especially in the Dolores Water Shed. They expressed that sometimes State Health Department guidelines are not strict enough for this area. They asked for an increase in county regulations, which would only allow closed septic systems within the Dolores Valley floor. The valley floor would be identified by using an overlay on a GIS map of the area. Manager Periman stated that any proposed regulations would also be presented to Dolores County for their consideration. Manager Periman stated he would schedule a meeting with local engineers and they would draft a proposal within the next two weeks for the Board's consideration. Jack King mentioned the systems being installed on the Heritage Funding, Inc. (Nine Star Corporation) property. Manager Periman stated that the systems are engineer designed and do meet State regulations.

ABATEMENTS: Assessor Cruzan and Appraiser Scott Davis being present at petition for abatement of 1996 value on Parcel N5611-341-01-001 was presented for William Clark, etc. William Clark and his daughter, Sandra Clark Knippers were present. Comm Story moved to reduce the total actual 1996 value on this parcel from \$96,490 to \$88,000, seconded by Comm McClellan and carried. Previously tabled petition for abatement of property tax on Parcel #5611-243-41-003 was presented for Sonya Pickens-Orton and Larry Lee Pickens, 1987 thru 1993, erroneous assessments.

08-19-96 2

Assessor Cruzan stated that these were erroneous assessments, but there is a two-year limitation for abatement action. Comm McClellan made a motion to deny this petition. Discussion followed, and the question was asked, "Is there was any issue with the actual value for 1995?" Comm Story amended the motion to change the 1995 valuation to \$41,030, providing all abatement of \$163.34. Motion was 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.

1996 ABSTRACT OF ASSESSMENT for Montezuma County tamable valuation of \$172,036,530.00 was signed.

VALI MINI RANCH SUBDIVISION (MINOR): Comm McClellan moved to approve and sign the final plat for the Vali Mini Ranch Subdivision (minor), seconded by Comm Story and carried. Lauralee Ince was present.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented a new application for a retail liquor license for Log Cabin Liquor. Owner Ted R. Lawrence was present. A public hearing was scheduled for September 16, 1996, at 10100 A.M. A background investigation will be done by the Sheriff's Department. Mr. Lawrence will do the polling with a set radius of 1/2 mile. Deputy Davis presented a diagram showing changes for the premises. Mr. Lawrence asked if he could postpone any changes of the premises until after the public hearing. This was affirmed.

JUSTICE BUILDING AND NEW CITY POLICE BUILDING: City of Cortez Manager Bill Ray and Attorney Cliff Fossum met with the Board. They presented "Instrument and Intergovernmental Agreement Creating Estates In Land Between The County of Montezuma and The City of Cortez" for signature and plat showing the material reflected in the intergovernmental agreement. Comm Story moved to sign the Agreement as per the presented plat, seconded by Comm McClellan and carried. "Prisoner Housing Letter Agreement By And Between The County Of Montezuma And The City Of Cortez" was presented for signature. Comm McClellan moved to sign the Prisoner Housing Letter Agreement, seconded by Comm Story and carried. Other items in regard to this transaction will be presented within the next few weeks.

ROAD DEPARTMENT Supervisor Tim McComb reported that Mildred Estates Subdivision owner Richard Tibbits has completed the chip/seal on CR 26, which was done in lieu of road impact fees. Two layers were put down. Stripping is complete on CR G (McElmo Canyon). Blade patching has been done in the Mancos and Round Up districts; other areas scheduled for this week. Supervisor McComb gave cost figures for a new culvert for CR 27. He will check on whether a smaller culvert can be installed. He will contact Carey Veach (see August 8 and 12, 1996 minutes) with the proposal that the county will accept the purchase of the culvert by Mr. Veach in lieu of road impact fees for his proposed subdivision. The county will install the culvert. CR 10 is being bladed today. Complaints about CR N will be checked. Mentioned that corners need to be mowed and cost figures on the Lowry Ruins fire need to be confirmed before any reimbursement.

LANDFILL Manager Ron Lanier and Road Supervisor McComb met to discuss transfer of monies from the Capital fund to the Landfill fund in regard to the new road constructed by the road department within the landfill area. Manager Lanier complimented the road department for their work on the project. Tentative schedule for opening the new landfill is September 23rd. Manager Lanier asked if the landfill can be closed on Sundays. He will compile cost figures to show the reason for this request.

CAPITAL FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-16-96 to the Treasurer to transfer \$33,678.00 from the Capital fund to the Landfill fund, for construction of the road within the landfill area. The motion was seconded by Comm Story and carried.

STATUTES were discussed in regard to Taylor Grazing monies. Further research will be done.

08-19-96

3

OFFICE OF COMMUNITY SERVICES, Mike Preston gave an update on the land use working group meetings and their agenda. He discussed an upcoming meeting in regard to the Farm Bill. Items discussed that need to be brought up at, this meeting included the need for disaster designation, availability of monies to do private ranch land improvement, action on experimental stations, and how is predator control going to be addressed since it hall, been turned over to the State Department of Agriculture from the State Division of Wildlife.

SUNDANCE CANYON ADDITION II: Impact fees to be paid by the subdivision's developers Paul Long and Mike Fleming were discussed (see August 12, 1996 minutes). Comm Story moved to negotiate a settlement of the disputed road impact fees by offering to settle for 1/2 the amount assessed for road impact fees for each lot in the subdivision, seconded by Comm McClellan and carried.

BURRIS SUBDIVISION Comm Burris Subdivision, with conflicted area which is plat as a conflicted area carried.

BOARD OF SOCIAL SERVICES was co Story

The motion was seconded by Comm McClellan and conducted.

SALES AND USE TAXES: Sales tax allocations were statutes were read and discussed. Use tax statutes were read and discussed.

COUNTY JAIL: Need for regular inspections of the jail was discussed.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

August 19, 1996

Online Copy



**Minutes 08/26/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 26, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 26, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, August 19, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

NOTICE OF INTENT to file claim 96-B-1916 in the United States District Court by Clarence Eugene:Heisz was received. It will be forwarded to the Insurance Company.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss upcoming Land Use meetings.

REGION 9, Director/SW Colorado Enterprise Zone Administrator Ed Morlan presented a memorandum about the re-certification of the Southwest Enterprise Zone (EZ) Boundaries. He recommended that the whole County be included in the new enterprise zone. He asked if the Board agreed with this recommendation. This was affirmed.

TITLE SETTING BOARDS Statutes were read and discussed. Comm McClellan made a motion to appoint the Board of County Commissioners and the Montezuma County Clerk and Recorder as a Title Setting Board. The motion was seconded by Comm Story and carried.

TITLE BOARD: The Montezuma County Commissioners and Clerk Evie Ritthaler convened on Monday, August 26, 1996, to sit as the Title Board. The Board met to fix a proper title for the proposed Resolution 96-2. The title was discussed. Comm Story moved to approve the proposed title as stated in the document Resolution 96-2 (see attached), at 9:55 a.m., August 26, 1996, seconded by Comm McClellan and carried unanimously, with Clerk Ritthaler voting aye. A copy will be sent to the Secretary of State.

RESOLUTION 96-2 - Shall Montezuma County Taxes Be Increased By A One (1%) Percent Sales and Use Tax Beginning January 1, 1997, Which Is Estimated To Generate The First Full Fiscal Year Maximum Increase Of Revenue In The Amount Of \$1,400,000 And Annually Thereafter, More Or Less, Said Sales Tax To Be Imposed On The Sale Of Tangible Personal Property At Retail And Or The Furnishing Of Services In Montezuma County, Said Tangible Personal Property And Services Shall Be The Same As The Tangible Personal Property And Services Taxable Pursuant To 39-26-104, C.R.S., And Exempting There from Sales And Purchases Of Certain Items, Including, But Not Limited To, Food, Fuel And Energy For Residential Light, Heat And Power, And Machinery And Machine Tools, And Said Use Tax Shall Be Imposed On The Storing, Using Of Consuming In Montezuma County Any Motor And Other Vehicles Purchased At Retail Outside Montezuma County On Which Registration Is Required, Except That Said Use Tax Shall Not Apply As Provided In 28-2-109, C.R.S., Said Revenue To Be Allocated And Expended Fifty-five (55%) Percent For County Road and Bridge Construction And Maintenance Purposes, Thirty-Six (36%)

Percent for Law Enforcement-Crime Prevention and Justice Building-Jail and Communications-Dispatch Purposes, And Nine (9%) Percent For Other County Purposes Such As The County Clerk And Recorder's Office And The Treasurers Office And Administration Generally, And the Reenue And Spending Limits Of Art. 10, s20, Colorado Constitution, Or Any Other Law Shall Not Apply to Or Limit Said Tax And Revenue Therefrom Or Expenditure Thereof And Said Revenue And Expenditures Shall Not Be Included In Any Revenue And Spending Limitation And Shall Be Collected And Spent Without Limitation Or Condition Except As Herein Provided was presented. Comm McClellan moved to adopt Resolution 96-2 at 10:00 a.m., August 26, 1996, seconded by Comm Story and carried. Comm Story moved to publish Resolution 96-2 in its entirety in the Cortez, Mancos and Dolores newspapers, once a week for four consecutive weeks, seconded by Comm McClellan and carried.

LANDOWNER Gregory Munson met to discuss he and Erik Hamerschlag's creation of a two-lot minor subdivision in connection with the tentative approval given for such at the August 5, 1996, meeting with the Board. The tentative approval was contingent on the road being built to county specs and the widths as specified on the attached map. He asked if he could flag a lot and create a private drive to serve both lots of the subdivision, in place of the 18' road. This was discussed. Tentative approval was given to his request, contingent on the plat reflecting that the two lots will not be split or subdivided. He asked if the 36.5 foot wide easement for the private road is a problem? He was told no.

PUBLIC HEARING - EAGLES OVERLOOK SUBDIVISION WITH CLUSTER DEVELOPMENT CARTER NORRIS: It being the time set aside, a Public Hearing was conducted to consider a subdivision with cluster development owned by Carter Norris. The roll was called and the Public Notice was read. Mr. and Mrs. Carter Norris and Realtor Bob Durant and Planning Manager Karen Welch were present Remigio Candelaria and James Adams were in the audience. Lot locations, homeowner's association, driveways, and easements were discussed. It was noted that this is the first cluster development in the County and that the Board has done an on-site of the proposed subdivision in regard to roads, etc. Comm Story made a motion to tentatively approve the preliminary plat, contingent on presentation of the final plat in three months. The motion was seconded by Comm McClellan and carried. These proceedings were taped for the record.

JAIL INSPECTION was conducted.

PLANNING: A planning resolution P-36-96E After-The-Fact was presented whereas Yelanda Hansen, owner of 6.42 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 31, T.37N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A two-lot (2+ acre parcel divided from the rest of the property by a canal and a 20 acre parcel) proposed subdivision by Billy D. Watson was tentatively approved. A verbal request from Jack and Jean Smith to split off 10 acres from 150 acres for their son Randy was tabled. Former splits and the proposed split are adjoining and research will be done to determine if splits should be classified as a minor subdivision.

ROLLING HILLS SUBDIVISION lot owner, John Anderson asked what procedure is needed for him to split his 18 acre lot into two 9 acre parcels. He mentioned that the covenants to the subdivision state that this can be done. Planning Manager Karen Welch was present. He was advised that the Board is not involved in subdivision covenants. He was told that he needs to submit to the Board an amended plat with signatures from all the other landowners in the subdivision.

FINANCE OFFICER Mary Ann Sanders stated that the six-month Treasurer report submitted July 22, 1996, by Treasurer Bobbie Spare has been reconciled with the funds controlled by the Board of County Commissioners and will be submitted to the newspaper for publication.

08-26-96

AUDIT For the Year Ended December 31, 1995 prepared by Gale W. Greenlee, Inc., was signed.

ROAD DEPARTMENT Supervisor Tim McComb reported they are blading roads. He reported on the inspection of the Hay Camp gravel pit and changes in the lease. Weeds are a problem and need to be sprayed at the gravel pits. New material is being looked at for dust control. Request by Supervisor McComb for the purchase of a bucket scale was tabled until further research.

ADMINISTRATOR Weaver presented Race Track revenues and expenses.

BOARD OF SOCIAL SERVICES was conducted.

