

# 1998 Montezuma County Commissioners' Minutes

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## AUTHENTICITY CERTIFICATE

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September 2004

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**Minutes 01/05/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 5, 1998

STATE OF COLORADO     )  
                                  ) ss. JAN 13 1998

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 5, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, December 15, 1997 were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried. Minutes of the special meeting held on Friday, December 19, 1997 were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ACCOUNTS PAYABLE: General fund vouchers #35281 thru #35465 in the amount of \$164,164.82; Road fund vouchers #35466 thru #35548 in the amount of \$127,218.99; and, Landfill fund vouchers #35549 thru #35575 in the amount of \$30,732.30 were approved for payment.

PAYROLL: General fund in the amount of \$151,567.17, District Attorney voucher #28757 in the amount of \$16,049.61, Treasurer voucher #28758 in the amount of \$93,271.85; Road fund in the amount of \$52,686.22, Treasurer voucher #10755 in the amount of \$34,009.07; and, Landfill in the amount of \$7,613.18, Treasurer voucher #1028 in the amount of \$4,489.05 were approved for payment.

GAMING IMPACT FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-01-98 to the Treasurer to pay \$1,985.00 from the Montezuma District Court's Gaming Impact Fund monies to Superior Alarm, Inc., P. O. Box 5056, Durango, CO 81301 (install panic alarm system and work on CCTV Video Conference System). The motion was seconded by Comm Wilson and carried.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-02-98 to the Treasurer to pay \$9,432.47 for the first quarterly payment (lease purchase of equipment for the Dispatch Center) from the 911 account to the City of Cortez. The motion was seconded by Comm Wilson and carried.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-03-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

COUNTY REVOLVING LOAN FUND: "Brave New Wares" representative, Evelyn Adams gave a brief description of the business that manufactures a variety of household items -chairs, lamps, etc. She explained different aspects of the non-profit and for profit business, which includes working with welfare reform. She made a request for \$10,000 from the County revolving loan fund. Comm Wilson moved to approve a guaranteed loan for \$10,000 with secured collateral, on equipment, through the Valley National Bank in Cortez, seconded by Comm Lindsay and carried.

LIQUOR LICENSE; Deputy Clerk Betty Davis presented applications to "Modify Premises" and "change of Trade Name - change Number of Store to #275" for the Maverik Country Store, Inc. Comm Lindsay moved to approve these applications, seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

SHERIFF DEPARTMENT - TOWN OF DOLORES AGREEMENT Undersheriff San Hager explained the pay increase figure used in the "Addendum To Law Enforcement Agreement." The pay increase figure will be changed to show effective January 1, 1998: (a) employees with benefits will receive a 2% raise and the county contribution for their retirement will be increased 2%; (b) hourly employees will receive a 4% raise. The agreement will be re-submitted to the Town of Dolores showing the wordage changes.

KOTARSKI MODERATE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Katarski Moderate Subdivision, seconded by Comm Lindsay and carried.

PLANNING: A planning resolution P-40-96E Amended was presented whereas Arvita Higgins would be granted an exemption to the subdivision regulations to adjust the boundary at his request in Section 6, T.37N., R.16W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request for an exemption to the subdivision regulations for Christine Applin to split a 20 acre parcel from 79 acres was tentatively approved. Approval was given to advertise two Planning Commission vacant appointments (Cindy Dvergsten and Darrell Veach) effective January 1, 1998.

ARMCHAIR QUILTERS representatives Loretta Murphy, Eleanor Larson, Lucile Hadley, and Carolyn Hemphill met to discuss the increase of rates for the use of the County Annex facilities. Also present were Senior Nutrition Director Sue Fletcher and Mary Holladay. The new rate schedule adopted on December 8, 1997, was presented and discussed. Comm Wilson moved to reduce the 24 hour rate of \$350 to \$250, with no change in the other rates, seconded by Comm Lindsay and carried.

M&M TRUCK STOP INTERSECTION; Business owners in the area, Charles and Wanda Martin and Cheryl Dean met to discuss CDOT's relocation appraisals of their property due to changes in the intersection. Also present was Mike Bowers. They stated that the appraisals cover only the buildings and lands, not the value of the businesses. A meeting will be scheduled with CDOT representatives to discuss the problems. The business owners will be notified of the meeting.

CORTEZ CEMETERY DISTRICT BOARD APPOINTMENT Comm Lindsay moved to appoint Willard Dihle for a 3 year term (1998, 1999, 2000) to the Cortez Cemetery District Board, seconded by Comm Wilson and carried.

WEED CONTROL PROGRAM - LANDFILL: Manager Ron Lanier presented the proposed agenda for "Noxious Weeds - Awareness and Control of Public and Private Lands" meeting tentatively scheduled for February 9, 1998. Proposal by the State to let counties do weed control on state highways was discussed. It was affirmed that CDOT will be invited to attend the meeting too. Discussed landfill expenses and revenues. Manager Lanier will prepare an annual report.

HEALTH DEPARTMENT: "Certification - Montezuma County, Colorado Consolidated Cost Allocation Plan for the Year Ended December 31, 1996" was signed.