SOUTHWEST MEMORIAL HOSPITAL Administrator Steve Selzer, Assistant, Administrator Craig Ambrosiani, Montezuma County Hospital District (MCHD) Board member Byron Maynes, others representing the Hospital and concerned citizens (see attached list) met with the Board. Presented was a letter dated August 24, 1996, with reference to two documents as enclosures - "Hospital Operating Lease Agreement By And Between Montezuma County Hospital District And Southwest Health System, Inc. A Colorado Nonprofit Corporation, Draft 5, 08/23/96 and Corporate Bylaws of Southwest Health System, Inc. Draft 5, 8/20/96 which were submitted as proposals in lieu of previous submissions. These documents were discussed. Pertinent changes were made. Comments and questions were taken from the audience and answered. A ratio system for protection for the Hospital District for, financial viability was presented. Comm Story made a motion as follows, seconded by Comm McClellan, and carried; and the following was adopted: I: move the adoption of a resolution conditionally approving the Hospital Operating Lease Agreement By And Between MCHD and Southwest Health System, Inc., Draft 5, dated 8/23/96, and By-Laws dated 8/20/96, as corrected this date, because said lease of the Leased Hospital Assets, including the accounts receivable, serves the public purpose of operating the Hospital, said approval being conditioned upon said Hospital District retaining the Excluded Assets listed on Exhibit 1.7, specifically hospital funds as defined on Exhibit 1.7, and said Hospital District maintaining a minimum of \$800,000.00 of said hospital funds at all times, and a resolution of approval will be issued by the Montezuma County Commissioners upon said Hospital District submitting the corrections to Draft 5 of the Lease and the By-Laws as made this date. Approved this 26th day of August, 1996, Thomas K. Colbert, Helen McClellan and G. Eugene Story. (See attached written original.)

ADJOURNED at 5:15 p.m.

Deputy Clerk Chairman

August 26. 1996

SEAL

**Minutes 09/09/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 9, 1996

STATE OF COLORADO        )  
  )ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 9, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, August 26, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's reports and the Sheriff report for August 1996 were received.

PAYROLL: General fund - Payroll vouchers #16065 thru #16192 in the amount of \$146,665.83, District Attorney voucher #25586 in the amount of \$14,483.44, County Treasurer voucher #25587 in the amount of \$92,530.11; Road fund - Payroll vouchers #16193 thru #16223 in the amount of \$47,443.36, County Treasurer voucher #9599 in the amount of \$31,765.84; and Landfill fund - Payroll vouchers #16224 thru #16227 in the amount of \$6,283.85 and County Treasurer voucher #448 in the amount of \$4,287.78 were approved for payment.

LANDOWNER Galen Larson met to discuss CR L and CR 22. He asked that the hills be pulled down to give better sight vision at the intersection. The problem will be discussed with the Road Department.

RESOLUTION 96-3: Comm Story moved, whereas the Montezuma County Hospital District having proposed material modifications in its service plan and having petitioned the Board of County Commissioners of Montezuma County for approval of said proposed modifications, to adopt Resolution 96-3 including Exhibits A and B attached, seconded by Comm McClellan and carried. Southwest Memorial Hospital Administrator Steve Belzer, and Hospital District Board Members Byron Maynes and Aryol Brumley were present.

COMM McClellan was absent from 9:30 a.m. until 11:00 a.m.

JUNIPER RIDGE SUBDIVISION (MINOR): Greg Munson, co-owner with Eric Hamerschlag, presented the final plat for the 2-lot Juniper Ridge Subdivision. Proof of secured monies for the road work was presented. It was noted on the plat that there would be no further splits of the two lots. Comm Story moved to approve and sign the plat, seconded by Comm Colbert and carried. Planning Manager Karen Welch was present.

PLANNING: A planning resolution P-31-96E Amended was presented whereas David A. and Janet Lindsay, owners of 56.83 acres, would be granted an exemption to the subdivision regulations to record an exemption on a 6.12 acre tract leaving 50.71 acres, in Section 8, T.38N., R.17W. This is the

only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm Colbert and carried. Planning resolutions P-33-96E, P-34-96E, and P-35-96E were presented whereas Roscoe Rose, owner of 310.67 acres, would be granted exemptions to the subdivision regulations to record three unconnected tracts, a 5 acre tract for his son, Dale Rose, a 6.12 acre tract for his daughter, Mary Gresh, and a 5 acre tract for his son, Lloyd James Rose, respectively in Section 29, T.38N., R.16W. These are the only exemptions that will be granted this property. Comm Story moved to adopt these resolutions, seconded by Comm Colbert and carried. A planning resolution P-37-96E After-The-Fact was presented whereas Homer W. and Talonda D. Sprague, owners of 20 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 8, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm Colbert and carried. A verbal request for an exemption to the subdivision regulations from Revis Higgins to split 10 acres from 169.9 acres was tentatively approved, contingent on a 60 foot easement. A proposed 2-lot minor subdivision by Merrilee Laas was tentatively approved.

POLICH MINOR SUBDIVISION: Comm Story moved to approve and sign the plat for the Polich Minor Subdivision (Kenneth Polich ), seconded by Comm Col Colbert and carried.

POLICY AMENDED - ROAD IMPACT FEES - MARCH 4-5, 1996: A Road Impact base fee of \$800 shall be assessed on each additional lot created by subdivision or by exemption, plus \$50.00 per lot, per mile from the State Highway to the subdivision or exemption or exemption entrance (see minutes March 4-5, 1996) , except a lot with an existing residence shall not be so assessed. This amended policy is retroactive to January 22, 1996.

LANDOWNER David Buterbaugh requested that CR D be graded and weeds be removed. The Board stated they would check into the problem. The Board did an on-site inspection of the road at noon.

REGION 9 representative Stu Cohen presented a request from Cannon Forest Products, Inc. (Cannon), owned by Cherrie Williford and Michael Williams, for County Revolving Loan Funds. The request was discussed. Comm Story moved to approve a guaranteed loan for \$15,000 for the Cannon Forest Products, 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 Nurse Bette Sutter presented for review a contract for Home Health Care for Rocky Mountain HMO. Action was tabled. Nurse Sutter an update on animals sent off for rabies check. She asked if raises will be considered for next year, and reported on salaries in comparison with other sections of the State. A possible need to cut back on programs in lieu of budget restraints was discussed.

LANDOWNER Corey Veach met to discuss fees for his proposed subdivision. Road Department representatives Lloyd Everett and Jim Sattley were present. Trade out with culvert was discussed. Mr. Veach will get more cost figures and come back next week.

MOUNTAIN GRAVEL AND CONSTRUCTION COMPANY representatives Vic Hodges and David A. King met to ask for more options in the county road specs. Application of the options would be in connection with their road work in subdivisions. Options were discussed and the below policy was adopted.

POLICY - CHANGE IN COUNTY ROAD SPECS: Options affirmed were; (1) Road Surface; (a) 6" of 3" minus covered with 6" of 3/4" minus, (b) 9" of 3/4" minus, or (c) 6" of 1-1/2" minus covered with 6" of 3/4" minus and (2) Cul de sac or hammerhead.

ROAD DEPARTMENT representatives Lloyd Everett and Jim Sattley were asked to mow weeds on CR D, but not grade at this time. Condition of county roads

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due to lack of rain was discussed. They will check on cost and options to correct problems on CR L and CR 22. V. Koppenhafer's request for gravel for unimproved CR 37 was discussed. The county will address drainage problems by installing two or three new culverts. This is still considered to be an unimproved county road with no further maintenance planned. Ms. Dale Wright met with the Board to ask that something be done about the condition of Kelly Hill. It was affirmed that the road department will blade the asphalt to eliminate the jump off to the gravel. Other solutions will be considered.

BOARD OF SOCIAL SERVICES was conducted.

CITY OF CORTEZ - COUNTY OF MONTEZUMA: AIRPORT/JUSTICE BUILDING AND NEW POLICE BUILDING TRADE: City Manager Bill Ray and Attorney Cliff Fossum presented Bill of Sale, and Bargain and Sale Deed conveying the Airport to the City of Cortez (see attached). These documents were discussed. Comm McClellan moved to approve and sign the documents, seconded by Comm Story and carried. Second Draft September 5, 1996 - City of Cortez/County of Montezuma PBX, Recording Keeping & Computer Service Agreement was presented for review and discussed. Undersheriff Bob McDonnell was present. Action was tabled until next week.

UNDERSHERIFF Bob McDonnell discussed the proposed dispatch center, cost, etc.

TRAPPERS FUND ORDER: Comm Story made a motion to direct the Clerk to issue Order Number 0-17-96 to the Treasurer to pay \$1,981.14 from the Trappers Fund to District 3 R & I Funds, Account #350000027, Dank one, P. O. Do., 1189, Montrose, CO 81402, for payment of Grazing Advisory Funds to be credited to the Montrose District Grazing Advisory Board range improvement funds account. The motion was seconded by Comm McClellan and carried.

ADJOURNED at 4:15 p.m.

Deputy Clerk Chairman

September 9, 1996

SEAL

**Minutes 09/16/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 16, 1996

STATE OF COLORADO

) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 16, 1996, at the courthouse In Cortez, Colorado, there were present:

Thomas K. Colbert, Chairman

Helen McClellan, Vice-Chairman

G Eugene Story, Commissioner of Deeds

Bob Slough, County Attorney

Thomas K. Weaver, Administrator - Absent

Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held an Monday, September 16, 1996 were read. Comm Story loved to approve the minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS ORRESPONDENCE was read and contents noted. The Clerk's report for August 1996 was received.

ACCOUNTS PAYABLE: General fund vouchers #25581 thru #25812 in the amount of \$179,861.66, Road fund vouchers #9606 thru #9664 in the amount of \$114,995.08 and Landfill fund vouchers #455 thru #472 in the amount of \$22,049.37 were approved for payment.

LOTTERY FUNDS: American Legion representative Louie Caughey made a request for monies from the lottery fund. Comm McClellan made a motion to donate \$160.00 for the American Legion Junior Rodeo. The motion was seconded by Comm Story and carried.

SANITATION Manager Mick Periman asked for approval to issue a second septic permit for a 1.6 acre parcel. At this time there is one house with a holding tank, and another dwelling that is used part-time. The request was that a second holding tank be permitted for the second dwelling, which will be used only part-time, Approval was given. Manager Periman presented letters from Hutchison Engineering and Roach Engineering in regard to septic permitting in the Dolores Valley Watershed area. Engineer Fred Thomas submitted a letter August 19, 1996, with his recommendations for the area. After discussion, a meeting was tentatively scheduled for next Monday, with the Board, Manager Periman, interested Engineers, Dolores County Board of County Commissioners, and a representative from the State, if possible. Manager Periman will notify these persons of the proposed meeting.

CONTRACT - LOCAL AFFAIRS AND MONTEZUMA COUNTY: Comm McClellan moved to sign the 1996-97 discretionary award made to the County from the Contiguous Counties Limited Gaming Impact Fund (Gaming Impact Fund) contract between the Department of Local Affairs (State) and the Board of County Commissioners, County of Montezuma (Contractor), seconded by Comm Story and carried.

PUBLIC HEARING - LOG CABIN LIQUORS RETAIL LIQUOR LICENSE: It being the time set aside, a Public Hearing was conducted for the consideration of a retail liquor license for Log Cabin Liquors. The roll was called and the proof of publication was read. Present were Deputy Clark Betty Davis, owner Ted R. Lawrence, Sheriff Department Investigator Todd Martin, and Sheriff department representative Joey Chavez. Deputy Clerk Betty Davis presented the application for a retail liquor license from owner Ted R. Lawrence. Deputy Davis stated that fingerprint results have been received and there is no problem. The polling was done by Mr. Lawrence within the set radius of 1/2 mile. One hundred 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 2 against, 8 no opinion, and 90 affirmative for both questions. Investigator Martin reported that an investigation was done of Mr. Lawrence's financial and character background, and proximity of schools, churches, and like businesses was noted. These were accepted. Establishment will be physically inspected after changes in premises are completed (see minutes of August 19, 1996). There was no public comment. Comm Story moved to approve the application for a retail liquor license, contingent on an approved floor plan, seconded by Comm McClellan and carried. These proceedings were taped for the record.

HEALTH DEPARTMENT Nurse Bette Sutter met to discuss the proposed contract for Home Health Care for Rocky Mountain HMO. Action was tabled until more review.

PLANNING: A planning resolution P-38-96E was presented whereas Dean E. and Betty B. Wolcott, owners of 640 acres, would be granted an exemption to the subdivision regulations to record a 4.716 acre tract for Greg and Robin Walcott in Section 13, T.35N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. Access to the above property was discussed. Attorney Slough was excused because of a conflict of interest. A verbal request for an exemption to the subdivision regulations for Paul Gagne and Sandra Cushman to split 5 acres from 75 acres was tentatively approved. Plat for Sunnyside Subdivision was presented. Action was tabled until access is checked. Planning Manager Karen Welch stated that Mountain Gravel representative David King asked for clarification on width of the road required for the Beaver Pond subdivision. It was noted that the road will serve four lots for the Beaver Pond subdivision and approximately 10 lots for the Butler Subdivision, which is located on the other side of the road. Mr. King will be informed that the road width needs to be 24'.

VANDA'S RV PARK: Comm McClellan moved to approve and sign the plat for RV Park (Elmer and Vanda Jones), seconded by Comm Story and carried.

SHERIFF Sherman Kennell met to ask that the fire ban ordinance be suspended. He gave statistics relating to moisture, etc. in the past weeks. This was discussed and the below resolution was enacted.

RESOLUTION 96-4: Comm McClellan made a motion to adopt said resolution to suspend the ban on open fires, with said suspension to continue until cancelled by the Board of County Commissioners, pursuant to Ordinance 1-96. The motion was seconded by Comm Story and carried.

COUNTY CLERK Evie Ritthaler met to discuss this year's elections and costs. Intergovernment agreement has been signed between the Clerk's office and the RE-6 School District for Mancos School District for payment of cost incurred to cover the school question on the ballot. She stated she plans to attend a District Clerk's meeting in September.

MESA VERDE COMPANY SETTLEMENT: Comm Story moved to approve and sign the Settlement by and among Mesa Verde Company, a Colorado corporation ("Mesa Verde") and the Montezuma County Assessor and the Montezuma County Board of Equalization (together, "Montezuma County"), seconded by Comm McClellan and carried. This Settlement Agreement for the purpose of fully and finally resolving all claims between the parties with respect to 1989 Colorado property taxes payable in 1990 and 1990 Colorado property taxes payable in 1991 by Mesa Verde.

ROAD DEPARTMENT Supervisor Tim McComb discussed Kelly Hill. Comm Colbert did on-site inspection last week. It was affirmed that the asphalt will be torn up, gravel will be added as needed, and dust retardant will be applied



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to the area in question. Problem on CR L and CR 22 was discussed. To widen the road more right of way is needed. Low spots will be filled in before the last big curve. The suggestion that some mechanism might be employed to track accidents on county roads was discussed. Supervisor McComb stated that more monies were requested for replacement of the Oak Street bridge; the request was turned down. What can be done with available monies, and the timeframe allowed to spend monies will be checked. Agreement between the Forest Service (50%) and Montezuma County (50%) to chip-seal 7.8 miles of the Dolores-Norwood road was presented. The Board refused the agreement. Supervisor McComb presented cost figures for a bucket scale and a portable scale. He recommended purchase of the bucket scale, since he felt that more can be done with this type of scale for the small difference in price. Action was tabled until he contacts someone who is using this type of scale and gets input about use and maintenance of the scale.

ADJOURNED at 3:00 p.m.

Deputy Clerk    Chairman

September 16, 1996

Online Copy

**Minutes 09/23/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 23, 1996

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 23, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, September 16, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried. Correction was made on the September 9, 1996, minutes. Under Road Department heading, line 4, the sentences about CR 37 were changed as follows: "V. Koppenhafer's request for gravel for an unimproved section of CR 37 was discussed. The county will address drainage problems by installing two or three new culverts. This is still considered to be an unimproved section of CR 37 with no further maintenance planned."

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

LAW SUIT, Case Number 96-N-2028, filed in U.S. District Court was received from David Edward Bee. It has been sent to the insurance company.

OFFICE OF COMMUNITY SERVICES: Mike Preston gave an update on the proposed land use plan and agenda.

OPEN SCHOOL Teacher Stan Davis and students (see attached list) were in attendance till noon. Issues were explained and discussed with them.

GAMING IMPACT FUND ORDERS: Comm McClellan made a motion to direct the Clerk to issue Orders to the Treasurer to pay/transfer from the Gaming impact Fund the following: Order Number 0-18-96 for \$9,861.00 to Cortez Fire Protection District for equipment; Order Number 0-19-96 for \$42,200.00 to the 22nd Judicial District for security equipment; Order Number 0-20-96 for \$7,000.00 to the Cortez Police Department for computers; Order Number 0-21-96 for \$14,673.00 to the Road and Bridge (project); Order Number 0-22-96 for \$8,000.00 to Social Services for computers; Order Number 0-23-96 for \$24,769.00 to the General Fund for the Montezuma County Jail; and Order Number 0-24-96 for \$20,100.00 to the General Fund for the 22nd Judicial District (security officer). The motion was seconded by Comm Story and carried.

CAPITAL FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-25-96 to the Treasurer to transfer \$74,950.00 from the Capital Fund to the Landfill Fund lack of funds for the new operation at the Landfill. Motion was seconded by Comm Story and carried.

911 AUTHORITY BOARD ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-26-96 to the Treasurer to pay \$3,367.30 from the 911 account, to U.S. West Communications, Denver, CO 80244-0001. This amount corrects monthly service charges from February 1, 1996 to August 16, 1996. The motion was seconded by Comm Story and carried.

HEALTH DEPARTMENT Nurse Bette (Sutter) Anderson met to discuss the proposed contract for Home Health Care for Rocky Mountain HMO. Changes and deletions were made by the Board. The contract, which does not require the signature of the Board but of the Health Department, was given to Nurse Anderson for signature and submission to the Rocky Mountain HMO for consideration. Amended immunization contract was presented. The amendment

shows that eligible services were increased \$1,100.00. Comm McClellan moved to sign the amended immunization contract effective as of September 1996 between the State of Colorado, Department of Health and Environment and the Montezuma County Board of Commissioners, seconded by Comm Story and carried. Nurse Anderson stated that the Health Department will give free flu shots to County employees on Monday, October 28, 1996 between 3:00 - 5:00 p.m. Another fox has been sent to be tested for rabies. City/county responsibility for payment of rabid testing costs was discussed.

JUVENILE CRIME TASK FORCE facilitator and Sheriff Department Special Deputy Nancy Johnston gave an update on the organization and one of the programs, "Activities For Teens" (ACT). After discussion, it was affirmed by the Board that the programs will not be changed and the \$5,000 donated by the City of Cortez to the task force will be refunded to them. The Juvenile Crime Task Force will continue as a County project, and include Cortez, Dolores, and Mancos.

DEPARTMENT OF LOCAL AFFAIRS: Contract and Consent of Assignment, transferring responsibility from the County to the City of Cortez for Gaming Impact Fund monies that have previously been issued to the City of Cortez through Montezuma County was presented and signed.

PLANNING: A verbal request for an exemption to the subdivision regulations from Marvin Hoffman to split 5 acres from 158 acres was tentatively approved.

QUITCLAIM DEED: A narrow strip of land near CR 38 deeded to the county in 1954 was discussed. Attorney Slough was excused because of a conflict of interest. It was affirmed that another legal opinion will be obtained, even tho the County and others involved in changing this section to a privately owned road have consented and are agreeable that Attorney Slough may prepare a Quitclaim deed for the section of land in question.

CITY OF CORTEZ - COUNTY OF MONTEZUMA: AIRPORT/JUSTICE BUILDING AND NEW POLICE BUILDING TRADE: City Manager Bill Ray, Attorney Cliff Fossum and Rick Smith presented the "Lease of Municipal Court Space" document. This was discussed. Comm Story made a motion to sign the "Lease of Municipal Court Space," seconded by Comm McClellan and carried. Second Draft of September 5, 1996, City of Cortez/County of Montezuma, PBX, Recording Keeping and Computer Service Agreement was presented again for review and discussed. Action was tabled until further review of costs.

LANDOWNER Marty Robbins asked that CR 14 south on CR BB be graveled. He stated that the 1996 Road Plan showed that this was to be done. Road Supervisor McComb was present. The road is classified as a county maintained road. Road plan priorities and county map road classifications were discussed. It was affirmed that this section of road will be gravelled as soon as possible.

ROAD DEPARTMENT Supervisor Tim McComb reported that they are crushing gravel at the Mancos gravel pit. The Board re-considered the refused agreement between the Forest Service (50%) and Montezuma County (50%) to chip-seal 7.8 miles (2.7 miles/County and 5.1 miles/FS) of the Dolores Norwood road (see September 16, 1996 minutes). Supervisor McComb will contact the Forest Service with an offer that the county will provide all the labor, if the Forest Service will supply oil, chips, etc. They are working on Kelly Hill - State owned concrete guardrail ends will be turned and moved back for safety reasons. They have culvert for CR 27. They will check on water running off hill and across CR G (McElmo Canyon) by the Chester Tozer property. All the county roads have been bladed.

CORTEZ LIBRARY: Librarian Mary Ellen Brubaker met to discuss the libraries' State equalization monies.

MOUNTAIN GRAVEL owner Richard Tibbets met to discuss the requested road width of 24' for the Beaver Ponds Subdivision (see September 19, 1996 minutes). He stated that there are two accesses off the State Highway, and that in some areas of the loop there is only room for a 22' road. After discussion, he was asked to build the road to the requested 24' width where feasible.

BOARD OF SOCIAL SERVICES was conducted.

SANITATION MEETING - DOLORES WATERSHED, Sanitation Manager Mick Periman, Colorado Department of Health (Durango) - Greg Brant, KIS Engineering, Inc. - Michael Hannigan, P.E., Wilbur Engineering, Inc. - Chris Wilbur, P.E., Hutchison Engineering - John Hutchison, P.E., Thomas Engineering, Inc. -- Fred Thomas, P.E., and Mike Preston were present. Manager Periman gave State statistics on the current water quality of the Dolores River. He reported that the Dolores County Commissioners were invited to attend today's meeting, but were unable to accept the invitation. They told him that they would consider any recommendations by the Montezuma County Commissioners. The question was asked, "Does the State regulations address all the concerns for the Dolores Watershed? This was discussed. Health Department representative Greg Brant explained that a system has to process 2,000 gals a day before his department is involved. He stated that the County does have the authority to adopt more rigid standards than the State regulations. He asked if the Board would consent to signing a letter that the State re-establish monthly monitoring along the Dolores, Mancos, and West Fork Rivers. This was affirmed. The Board asked that he research and let them know of any similar situations for septic restrictions in the State. He agreed to do this. The following guidelines were recommended for consideration: (A) Develop a practical way for the Sanitation Department to be notified of property ownership changes, with both sellers and buyers aware of the septic situation. The following steps were suggested: Step 1 - Have mortgage companies notify sanitation Manager Periman of property ownership changes. Step 2 - Have Manager Periman check if system is permitted, what type and when, and if working. Step 3 - Have Manager Periman - If permitted but not working, issue a repair permit, or if not permitted, request owner have an engineered system designed and implemented. (B) Monitor water quality on all the rivers in the county (Dolores, Mancos, and -West Fork). (C) Use a-geological map, along with regulations, for application to the watershed area, and build ISDS criteria around the map so people will know what to expect. Engineer Fred Thomas asked if the county would purchase the needed 5 to 6 digitized quad maps. This was affirmed. Acknowledgment was made of letters received from Fred Thomas, John Hutchison and Bud Roach. The Board asked that others submit letters to the Board stating their ideas and solutions. Another meeting will be planned at a later date.

ADJOURNED at 4:15 p.m.

Deputy Clerk Chairman

September 23, 1996

**Minutes 09/30/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 30, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 30, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, September 23, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General Fund - Payroll vouchers #16237 thru #16365 in the amount of \$148,250.07, District Attorney voucher #25815 in the amount of \$15,816.00, County Treasurer voucher #25916 in the amount of \$91,952.42; Road fund - Payroll vouchers #16366 thru #16396 in the amount of \$46,766.85, County Treasurer voucher #9665 in the amount of \$30,955.37; and Landfill Fund - Payroll vouchers #16397 thru #16400 in the amount of \$6,283.85, County Treasurer Voucher #478 in the amount of \$4,287.78 were approved for payment. LANDFILL Manager Ron Lanier met to discuss paying for the loader at the landfill. It was affirmed that the \$56,000 for the new loader will be paid for with funds transferred from the Capital fund account - repayment will include the interest.

JUVENILE CRIME TASK FORCE: Sheriff Sherman Kennell, Task Force Facilitator Nancy Johnston and City Council member Bob Diederich met to discuss the goals of the program. Mr. Diederich presented the check returned to the City for \$5,000 (see September 23, 1996 minutes), and stated that the majority of the City Council members want to be a part of the task force. After discussion, a meeting was tentatively scheduled for Monday, October 21, 1996 at 8:00 p.m. with the Board, City Council members, Chief of Police, Sheriff and other interested persons. The check will be held until that time.

STATE OF COLORADO OFFICE OF YOUTH SERVICES: State Representative Jim Dyer, Office of Youth Services representatives Jerry Adamek, Frank Minkner and others (see attached list) met to discuss House Bill 06-1146. The bill concerns a proposed multipurpose Juvenile Detention Facility in Southwest Colorado. Discussed was location in La Plata County or Montezuma County and donation of City/County property that would be deeded to the State for the facility. A request was made for a resolution from the Board to support such a facility in Southwest Colorado. Comm Story moved to resolve that the Montezuma County Board of Commissioners support a Juvenile Detention Facility in La Plata or Montezuma County to house juveniles from Southwest Colorado, and to participate and cooperate accordingly, seconded by Comm Colbert and carried (see attached). This letter of support will be sent to Director Adamek for attachment with their findings, conclusions and recommendations to the Capital Development Committee on or before November 1, 1996. It was noted that tentative completion of the proposed facility would probably be the Fall of 1999. Later in the day, the Youth Services representatives and Representative Dyer did an on-site inspection of property offered by the City of Cortez which is located in the industrial park.

SANITATION Manager Mick Periman asked for in-put about a request for a septic permit for a 5acre parcel in Summit Lake East. Policy of August 14, 1995 was reviewed. An after-the-fact exemption will be required since the property was created before 1994. Planning Manager Karen Welch was present.

LANDOWNER Sharon Hackett asked for an exemption for approximately 13 acres that were split from 76 acres in 1994. Policy of August 14, 1995 was reviewed and changed to read as below. Ms. Hackett was informed that she will need to submit an application for an after-the-Fact exemption. Planning Manager Karen Welch was present.

POLICY CHANGE - AFTER-THE-FACT EXEMPTIONS: Comm Story made the following motion that the August 14, 1995, policy be changed to read as follows: After-the-Fact exemptions will be handled on an as-needed-basis. Land splits, including after-the-fact exemptions, will require (a) survey done by a Colorado registered land surveyor, (b) septic permit issued by the Montezuma County Sanitarian or an inspection by a registered professional engineer, and (a) county road access permit, if applicable, and water availability. The motion was seconded by Comm Colbert and carried.

PLANNING: A verbal request for an exemption to the-subdivision regulations for Paul Gagne and Sandra Cushman to change the tentatively approved split of 5 acres from 75 acres (see September 16, 1996 minutes) to 3 acres 5 from 75 acres (see September 16, 1996 minutes) to 3 acres was tentatively approved. A verbal request for an exemption to the subdivision regulations for Jim Spencer to create a 2 lot subdivision was tentatively approved contingent on a 60' easement.

SUNNYSIDE ACRES SUBDIVISION: Comm Story moved to approve and sign the final plat for the Sunnyside Acres Subdivision, seconded by Comm Colbert and carried.

BEAVER POND SUBDIVISION final plat (Tibbits) was presented. Action was tabled until road widths are entered on the plat.

WILSON MINOR SUBDIVISION: Comm Story moved to approve and sign the final plat for the Wilson Minor Subdivision (Harold Wilson), seconded by Comm Colbert and carried.

FAIR BOARD representatives Ron Kimmi and Darline Hamilton asked if the option is available for them to bid out the county fair bar-b-que next year. Fairground Manager Dante Sena was present. This year the County Annex Kitchen employees cooked and served the meal. The fairground's need for county generated monies to help supplement its expenses was discussed. Manager Sena stated he would like all complaints and compliments to be documented in writing, if they are to be considered as a reason for a change. He stated that this year's complaints are being addressed. The Board asked that the Fair Board consider giving the County Annex Kitchen another chance to do the bar-b-que. This suggestion will be presented at the next Fair Board meeting, and they will come back with their decision.

ROAD DEPARTMENT Supervisor Tim McComb reported that the culvert for CR 27 has been received. Russell Hindmarsh has received SCS monies for the shared project with the County, which was completed in 1996. Some of these monies will be refunded to the County. Kelly Hill work is finished. The Forest Service is considering the offer made last week to them about the Dolores-Norwood Road agreement. Funding can be used next year for work on the Oak Street Bridge. Supervisor McComb reported he contacted companies that own and use bucket scales. They stated to him that they are pleased with the product, its efficiency, and maintenance. It was affirmed that the road department may purchase a bucket scale. Discussed other equipment needs, personnel and goals of the department.

BOARD OF SOCIAL SERVICES was conducted.

09-30-96

3

QUITCLAIM DEED: Comm Story moved to sign the quitclaim deed made between Montezuma County and Gregory J. and Robin D. Wolcott, in joint tenancy, seconded by Comm Colbert and carried. Comm Story as Commissioner of Deeds signed the deed.

ADJOURNED at 2:15 p.m.

Deputy Clerk    Chairman

September 30, 1996

SEAL

Online Copy

**Minutes 10/07/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 7, 1996

STATE OF COLORADO     )  
  )  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 7, 1996, at the courthouse in Cortez, Colorado, there were present;

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

MINUTES of the previous meeting held on Monday, September 30, 1996, were read. Comm Story moved to approve these minutes seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

CAPITAL FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-27-96 to the Treasurer to transfer \$56,000.00 from the Capital fund to the Landfill Fund to pay for the new loader. Motion was seconded by Comm Story and carried.

FOREST SERVICE District Ranger Mike Znerold updated and discussed the following issues; (1) Disappointment fire, costs, etc., (2) Proposed timber sales for pine and aspen - positive and negative effects, (3) Mancos Ranger office personnel changes, (4) proposed repair of Dolores-Norwood Road, and (5) re-construction of the Beaver Creek Bridge. Mike Preston was present.

SHERIFF Sherman Kennell and Undersheriff Bob McDonnell presented cost information for the option of operating a records division within the Sheriff's Office. Proposed City of Cortez/County of Montezuma PBX, Recording Keeping Computer Service Agreement costs still need some clarification. A meeting with City Manager Bill Ray to discuss costs for this option will be scheduled. Action was tabled.

PROPOSED SALES TAX: A meeting with Department Heads to discuss compiling information showing the need for the proposed 1% Sales Tax was tentatively scheduled for Wednesday, October 9, 1996, at 9:00 a.m.

EAGLES OVERLOOK WITH CLUSTER DEVELOPMENT: Realtor Bob Durant, representing Carter Morris, met to discuss whether language should be added to the plat in regard to the party responsible for future improvements to State Highway accesses. The question was raised because of letters received from the Colorado Department Of Transportation, concerning the future responsibility of installing accelerate and decelerate (A&D) lanes. It was affirmed that the Eagles Overlook plat does not need to include any language about this, since their access is not directly off the State Highway. Submission of the final plat for approval was tentatively scheduled for Monday, November 4, 1996. Planning Manager Karen Welch was present.

LANDOWNER Joe Espinoza represented by his daughter, Joann Mattson, met to request an exemption from the subdivision regulations to split a 17 acre parcel with a house and a 23 acre parcel from 83.95 acres. After discussion, they were told this will constitute a 2-lot subdivision and they need to complete the appropriate application. Planning Manager Karen Welch was present.



10-07-96

2

PLANNING: A planning resolution P-39-96E After-The-Fact was presented whereas Sharon A. Hackett, owner of 14.75 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 33, T.36N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried.

BEAVER POND SUBDIVISION (Tibbits) representative David King met to discuss the road widths and easements in subdivision. It was affirmed that instead of widths being indicated on the plat the following would be added, "easements are described in the Butlerer Subdivision Plat. " This older subdivision uses the same road.. \*\*\*\*\* Later, in the day, Mr. King presented the final plat with the added wordage. Comm Story moved to approve and sign the final plat, seconded by Comm McClellan and carried.

ROAD DEPARTMENT Supervisor, Tim McComb stated that heavy rains were responsible for a big rock slide on the West Fork road. Engineer Bud Roach will be contacted to assess the situation and contact appropriate entities about the problem areas. Damage to CR G (McElmo Canyon) from big rocks falling on the road and other roads damaged by the heavy rains were discussed. CR 14 south on CR BB (Marty Robbins) has been graveled. A Company representative will be here tomorrow to install the bucket scale and train employees. Supervisor, McComb gave an update report on contracts for the gravel pits. CR G (McElmo Canyon) impact monies for next year were discussed.

BOARD OF SOCIAL SERVICES was conducted.

OFFICE OF COMMUNITY SERVICES: Mike Preston gave an update on the proposed land use plan and the need for the next step, which will be developing "Standards" - commercial and industrial. He asked if someone could be hired to write the proposed "Standards." This was affirmed, contingent on monies being available.

MINERAL LEASE ALLOCATIONS TO MUNICIPALITIES (C.R.S. 34-63-102) was signed.

CLERK Evie Ritthaler- presented the "Notice of Election To Increase Taxes." Statutes were read. The notice will be mailed to every voter's residence.

SAN JUAN FORUMS Kenny Smith was appointed as the representative for Montezuma County.

STATUTES were read in regard to Cemetery District members.

ADJOURNED at 3:15 p.m.

Deputy Clerk Chairman

October 7, 1996

SEAL

**Minutes 10/14/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 14, 1996

STATE OF COLORADO

COUNTY (IF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 14, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, October 7, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report and the Treasurer's reports were received for September 1996.

ACCOUNTS PAYABLE: General fund vouchers #25814 thru #26017 in the amount of \$134,838.57, Road fund vouchers #9666 thru #9732 in the amount of \$46,686.30 and Landfill fund vouchers #474 thru #510 in the amount of \$214,855.10 were approved for payment.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented the proposed calendar agenda for land use meetings.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-28-96 to pay \$924.55 from the 911 account to the U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Colbert and carried.

CAPITAL FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-29-96 to the Treasurer to transfer \$48,000.00 from the Capital fund to the Landfill Fund to pay for the new CAT loader. Motion was seconded by Comm Colbert and carried.

ANASAZI HERITAGE CENTER Director LouAnn Jacobson met to ask if the County would support and sign a grant application. The application was originally submitted in February 1996, but turned down. The application is being resubmitted for monies from the State Historical Society to fund the Escalante Trail project for 24 interpretive signs. Comm McClellan moved to support and sign the grant application, seconded by Comm Colbert and carried.

MOUNTAIN GRAVEL CONSTRUCTION employee Bruce Livengood, who represents landowner Ruth Chessom, met to discuss her proposed subdivision. Lots in the proposed subdivision are 35+ acres. Several of the lots have land that extends to both sides of the highway, and these sections of highway are accepted out of the deed. He stated that he is concerned about whether these will be illegal tracts, and asked if the Board would be willing to sign the final plat for the subdivision as a deterrent to any future problems involving these lots. He was told that if the Board chooses to get involved with a subdivision of 35+ acre parcels, they would ask that the plat go through the normal process - Planning Commission, etc. Mr. Livengood stated that he would relay this to Ms. Chessom. No action was taken by the Board.

10-14-96

2

PLANNING: A planning resolution P-40-96E was presented whereas Arvita Higgins, owner of 69.5 acres, would be granted an exemption to the subdivision regulations to record a 10.02 acre tract for her brother, Revis L. Higgins, in Section 6, T37N., R.16W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried. A verbal request for an exemption to the subdivision regulations from Jim Aulston to transfer 4 acres from 80 acres to an adjoining landowner was tentatively approved. A verbal request for an after-the-fact exemption to the subdivision regulations from Delane Boan to sell 2 acres from 7.10 acres to an adjoining landowner with 4.16 acres was tentatively approved. Both parcels will be granted after-the-fact exemptions, since no previous variances had been granted. A verbal request for an exemption to the subdivision regulations for Sheldon Zwicker to split off 13 acres from 195 acres was tabled. Mr. Zwicker will be asked to submit a deed showing access to the parcel. FOX SUBDIVISION: Comm McClellan moved to approve and sign the final plat for the Fox Subdivision, seconded by Comm Colbert and carried.

HEALTH DEPARTMENT Nurse Bette Anderson submitted the Women, Infant, and Children (WIC) contract for review. Comm McClellan moved to sign the contract, seconded by Comm Colbert and carried.

NOTICE OF INTENT to file claim #96-N-2183 by Dennis James Kyler filed in U.S. District Court was received. Copies will be sent to Reliance Insurance Company (previous insurance company) and Hartford with a note that the notice was not properly served on the County.

BOARD OF SOCIAL SERVICES was conducted.

CLERK Evie Ritthaler submitted final copy of the "Notice of Election."

PROPOSED 1% SALES AND USE TAX: Cortez Newspaper reporter Gail Binkley interviewed the following department representatives about the need for the tax: Clerk – Evie Ritthaler, Road Department – Lloyd Everett, Health – Bette Anderson, Extension – Jan Sennhenn, Landfill – Ron Lanier, Administration – Mary Ann Sanders, County Annex – Mary Holaday, Assessor – Bob Cruzan, Treasurer – Eleanor Tozer, and Sheriff – Bob McDonnell. Printed information on the "Montezuma County Sales Tax Proposal, October 11, 1996," was presented. Comm Colbert reviewed and explained the proposed tax, and explained pros and cons to de-Bruce. Administrator Tom Weaver stated that (a) the county departments are looking at the whole for the good of the county, (b) the public will have the choice of deciding the level of services they want, and (c) if the tax is defeated, the County people are committed to do what has to be done, and will continue to provide as many services as possible with available funds. Solutions, if the tax is defeated, include charging more fees, staff and program reductions, less equipment replacement, maintenance, etc. It was noted that any organizations that want to help promote the passing of the proposed tax are welcome.

SIERRA VISTA SUBDIVISION: Comm McClellan moved to approve and sign the final plat for the Sierra Vista Subdivision (Corey Veach), seconded by Comm Colbert and carried. Mr. Veach was present and paid administration and impact fees in the amount of \$10,800.00.

ADJOURNED at 4:00 p.m.

Deputy Clerk    Chairman

October 14, 1996

SEAL

**Minutes 10/21/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 21, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 21, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, October 14, 1996, 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 September 1996 was received.

CLERK Evie Ritthaler met to discuss the questions the public is asking about the proposed sales and use tax. Any questions that her office cannot answer will be referred to the Administrator or any member of the Board.

STATUTES ON THE SALES AND USE TAX were read.

CORTEZ CU CENTER: Woods Canyon Archaeologists Consultants Jerry Fetterman and Linda Honeycutt met to ask if the County would support and sign a grant application for co-applicants, CU Center and Woods Canyon, to receive monies from the State Historical Society. The proposal is to produce an Interactive Computer Program to teach the prehistory and history of Southwestern Colorado within the Public School System. Comm McClellan moved to support and sign the grant application, seconded by Comm Colbert and carried.

LANDOWNERS Alvin and Robin Carver met to discuss CR 24.5. Mr. Carver stated he feels that the official county road map is in error in showing the road going to the section line. History of the road was discussed. Road Supervisor Tim McComb was present and stated that this section of road is not maintained by the county. The Board stated that the following procedures need to be followed to consider a change on the maps (1) Mr. Carver needs to submit to the Board a letter requesting that this section of road be removed from the map. (2) All other landowners in the area will be informed of the request. (3) A public hearing will be scheduled. It was noted that local roads fall into three different categories - private, public and county, and even if the map is changed, use of the road may still be a problem. Mr. Carver stated he will submit a letter.

ROAD DEPARTMENT Supervisor Tim McComb presented a letter from the Forest Service asking that the Board allow them to install a second gate on CR 41 to protect the Chicken Creek Ski Trail. The Board affirmed this, contingent on permission from the two landowners that own land beyond the gate. The culvert has been installed on CR 27 - no asphalt has been put on. Need for guardrails was discussed. The Board will do an on-site. Conversion application for the Mancos gravel pit has been sent to the State. New scales are being used.

COLORADO JOB TRAINING SYSTEM: Job Training Partnership Act (JTPA) representative Mary Layton and Archuleta County Commissioner Bob Formwalt presented information on the now proposed One-Stop Career Center System with sub-offices. The proposal will consolidate the Job Services programs and the JTPA programs. Liability was discussed.

10-21-96

2

MONTEZUMA COUNTY GRAVEL LEASE CONTRACT between the Board of County Commissioners of Montezuma County, Colorado and Stanley R. Willbanks and Melva Willbanks was signed.

HEALTH DEPARTMENT Nurses Bette Anderson and Debbie Jones met with the Board. The Board presented Nurse Jones with a bouquet in recognition of her being named the "Outstanding New County Nurse of 1996 for Colorado."

ADJOURNED at 1:30 p.m. to present the Comprehensive Land Use Plan to the Forest Service Dolores Ranger District.

Deputy Clerk                      Chairman

October 21, 1996

SEAL

Online Copy

**Minutes 10/28/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 28, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, hold on Monday, October 28, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, October 21, 1996, were read. Comm McClellan moved to approve those minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

OFFICE OF COMMUNITY SERVICE: Mike Preston met with the Board to discuss the proposed comprehensive land use plan agenda and the Pine Zone project.

DEPARTMENT OF LOCAL AFFAIRS: Contract and Consent of Assignment, transferring responsibility from the County to the Cortez Fire Protection District for Gaming Impact Fund monies that previously have been issued to the District through Montezuma County was presented and signed.

LEAP VENDOR AGREEMENTS: Comm McClellan moved to sign the LEAP Vendor Agreements with Empire Electric, Greeley Gas, Ute Mountain Ute Tribe, Navajo Butane, Fraley Company, and Ferrell Gas, seconded by Comm Story and carried.

CROW CANYON representative Ricky Lightfoot met to ask if the County would support and sign a two year grant application. The application is being submitted for monies from the State Historical Society to fund changing the recording of archeological site reports to an electronic format. Comm Story moved to support and sign the grant application, seconded by Comm McClellan and carried.

SUMMIT LAKE WEST UNIT II: Realtor Dan White, representing a landowner in the Summit Lake West Unit II Subdivision who wants to split 53+ acres into a 4-lot subdivision, met to discuss the proposal. After discussion, Mr. White was told that the landowner would need to submit an application for a moderate subdivision, obtain written consent from all the other landowners in the subdivision, and bring the road up to county specs. Planning Manager Karen Welch was present.

PROPOSED MANCOS WILDLIFE PARK (WETLANDS) owner Jan Redwood asked if she could split off and sell approximately 3 1/2 acres from a 10 1/2 acre parcel. A portion of the total acreage has been designated as wetlands by the State of Colorado. She stated that the 3 1/2 acres is not included in the State wetlands designated area. She was told she needs to make application for a moderate 2-lot subdivision. Planning Manager Karen Welch was present.

PLANNING: A planning resolution P-41-96E was presented whereas Rinda Bell, owner of 74 acres, would be granted an exemption to the subdivision regulations to record a 10 acre tract for her son, Scott Bell in Section 18, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A planning resolution P-42-96E was presented whereas Paul M. Gagne, III and Sandra K. Cushman, owners of 75 acres, would be granted an exemption to the subdivision regulations to record a 3.01 acre tract in Section 3, T.37N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution,

seconded by Comm McClellan and carried. Other items: (1) Presented Jim Spencer's minor 2-lot subdivision plat. The plat did not have utility sign off signatures; action was tabled. Mr. Spencer will be contacted. (2) Discussed Realtor Joyce Bowles' request for an after-the-fact exemption for 32 acres split from 80 acres (see November 6, 1995 minutes). Owner of the 80 acres, Loren Bates split off and sold 32 acres to Virginia S. Wolf in 1995 without the required exemption. Request for an after-the-fact exemption by Ms. Wolf was discussed. Tentative approval was given for an after-the-fact exemption for Virginia S. Wolf. Subdivision regulations will not be applicable, since the remaining acreage is more than 35 acres. Later in the day a planning resolution P-43-96E After-The-Fact was presented whereas Virginia S. Wolf, owner of 32.11 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 4, T.36N., R.15W. It was noted on the resolution that direct access is off of CR 30.2 and any further division of this property would necessitate the landowner bringing this road up to then existing road specifications. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried.

LANDOWNER Joe McDonald met to discuss his tentative plans to split 67 acres into 4 parcels. The land is adjacent to the City of Cortez. He stated he may look into the possibility of being annexed by the City. Sanitation and water needs were discussed. He was told that if he elects to develop the land as county property, he will need to come back and file the appropriate paperwork for a subdivision. Planning Manager Karen Welch was present.

LANDOWNER Jim Spencer met to discuss his proposed 2-lot subdivision and the possibility of another split within the subdivision at a later time. After discussion, he stated he wanted to complete the 2-lot subdivision at this time and would get the necessary signatures on the plat. He was told that he needs to come back, if there are any further splits within the subdivision. Planning Manager Karen Welch was present.

REGION 9: Director/SW Colorado Enterprise Zone Administrator Ed Morlan presented the recertification and a resolution to include all of the Montezuma County in the boundaries of the Southwest Colorado Rural Enterprise Zone. Comm McClellan moved to sign the resolution, seconded by Comm Story and carried. Mr. Morlan asked for affirmation to appoint Marie Messner to fill a vacancy on the Southwest Colorado Region Loan Committee. This was given.

ROAD DEPARTMENT Supervisor Tim McComb stated that spot asphaltting on CR 27 is done. A request for snow removal for an older couple in Cache Canyon was discussed. Supervisor McComb will look at the road and talk with the son about any emergency snow removal. They are blading roads and pot holes have been patched. Supervisor McComb was asked to look at the Alvin Carver road; no letter has been received yet (see minutes of October 21, 1996). Will check on dirt washing across CR CC. Discussed Road Department and town of Dolores gravel - monies trade. Recommended that all the entities discuss any disputed amount to clear up the problem. The town of Dolores will be told that they should contact private companies for any gravel they need in the future. The town of Mancos will also be told that after the 1,500 yard gravel agreement is fulfilled each year, that they should contact private companies for any gravel they need. Contracts with gravel pits were discussed.

GAMING IMPACT FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-30-96 to the Treasurer to transfer \$31,577.00 from the Gaming Impact Fund to the Road and Bridge Account. Motion was seconded by Comm Story and carried.

COLORADO STATE FOREST SERVICE proposal for an application for a 50-50 cost share grant for 1996-97 Wildfire Hazard Mitigation was reviewed. Action was tabled.

ADJOURNED at 3:00 p.m.

Deputy Clerk

Chairman

October 28, 1996

SEAL

**Minutes 11/04/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 4, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 4, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, October 28, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Follow-up letter received from Melanie Chapman (see Notice of Intent minutes of August 26, 1996), will be forwarded to the Insurance Company.

PAYROLL: General fund - Payroll vouchers #16410 thru #16536 in the amount of \$144,271.53, District Attorney voucher #26019 in the amount of \$15,816.09, County Treasurer voucher #26020 in the amount of \$90,633.45; Road fund - Payroll vouchers #16537 thru #16567 in the amount of \$6,773.83, County Treasurer voucher #9735 in the amount of \$31,173.90; and Landfill fund - Payroll vouchers #16568 thru #16571 in the amount of \$6,283.85, County Treasurer voucher #512 in the amount of \$4,287.78 were approved for payment.

OFFICE OF COMMUNITY SERVICES: Mike Preston met with the Board to discuss the proposed comprehensive land use plan agenda and the Pine Zone project. A request for grant monies to develop the Yellow Jacket site on Highway 666 was presented from Archeological Conservancy. Action was tabled until conditions for support are prepared in accordance with the county land use process.

STATUTES ON PUBLIC HEARINGS and CLUSTER DEVELOPMENTS were discussed.

LANDOWNER Galen Larson met to discuss the road condition and a sharp curve on CR L and CR 22. Road Supervisor McComb will be asked to look at the road.

SHERIFF Sherman Kennell asked if the department's per diem allowance can be raised. After discussion, it was affirmed that per diem will be replaced with actual cost reimbursement based on receipts. Sheriff Kennell stated that a fence at the County Shop has fallen down and needs to be repaired. The fence closes in an area used by his department for impounded equipment and vehicles. He stated they would procure the needed materials. He was told he needs to discuss the repairs with Road Supervisor McComb. Juvenile Crime Task Force was discussed. Suggestion was made to hire Nancy Johnston full-time. Dispatch center was discussed.

STATUTES - It was noted that compliance with 31-23-213, C.R.S., regarding the City of Cortez major street plan is required.

LANDOWNER Ray Huseby met with the Board to discuss his proposed 3-lot minor subdivision (AA Campground - Huseby Group). Tentative approval was given, contingent on a 60' easement with an 18 foot county spec road surface. Planning Manager Karen Welch was present.



EAGLES OVERLOOK - A CLUSTER DEVELOPMENT owner Carter Norris and Realtor Bob Durant presented the final drafted plat for the development. After discussion, it was agreed that the following two items will be added to the final plat: (1) A Cluster Development and (2) All septic systems have to be designed and certified by a registered professional engineer. Impact and Administration fees in the amount of \$12,870.00 will be paid. Planning Manager Karen Welch was present.

SPENCER MINOR SUBDIVISION; Comm McClellan moved to approve and sign the final plat for the Spencer Minor Subdivision, seconded by Comm Colbert and carried. Jim Spencer was present.

PLANNING: A verbal request for an exemption to the subdivision regulations for Vance Ragsdale to split 5 acres from 80 acres was tentatively approved.

RESOLUTION 5-96 - modifying and re-certifying the boundaries of the Southwest Colorado Rural Enterprise Zone for Montezuma County approved October 28, 1996 was presented and signed. A copy will be sent to Director-Ed Morlan.

CITY OF CORTEZ/COUNTY OF MONTEZUMA PBX, RECORD KEEPING & COMPUTER SERVICE AGREEMENT: City Manager Bill Ray and Undersheriff Bob McDonnell presented the final draft. Agreement was reviewed and accepted. Final document will be prepared and submitted for signatures next week.

STATE BOARD OF EQUALIZATION ORDER ordering Montezuma County to take possessory interests off the tax rolls was discussed. Comm McClellan moved to refuse to comply with the Order, seconded by Comm Colbert and carried. Assessor Bob Cruzan affirmed the refusal. Assessor Cruzan was asked to identify all situations in the county in connection with possessory interests.

TREASURER Bobbie Spore met to discuss the returned check from the Town of Dolores (will levy monies collected - gravel trade for past years). Action was tabled.

FOUR STATES JUNIOR RODEO ASSOCIATION representatives Louann Meyer and Louis Caughey met to ask for monies from the lottery fund. Comm McClellan moved to donate \$400 for the four scheduled rodeos, seconded by Comm Colbert and carried. Louann Meyer will pick up the check.

ROAD DEPARTMENT Supervisor Tim McComb was asked to blade a section of the Jackson Lake road to accommodate installers of 500 feet of steel pipe in the canal. Jim Burgess's request for county maintenance to his home on CR H.3 was discussed. He will be told that the county will maintain this section of road, if he upgrades the road and builds a good turn-around at his place for county equipment. He will be advised to check with the Mancos Road Department for finalization. Repair of impound fence was discussed. The road department will cooperate with the Sheriff to get the fence repaired. Discussed Town of Dolores gravel - mill levy monies trade. There is still a need to meet with all the entities involved to discuss the disputed amount. On-site inspections were tentatively scheduled for next week to look at CR 24.5 (Alvin Carver road), and CR L & CR 22 (Galen Larson road). Received \$450 from Russell Hindmarsh -amount was accepted. Looked at the Cache Canyon road - Dan Gallegos will contact the road department when snow removal is needed to his parents home (see minutes of October 28, 1996). The Oak Street Bridge has been re-designed and will be put out for a re-bid as soon as possible. The proposed Tozer/BLM gravel pit was discussed. Suggestion was made to look at another site. M&M Truck Stop intersection was discussed.

11-04-96

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TRAPPERS FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-31-96 to the Treasurer to transfer \$2,050.00 from the Trappers Fund to the General fund to cover Animal Damage Control Specialist's expenses for the fourth quarter, July 1 – September 30, 1996.

ADJOURNED at 3:15 p.m.

Deputy Clerk    Chairman

November 4, 1996

SEAL

Online Copy

**Minutes 11/12/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 12, 1996

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, November 12, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, November 4, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer reports and Sheriff report for the month of October 1996 were received.

ACCOUNTS PAYABLE: General fund vouchers #31653 thru #31891 in the amount of \$131,496.69, Road fund vouchers #31892 thru #31947 in the amount of \$57,750.98 and Landfill fund vouchers #31948 thru #31974 in the amount of \$36,968.59 were approved for payment.

911 AUTHORITY BOARD: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-32-96 to the Treasurer to pay \$925.17 from the 911 account, to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

KELLY PLACE representative Kristie Carriker met to ask if the County would support and sign a grant application. She stated that the Kelly Place and McElmo Canyon Research Institute (MCRI) has entered into a partnership with the Bureau of Land Management to survey, record, preserve and protect the archaeological sites in the Sand Canyon and East Rock areas. The grant application will be submitted to the Colorado Historical Society for funds to help accomplish the above. Comm Stony moved to write a letter of support and sign the grant application, seconded by Comm McClellan and carried.

ON-SITE INSPECTION of CR 24.5 (Carver) and CR L and CR 22 (Larsen) was conducted with the Road Supervisor Tim McComb.

TOWN OF DOLORES: Road Department Supervisor Tim McComb, Administrator Weaver and the Board reviewed new information in regard to the Town of Dolores gravel - mill levy monies trade. It was affirmed that records showing that the Town of Dolores had received gravel were in error. Order Number 0-12-96 will be cancelled and the below arbor issued to clear up all past years' road and bridge obligations.

TOWN OF DOLORES ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-33-96 to the Treasurer to pay \$15, 092.00 to the Town of Dolores from the Road and Bridge fund. Comm McClellan amended the motion to also cancel Order Number 0-12-96 dated July 1, 1996, in the amount of \$8,039.24. This clears up all past years' road and bridge obligations. The motion was seconded by Comm Story and carried.

REGION 9 REVOLVING LOAN FUND: Affirmed action taken, see minutes of September 9, 1996, in regard to a guaranteed loan for \$15,000 for the Cannon Forest Products, Inc., from the County Revolving Loan Fund with a shared collateral with Region 9.

ROAD DEPARTMENT Supervisor Tim McComb stated that roads have been graded. The following was noted after the on-site inspection of CR 24.5 and CR L-CR 22: (a) The county map shows the last .9 of a mile on CR 24.5 as a graded and drained section of unimproved county road. Before any action can be taken to change the classification, Alvin Carver needs to make a formal request asking for such; and, (b) Better signage will be installed on CR L – CR 22 to alert drivers of the sharp curve. Applications for Gaming and Energy Impact monies for CR G (McElmo Canyon Road) were discussed. It was affirmed that culverts can be installed on the lower section of CR G (McElmo Canyon). The Board asked that Supervisor McComb compile cost figures to finish the work on CR G, which would include a total of approximately nine miles. Supervisor McComb asked about in-put in regard to purchasing more needed equipment (pickups, screen plant, crusher, etc). Consideration was tabled until after the implementation of the proposed re-organization of the Road Department.

BOARD OF SOCIAL SERVICES was conducted.

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 Story moved to approve the application, seconded by Comm McClellan and carried.

FAIRVIEW CEMETERY BOARD: Comm McClellan moved to appoint Gary Mahaffey to fill the unexpired term vacated by Claudia Applin on the Fairview Cemetery Board, seconded by Comm Story and carried.

SPECIAL OLYMPIC'S request to use the Senior Citizens Bus for the area group to attend Special Olympic events in Denver, and mileage cost was discussed. Comm Story moved to allow use of the bus and to donate \$665.00 from the lottery fund to the Senior Citizens Bus replacement fund to cover the mileage cost, seconded by Comm McClellan and carried.

EATLES' OVERLOOK (A CLUSTER DEVELOPMENT) – PHASE I: Comm Story moved to approve and sign the final plat for the Eagles' Overlook (A cluster Development) – Phase I, seconded by Comm McClellan and carried.

LANDOWNER Galen Larsen met to ask about action on CR L – CR 22. He was told the area in question will be re-signed and a counter will be put on the road to check the amount of traffic. He asked permission to mow the weeds and grass in the area. This was affirmed.

SOUTHWEST COMMUNITY RESOURCES Director Peter Tregillus presented information on the OEC Weatherization Restructuring proposal by the CO Office of Energy Conservation. He asked the Board to submit a letter asking that they reconsider the plan and work cooperatively with the existing agencies and localities to ensure an adequate level of service. Comm Story moved to write a comment letter to this effect, seconded by Comm McClellan and carried.

STATE BOARD OF EQUALIZATION ORDER: Comm McClellan made a motion that the Board authorizes the filing of appropriate action in the District Court in Denver, CO to review the State Board of Equalization Order, regarding possessory interests. The motion was seconded by Comm Story and carried.

CITY OF CORTEZ/COUNTY OF MONTEZUMA, PBX, RECORD KEEPING & COMPUTER SERVICE AGREEMENT: The final agreement was presented for approval and signature. Comm McClellan moved to approve and sign the agreement, seconded by Comm Story and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented the proposed calendar agenda for this month's land use meetings. Recommendation was made that after finalization of the proposed plan, the Working Group submit a letter with the final document to the Board.

11-12-96

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MESA VERDE NATIONAL PARK representative Sara Craighead met to ask if the County would support and sign three grant applications for co-applicants, Mesa Verde National Park and the Mesa Verde Museum Association, to receive monies from the State Historical Society. The proposal is to use the monies as follows: (1) Surveying of and planning for sites revealed in the recent fire, (2) Conservation of the Dioramas, and (3) Plaster preservation at Mud House. Comm Story moved to support and sign the applications, seconded by Comm McClellan and carried.

JUVENILE CRIME TASK FORCE facilitator Nancy Johnston gave a presentation on the direction of the task force in the District Court room to interested individuals.

ADJOURNED at 4:00 p.m.

Deputy Clerk    Chairman

November 12, 1996

SEAL

Online Copy

**Minutes 11/18/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 18, 1996

STATE OF COLORADO     )  
  )  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 18, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Tuesday, November 12, 1996, were read. Comm McClellan moved to approved these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for the month of October 1996 was received.

OFFICE OF COMMUNITY SERVICES: Mike Preston discussed tentative dates for the general informational meeting and public hearing for the land use plan. Statutes were read in regard to the adoption of the plan. \*\*\*\* Later in the day a "Letter of Agreement" between the Office of Community Services, Fort Lewis College, and Montezuma County to authorize the provision of requested technical assistance in community oriented research, planning, and design, was presented. Comm McClellan moved to sign the agreement, seconded by Comm Story and carried.

CORONER - REFRIGERATION UNIT: Coroner Paul Bostrom met with the board to discuss the use of the county owned unit (see August 2, 1993 minutes). He stated that a new funeral business has located in Cortez. Coroner cases will now be rotated between the Ertel Funeral Home and the Cortez Four Funeral Chapel. At this time the unit, purchased by the County, is located at the Ertel Funeral Home and this business has taken care of the maintenance, electricity, and storage of the unit. Use of the unit by the now business, as cases rotate between the two businesses, was discussed. The following suggestions ware made to dissolve any problems that might arise: (a) sell the unit to Ertel and have the new business purchase their own unit, (b) move the unit to a county facility, or (c) leave the unit at Ertel's and some type of agreement be prepared for both parties to share the expenses. Action was tabled until Coroner Bostrom does further on the situation.

COLORADO DEPARTMENT OF TRANSPORTATION (DUI) regional District Engineer Al Shablo presented the department's Colorado 20 Year Transportation Plan. The following items were discussed: (1) Change in DOT programs, (2) 20 Year Plan, (3) Funding for proposed County Projects (M&M intersection, Dolores to Rico), (4) Other projects: old Highway thru Mancos and intersection stop light; re-surfacing - from Mesa Verde to Cherry Creek; Cortez Hwy 145 and Hwy 160 intersection stop light; condition of Hwy 666; (5) Access Codes - A&D lanes in connection with subdivision developments on State Highways; and (6) Need to direct more gas tax monies to roads. Mr. Shablo stated that he is asking that each of the 15 counties that he represents submit the name of one intersection in their county that is in the most need of improvement. The list will then be prioritized. Road Supervisor Tim McComb was present and was asked to work with the BUT to compile figures based on intersection traffic to show the need for A&D lanes, improvements, etc. He stated he will continue to monitor access problem areas.

COUNTY FAIRBOARD representatives Darlene Hamilton, Ron Kimmi and Jimmy Smith and Extension Office Director Jan Sennhenn met to discuss appointing two members to the Fairboard. Secretary Kimmi stated that the two rotating positions which need to be filled by January 1, 1997, were advertised four times in the newspapers. Applications were received from Robert Whitcomb, Wendy Wicher, Neil Jones, and Darline Hamilton. The recommendation of the Fairboard was to appoint Darline Hamilton and Neil Jones. Action was tabled. \*\*\*\*\* Later in the day Director Sennhenn met again with the Board. After discussion, Comm Story moved to appoint Darline Hamilton and Neil Jones to the Fairboard for the two four-year terms effective January 1, 1997 through December 31, 2001, seconded by Comm McClellan and carried.

ADJOURNED FOR LUNCHEON meeting with the LaPlata County Road Department representative Doyle Villers and members of the Montezuma County Road Department at the Anasazi Restaurant.

STATE REPRESENTATIVE Kay Alexander met to discuss issues of interest to Montezuma County – road funding, access codes and Social Services programs.

ORMISTON MEDICAL TRUST FUND: Social Services representative Nila Tortoriello asked if some of the medical expenses incurred by a cancer patient Arlene Saleto could be paid for by the trust. Entities will be contacted for a possible reduction in the amounts charged. Comm Story moved to pay up to \$3,158.00 from the Ormiston Medical Trust Fund on medical expenses for Arlene Saleto, seconded by Comm McClellan. BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A planning resolution P-44-96 After-The-Fact was presented whereas Robert A. and Leslie M. Moreau, owners of 12.97 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 6, T.38N., R.12W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm Colbert and carried. Comm McClellan abstained. Discussed: Spencer Subdivision – deed will be checked for ownership; Conservation Easement/Bear Creek Ranch Subdivision plat – Attorney Ehlers will be asked to meet with the Board for clarification of the parcels; Veach Minor Subdivision in regard to the City of Cortez Street Plan – Statutes were read and Attorney Slough will contact City Attorney Fossum.

WILSON SUBDIVISION (MINOR): Comm Story moved to approve and sign the Wilson Subdivision (Minor) final plat, seconded by Comm McClellan and carried. It was noted that a letter of credit has been received to cover work on the subdivision's road.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

November 18, 1996

SEAL

**Minutes 11/25/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 25, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 25, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, November 18, 1996, were read. Comm Story moved to approve these minutes, seconded by Comm McClellan and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss agenda for land plan meetings. The Public Hearing is scheduled for December 12, 1996 at 7:00 p.m. at the MCHS Auditorium.

BEAR CREEK RANCH SUBDIVISION - CONSERVATION EASEMENT, Attorney Denny Ehlers and owner Kevin Toman presented the Bear Creek Ranch Subdivision final plat. After discussion, the phrase "subject to the Conservation Easement - Book 0701, page 158" was added to the plat. Comm Story moved to approve and sign the plat, contingent on a sign off by Engineer Ernest Maness, seconded by Comm McClellan and carried.

HEALTH DEPARTMENT Director Bette Anderson and Nurse Lynda Bouet met with the Board. The proposal by the Health Department to allow payroll deductions for volunteer United Way contributions was discussed. Since the Health Department and the Senior Nutrition Program receive funds from this entity, the proposal was affirmed. Nurse Bouet stated that the week of November 25 through December 1, 1996 is "National Home Health Week." She presented a Proclamation which was read by Comm Story and signed by the Board (see attached).

PLANNING: A verbal request for an exemption to the subdivision regulation for Charles Baumgartner to create a 2-lot minor subdivision was tentatively approved. A verbal request for two exemptions to the subdivision regulations for Buzz Crowley, owner of High Country Transportation, to: split from 41.76 acres two non-adjointing parcels (a 3.09 acre parcel and a 3 acre parcel) was discussed. The exemptions were tentatively approved, contingent on including those two parcels in any subdivision developed at a later time with the remaining acreage. A verbal request for an exemption to the subdivision regulations for Clay Bader to create a 3+ acre parcel separated from a larger parcel by a road was tentatively approved. If the acreage is determined to be less than 3 acres, the tentative approval and any development is contingent on an engineer designed septic system. A verbal request to Amend the 2-lot Spencer Subdivision (Jim Spencer) to create 4 lots out of 1 lot was discussed. Tentative approval was given for the moderate subdivision. Mr. Spencer will be informed that the amended subdivision will need to go through the planning process and impact fees for a moderate subdivision will be charged.



11-25-96

2

HILLTOP MANOR SUBDIVISION (MINOR): Comm McClellan made a motion to approve and sign the Hilltop Manor Subdivision final plat, seconded by Comm Story and carried.

BOARD OF SOCIAL SERVICES was conducted.

COURTHOUSE SECURITY: Administrator Tom Weaver, Judge Sharon Hansen, District Court representative Sandy Weaver, Clerk Evie Ritthaler, Treasurer Bobbie Spare and Assessor Bob Cruzan met to discuss proposed security of the Courthouse. Grant monies have been obtained for equipment and one security personnel. Suggestions were made as follows: (1) lock all the entrances except the front door and install a security gate manned by security personnel, (2) install the equipment to just secure the District Court area, employ the security personnel for that area, and have him check the entire building at 4:e00 p.m. each evening for any unauthorized persons who might remain in the building over night (3) install cameras and/or buttons in each department. Action was tabled until Judge Hanson (who left before the meeting was concluded) is asked about her feelings in securing the entire building from bomb throats, etc.

LANDOWNER Galon Larsen met to ask about the decision to take care of the problem an CR L and CR 22. It was affirmed that the Road Department will cut down CR L to where the second barriers can be seen.

ROAD DEPARTMENT Supervisor Tim McComb reported that they have been blading. The following requests received were discussed: (a) that the barriers on Kelly hill be extended down hill – it was noted that people need to slow down and drive with care in the area; (b) that CR 39 be bladed – will be done; (c) that railing knocked down on CR L bridge be fixed – will check; (d) that other entities be contacted about funds or help from them to repair House Creek Road and West Fork Road rock slide – will be checked; (e) that the sign located on CR 10 be changed to a different location for safety reasons – will be done. Also, discussed whether snow should be plowed that is less than 3" thick. Will consider – action tabled. Road Supervisor McComb reported that Puff Brinkerhoff asked that conditions the gates were left locked and the road closed. Later both gates and posts were vandalized and knocked down. This was checked, but due to muddy conditions the gates were left locked and the road closed. Later both gates and posts were vandalized and knocked down. This was reported to the Sheriff department and a deputy inspected the scene. Gates and posts will have to be re-installed. Comparative testing is being done with the gravel weigh scale. Gravel pit leases were discussed.

DEPARTMENT HEADS – 1997 BUDGET: Administrator Tom Weaver distributed budget worksheets to each department head for use in compiling their 1997 budgets. Present were Treasurer Spore, Extension Director Sennhenn, District Attorney Buck, Clerk Ritthaler, District Attorney Elet Green, Road Supervisor McComb, Sheriff Kennell, Assessor Cruzan, Health Director Anderson, and Senior Nutrition Manager Fletcher. Budget hearings were tentatively scheduled to start next Monday, December 2, 1996.

MONTEDOLORES BUILDING ASSOCIATION representative Larry Thompson met to discuss the proposed comprehensive land plan. Discussed were uniform building codes, continued growth, de-Bruceing, adequate public facilities proposal, standards, providing services and LIZ proposal. Comm Colbert asked that they submit in writing a list of their concerns for consideration. Mr. Thompson stated that they would submit a list.

ADJOURNED at 3:15 p.m.

Deputy Clerk    Chairman

November 25, 1996

SEAL

**Minutes 12/02/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 2, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 2, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, November 25, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General fund - Payroll vouchers #16579 thru #16701 in the amount of \$141,791.65, District Attorney voucher #26270 in the amount of \$15,816.09, County Treasurer voucher #26267 in the amount of \$89,733.14; Road fund - Payroll vouchers #16702 thru #16732 in the amount of \$46,185.40, County Treasurer voucher #9798 in the amount of \$30,792.96; and Landfill fund - Payroll vouchers #16733 thru #16736 in the amount of \$6,283.85, County Treasurer voucher #546 in the amount of \$4,287.78 were approved for payment.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss the proposed comprehensive land use plan - agenda, public hearing, request for proposals (RFP), etc. Discussed Urban Influence Area and Urban Services Zone statutes read. Determined that proposed plan is not a zoning resolution. Affirmed that there will be no intergovernmental agreement with the City of Cortez until the urban influence area is defined.

ROAD DEPARTMENT Supervisor Tim McComb reported they have been blading snow. The traffic count for CR L – CR 22 was 82 cars per day (24 hours). They will cut the hill as planned. Closure of Cache Canyon road was discussed. It was reiterated (see March 6, 1995 minutes) that the Road Supervisor has the responsibility of opening or closing the road due to be re-built and installed. The department will be patching pot holes on Thursday.

SUMMIT LAKE WEST II SUBDIVISION landowner Anita Collins met to discuss her desire to split 41.55 acres into three parcels. She was told that this would be a moderate subdivision. Therefore, she needs to (a) submit an application for a moderate subdivision, (b) go through the Planning Commission, (c) have all the other subdivision landowners sign off on the plat, and (d) bring the road up to county specs. Other options were discussed. Planning Manager Karen Welch was present.

PLANNING: A planning resolution P-45-96E After-The-Fact was presented whereas Arcola L. Kerschion, owner of 5.45 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 34, T.37N., R.14W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. A verbal request for an exemption to the subdivision regulations from Adelia Samora to create a minor two lot subdivision was tentatively approved. A verbal request for an exemption to the subdivision regulations from Andrew Gatzke to create a two lot subdivision was tentatively approved.

12-02-96

2

LAAS (MINOR) SUBDIVISION: Comm McClellan moved to approve and sign the Laas (Minor) Subdivision final plat, seconded by Comm Story and carried.

CORONER OFFICE – REFRIGERATION UNIT: Ertel Funeral Home owner Keenan Ertel, Undersheriff Bob McDonnell and Chief of Policy Roy Lane met to discuss the county-owned unit (see August 2, 1993 and November 18, 1996 minutes). Mr. Ertel offered to purchase the unit, assume the capital outlay, make the unit available to all law enforcement entities, and Ertel's coroner cases – at no charge. He expressed that he would not make the unit available to the Cortez Four Corners Funeral Chapel's coroner cases. Chief Lane and Undersheriff McDonnell stated that their concern was that a unit be available somewhere at all times for law enforcement use. It was noted that the pre-existing situation was done for the benefit of the county and is still benefiting the county. No action was taken. At this time the unit will be left "as is."

AMENDMENT TO DEED OF CONSERVATION EASEMENT IN GROSS – BEAR CREEK SUBDIVISION: Comm McClellan moved to acknowledge and accept the amendment (see attached), seconded by Comm Story and carried.

GAMING IMPACT FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-34-96 to the Treasurer to transfer \$1,805.00 from the Gaming Impact Fund to Social Services. The motion was seconded by Comm Story and carried.

1997 budget meeting: Sheriff Kennell and Undersheriff McDonnell, Extension Director Sennhenn, and Assessor Cruzan presented their proposed budgets for 1997. Changes and requests were discussed. Undersheriff McDonnell gave a video presentation on results of the Sheriff Department's vehicle purchase program (see February 14, 1994 and May 16, 1994 minutes) and vehicle expenditures. Other departmental budgets were presented by Finance Officer Sanders. The remaining departmental budgets will be presented next Monday for discussion.

ADJOURNED at 3:50 p.m.

Deputy Clerk    Chairman

December 2, 1996

SEAL

**Minutes 12/09/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 9, 1996

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 9, 1996, at the courthouse and an Thursday, December 12, 1996, at the Montezuma Cortez High School in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, December 2, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss the proposed comprehensive land use plan agenda for the Public Hearing scheduled for December 12, 1996.

PROPERTY OWNER Jim Rapp asked if some gravel could be put on 1/4 mile of road off of CR K.6. The county road map shows that this section of road is classified as a gravelled county road. Gravel for the road was affirmed and Road Supervisor McComb will be informed.

LANDOWNERS Ernest and Bettie Jo Jacques met to discuss the request by Alvin Carver to consider abandoning the lower section of CR 24.5. A Public Hearing to address this issue is scheduled for December 23, 1996. They expressed that they are opposed to the removal of this section of road from the county road map. They were asked to submit a letter stating such. The letter will be presented at the public hearing.

QUITCLAIM DEED (CORRECTION): Comm McClellan made a motion to sign the corrected quitclaim deed between Silvano E. Garcia and the County of Montezuma (see attached). The motion was seconded by Comm Story and carried. Commissioner of Deeds E. Eugene Story signed the deed.

BOARD OF SOCIAL SERVICES were conducted.

PLANNING: A planning resolution P-46-96E After-the-Fact was presented whereas Ruth R. Davis, owner of 4.76 acres would be granted an exemption to the subdivision regulations to record an after-the-Fact exemption in Section 22, T.37N., R.15W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried.

SIERRA VISTA SUBDIVISION (AMENDED): Comm Story moved to sign the amended plat to show compliance with the City of Cortez Street Plan, seconded by Comm McClellan and carried.

FINAL PLAT FOR CREATING ESTATES IN LAND BETWEEN THE COUNTY OF MONTEZUMA AND THE CITY OF CORTEZ (Tract in Section 26.T.36N., R.16W., N.M.P.M., Montezuma County, Colorado): Comm Story moved to sign this final plat, seconded by Comm McClellan and carried.

PLANNING COMMISSION Chairman Darrell Veach and Mike Preston met to discuss the agenda for the proposed Comprehensive Land Use Plan Public Hearing scheduled for December 12, 1996. The public hearing is scheduled as a joint public hearing held by the Planning Commission and the Board of County Commissioners. The news release was reviewed.

12-09-96

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SENIOR BUS REPLACEMENT FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-35-96 be the Treasurer to pay \$675.28 from the Senior Bus Replacement fund to Harry's Tire & Alignment (see November 12, 1996 minutes - Special Olympics). The motion was seconded by Comm Story and carried.

911 AUTHORITY BOARD ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-36-96 to the Treasurer to pay \$924.84 from the 911 account to U.S. West Communications, Denver, CO 80244-001. The motion was seconded by Comm Story and carried.

1997 BUDGET MEETINGS Landfill Manager Lanier, Treasurer Spore, Clerk Ritthaler, Fairgrounds Manager Sena, Senior Nutrition Manager Fletcher, and Road Department Supervisor McComb and Lloyd Everett presented their proposed budgets for 1997. Changes and requests were discussed. Finance Officer Sanders was present.

ROAD DEPARTMENT Supervisor Tim McComb and Lloyd Everett stated that pre-bids for the Oak Street bridge work will be opened tomorrow, and final bid opening is scheduled for next Tuesday. Purchase of a screen to make chips was discussed. The department is still receiving complaints concerning the closing of the Cache Canyon road. It was reiterated (see March 6, 1995 minutes) that the Road Supervisor has the responsibility of opening or closing the road due to conditions.

RECESSED at 4:55 p.m. till 7:00 p.m. Thursday, December 12, 1996, at the Montezuma Cortez High School Auditorium for the scheduled public hearing on the proposed Comprehensive Land Use Plan.

PUBLIC HEARING - PROPOSED COMPREHENSIVE LAND USE PLAN: It being the time set aside, a Public Hearing was conducted by the Board of County Commissioners and the Planning Commission for Montezuma County on the proposed Comprehensive Land Use Plan. Comm Colbert gave opening statements. Mike Preston presented a short overview slide show of the plan. Planning Commission Chairman Darrell Veach chaired the hearing. The roll was called and the Proof of Publications were read. It was noted that Ben Cordova and Dudley Millard were absent. The public was invited to state their concerns; approximately 25 persons did so. Written concerns were accepted for the record (see attached). The hearing adjourned at 10:15 p.m. These proceedings were taped for the record.

Deputy Clerk     Chairman

December 9, 1996

SEAL

**Minutes 12/16/1996 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 16, 1996

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 16, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meetings held on Monday, December 9, 1996, and Thursday, December 12, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff department report for November 1996 was received. A follow-up letter received from Melanie Chapman (see Notice of Intent, August 19, 1996 minutes), will be forwarded to the Insurance Company.

ACCOUNTS PAYABLE: General fund vouchers #31975 thru #32145 IN THE AMOUNT OF \$127,040.41, Road fund vouchers #322146 thru #32206 in the amount of \$34,474.45 and Landfill fund vouchers #32207 thru #32239 in the amount of \$47,570.75 were approved for payment.

PLANNING: A planning resolution P-47-96E was presented whereas Reggie L. Ragsdale and Debra D. Ragsdale and Vincent K. Ragsdale, owners of 80 acres, would be granted an exemption to the subdivision regulations to record a 5 acre tract in Section 20, T.39N., R.17W. This is the only exemption that will be granted this property. Comm Story moved to adopt this resolution, seconded by Comm McClellan and carried. COLORADO COALITION FOR THE HOMELESS request for a letter of support was received and considered. It was affirmed a letter of support will be written.

CO-WEST INSURANCE representative Bob Sawyer met to discuss bond coverage for the Board of County Commissioners. It was affirmed that bond coverage for out-going Comm Colbert and Comm McClellan will be cancelled in Januray 1997. Mr. Sawyer stated that bonds need to be secured for the in-coming commissioners. Commissioner-elects Kent Lindsay and Kelly Wilson were given applications to complete for their bond coverage effective in January 1997.

SANITATION DEPARTMENT Manager Mick Periman presented data base information from the State of Colorado on all the rivers in Montezuma and Dolores Counties for the years of 1990, 1991 and 1992. Samples secured from the Dolores River by the water company from 1995 thru August 1996 have been sent to a lab in Durango, CO for analysis. At this point Manager Periman feelst the river is clean. He stated that about 50% of the study has been done on the rivers, and he will continue to compile and gather information. Monitoring will continue to be done. It was noted that the septic regulations need to be rewritten after the study is completed to incorporate all the available acceptable options for septic systems.

HEALTH DEPARTMENT Director Bette Anderson met to discuss the department's budget. In order to cut costs, her proposal that they contract with Southwest Memorial Hospital for the Home Health Care program, increase septic permit fees, and increase the charge for flu and pneumonia shots was affirmed. The Board asked that the whole department be re-evaluated and findings be presented for their consideration.

12-16-96

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SHERIFF DEPARTMENT: Undersheriff Bob McDonnell met to discuss the purchase program for new vehicles for the Sheriff's department. The program was affirmed; the vehicles can be purchased.

M&M TRUCK STOP INTERSECTION AND COUNTY ROAD G: Colorado Department of Transportation (CDOT) representatives Joe Audino and Steven W. Chapman and Wilson and Company Project Manager John Shonsey and Helen Peiker met to discuss the proposed options for improvements at the intersection. Maps showing the options were presented. Mr. Shonsey discussed the agenda for the CDOT public hearing scheduled for Tuesday, December 17<sup>th</sup> in Cortez. These options will also be presented to the public at that time. Road Supervisor Tim McComb was present.

ROAD DEPARTMENT Supervisor Tim McComb stated that final bids will be opened Tuesday for the Oak Street Bridge. Availability of gravel for the 4-1/2 mile project to complete asphaltting CR G (McElmo Canyon) wAs discussed. San Juan County, Utah, will be contacted about gravel stock piled across the state line in Utah. Energy Impact and Gaming Impact grant funds for the project were discussed. Monies are available from those two grants to purchase a screening plant plus conveyors. This was discussed and affirmed, with the stipulation that the county will not sell chips. Supervisor McComb stated that at this time the Cache Canyon road is open.

FAIRGROUNDS: Junior Rodeo Club representative Cindy Lichliter and Fairground Manager Dante Sena met to discuss the Rodeo Club's request to continue to do the concessions for the two High School Rodeo shows and the Ag Expo. Ms. Lichliter stated that monies made from the concessions are needed to support the youth group and their participation in the State finals. Manager Sena was asked to compile an overview report on the concession program for the Board's consideration. It was affirmed that the Junior Rodeo Club may do the three events in 1997.

ORMISTON MEDICAL TRUST ORDER: Comm Story made a motion to direct the Clerk to issue Order Number 0-37-96 to the Treasurer to pay a total of \$2,449.51 from the Ormiston Medical Trust Fund to providers listed on the attached order for Arlene Salido, a cancer patient, for medical expenses (see November 18, 1996 minutes). The motion was seconded by Comm McClellan and carried.

1997 PROPOSED BUDGETS were discussed.

ADJOURNED at 4:15 p.m.

Deputy Clerk Chairman

December 16, 1996

SEAL

Online Copy



PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 23, 1996

STATE OF COLORADO )

) ss.

JAN 07 1997

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 20, 1996, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the previous meeting held on Monday, December 16, 1996, were read. Comm McClellan moved to approve these minutes, seconded by Comm Colbert and carried.

COMMISSIONERS ELECT Glenn Kelly Wilson and Kant Lindsay were present.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

SOCIAL SERVICES representative Dennis Story invited the Board and interested persons to a workshop in Durango, CO on "Wrap Around Services" concept on January 7, 1997.

PUBLIC HEARING - AMENDED BUDGET 1996: It being the time set aside, a Public Hearing was conducted regarding the amended budget for 1996. The roll was called and the Proof of Publication was read. Administrator Weaver presented and explained the unanticipated revenues and expenditures of such funds that created the need for the amended budget. There being no protest against the proposed amended budget, a motion was made by Comm McClellan to adopt Resolution #6-96, authorizing the Supplemental Budget and Appropriation. The motion was seconded by Comm Colbert and carried. These proceedings were taped for the record.

PUBLIC HEARING - 1997 BUDGET: It being the time set aside, a Public Hearing was held in regard to the proposed 1997 budget. The Poll was called and the Proof of Publication was read. The proposed budget was presented by Administrator Weaver. No protest was made against the proposed resolutions. Comm McClellan made a motion to adopt Resolution #7-96, To Adopt a Budget for Montezuma County, Colorado for the calendar year-beginning on the first day of January 1997 and ending on the last day of December 1997. Motion was seconded by Comm Colbert and carried. Comm McClellan made a motion to adopt Resolution #8-96, To Appropriate Sums of Money, whereas the Commissioners have adopted the annual budget (\$10,923,189) in accordance with Local Government Budget Law on December, 23, 1996. The motion was seconded by Comm Colbert and carried. Comm McClellan made a motion to adopt Resolution #9-96, To Set Mill Levies. Motion was seconded by Comm Colbert and carried. The mill levy is set at 16.060, which is less than the 16.136 mill levy set in 1996. These proceedings were taped for the record.

EXTENSION OFFICE Director Jan Sennhenn met to ask if the Extension and Fair Board budgets were approved as submitted. This was affirmed. Discussed proposed use of lottery monies for the fairgrounds.

STATUTES regarding Lodgers Tax Board, membership, etc. were read.

Discussed the need to meet with the members; this will be scheduled.

911AUTHORITY BOARD ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-38-96 to the Treasurer to pay \$49.90 from the 911 account to Office Outpost for Dispatch tapes. Motion was seconded by Comm Colbert and carried.

SOCIAL SERVICES: Comm McClellan moved to approve and sign the Salary Plan for Social Services employees for a 2.5% raise for 1997, seconded by Comm Colbert and carried. Request for an order to transfer monies from the General Fund to Social Services was discussed and affirmed (see below).

GENERAL FUND ORDER: Comm McClellan made a motion to direct the Clerk to issue Order Number 0-39-96 to the Treasurer to transfer \$58,094.00 from the General Fund to Social Services per attached. The motion was seconded by Comm Colbert and carried.

MANUEL C. HASTINGS SUBDIVISION – 2<sup>ND</sup> AMENDED PLAT: Comm McClellan moved to approve and sign the 2<sup>nd</sup> Amended Plat of the Manuel C. Hastings Subdivision, seconded by Comm Colbert and carried. Owner Manuel Hastings and Engineer Ernie Maness were present.

PLANNING: A planning resolution P-48-96E was presented whereas Marvin Hoffman, owner of 158.28 acres, would be granted an exemption to the subdivision regulations to record a 5.27 acre tract in Section 21, T.35N., R.16W. This is the only exemption that will be granted this property. Comm McClellan moved to adopt this resolution, seconded by Comm Colbert and carried.

COUNTY WEED MANAGER Ron Lanier met to discuss the current weed program. It was affirmed that the Weed Advisory Board needs to be re-addressed. A request from the Mesa Verde Park Service for a match of \$1,000 for the "Challenge Grant Weed Control" project was presented and denied.

OFFICE OF COMMUNITY SERVICES: Mike Preston stated that the Planning Commission has adopted the proposed Comprehensive Land Use Plan. He presented the "Proposal for Montezuma County Comprehensive Plan Implementation Tools" document. This was discussed. Commissioners – elect Lindsay and Wilson requested that a new color-coded county road map be prepared. This was affirmed.

ROAD DEPARTMENT Supervisor Tim McComb stated that Ray Ward Trucking was the low bidder for the Oak Street Bridge. It was noted that grant monies for the screening plant will be included in next year's grant request instead of this year's. Les Nunn's bridge can be removed. It is just past the end of the pavement on CR L and CR 32 – a 24" culvert will have to be installed in its place. The Road Department has been notified that the county has received the grant for the bridge south of the Radio Station.

1996 CERTIFICATION OF MILL LEVIES AND REVENUES REPORT: Comm McClellan moved to sign the report by the Montezuma County Commissioners, seconded by Comm Colbert and carried.

BOARD OF SOCIAL SERVICES was conducted.

PUBLIC HEARING – NOTICE OF ABANDONMENT: It being the time set aside, a Public Hearing was conducted regarding the abandonment of that portion of Road 24.5 that lies 7/10 mile south of Road G. The roll was called and Proof of Publication was read. Present were Alvin and Robin Carver, Ernest and Bettie Jacques, James and Carolyn Baughman, Bob Moore, Jim Candelaria and Road Supervisor McComb. A letter received from Ernest and Bettie Jacques opposing the abandonment was read. Comm McClellan moved not to abandon the road, seconded by Comm Colbert and carried.

ADJOURNED at 3:15 p.m.

Deputy Clerk    Chairman

December 23, 1996

SEAL