JAIL ADVISORY BOARD COMMITTEE member Phyllis Snyder presented an invitation to a meeting scheduled for January 13, 1998 to discuss the proposed County Jail alternatives by the Committee.

ADJOURNED FOR LUNCH with the Jail Advisory Board Committee and Sheriff.

PROPOSED COMPREHENSIVE LAND USE PLAN: Mike Preston, Karen Welch, Lyle Bilberry and Loretta Murphy met to continue finalizing the proposed plan.

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

January 5, 1998

SEAL

**Minutes 01/12/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 12, 1998

STATE OF COLORADO )

) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 12, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Commissioner  
Glenn E. "Kelly" Wilson, Commissioner  
J. Kent Lindsay, Commissioner  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

ELECTION OF OFFICIALS FOR 1998: Comm Wilson moved to elect Comm Story Chairman of the Board of Commissioners, seconded by Comm Lindsay and carried. Comm Lindsay moved to elect Comm Wilson as Vice-Chairman, seconded by Comm Story and carried. Comm Wilson moved to elect Comm Lindsay as Commissioner of Deeds, seconded by Comm Story and carried.

APPOINTMENTS FOR 1998: Comm Lindsay made a motion to appoint the following persons to the several different offices and boards. The motion was seconded by Comm Wilson and carried.

County Attorney: Bob Slough  
Administrator and Budget Officer: Thomas J. Weaver  
Director of Social Services: Thomas J. Weaver  
Health Officer: Dr. Gerald Griebel  
Southwest Community Resources Board: Comm Wilson  
Long-term Health Care Board: Comm Lindsay  
Region 9 Economic Development Board: Comm Story  
Area Agency on Aging (AAA) Board: Comm Wilson  
Legal Publication: Cortez Newspapers (Sentinel, Montezuma Valley Journal  
The Mancos Times - 1997-1998)  
Veteran's Officer: W. (Bud) Carriere (1996-1998)  
(Auditor appointment will be advertised for bids.)

MINUTES of the previous meeting held on Monday, January 5, 1998, were read. Comm Wilson moved to approve theme minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Clerk's report for December 1997 was received.

CAPITAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue Order Number 0-04-98 to the Treasurer to transfer \$147,000.00 from the Capital Fund account to the Road and Bridge Fund account for equipment. The motion was seconded by Comm Lindsay and carried.

ROAD DEPARTMENT Foreman Jim Sattley reported on department activities: (a) getting together old blades, etc., to sell, (b) doing snow removal, and (c) placing sand barrels.

ST. BARNABAS CHURCH representatives Dennis Garrou, Stan Pierce and Neil Stephens stated the church would like to obtain 50'x90' parcel from the county to expand church property. The area is now being used as a parking lot for the County Annex. A swap or exchange to the county of other church property was discussed. The request was tabled until further information is obtained on the use of the parcel by the Annex.

RELOCATION APPRAISALS - M&M TRUCK STOP INTERSECTION: Colorado Division of Transportation (CDOT) representatives Steve Chapman and Darrel W. Lowder and H.C. Peck & Associates representatives Blain Zenor and Wendy Zenor met to discuss concerns about the appraisal process for relocation of businesses in the area. Spokesperson Lowder stated that it is early in the process, which is done in compliance with State and Federal laws. Concerns of property owners (Blair) adjacent to the truck stop area were discussed. It was noted that Mr. Lowder is the CDOT contact for concerns. Brochures "Your Rights and Benefits as a Highway Relocator" and "ROW Information" were presented.

FAIR BOARD members Jimmy Smith, Bob Whitcomb, Dave Manning and Darline Hamilton met to discuss their proposal to increase use of the fairgrounds. Also present were Fairground Manager Dante Sena and Road Department Foreman Jim Sattley. Proposed additional events at the Fair, need for a plan for capital improvements, formation of a committee for establishing new activities, and overall outlay and priorities to cover a lot of different people and activities were discussed. Foreman Sattley stated that the road department is available for work at the fairgrounds -- graveling, etc. Manager Sena stated that electrical work to install meters will be put out for bid. The Board affirmed their support for the proposal to increase use at the fairgrounds within the confines of county jurisdiction.

MID-AMERICA (MAPCO) PROPOSED PIPELINE representatives Gary Harkey, Chere Sublett, Ed Pick, Paul Johnson, Steve Nelson, and Attorney Tom Dugan met to discuss a proposed new 10" Natural Gas pipeline. Spokesperson Harkey presented maps showing the proposed pipeline which will run along side a 1982 MAPCO pipeline in existing rights-of-way. Two County resolutions Res #86-24, signed on August 25, 1986 and Res #21-90 signed on August 27, 1990 were presented, read and discussed (see attached). Also discussed was MAPCO desire to solve issues before any public hearings are held. Formal plans will be presented at a later date. Planned timeframe for work in the area is October or November, 1998.

RESIDENT Galen Larson met to discuss current issues in the County.

CLERK Evie Ritthaler presented her monthly report.

ABATEMENT: Assessor Bob Cruzan, Appraiser Mary Zummach, and Brown Brothers representative C. Paul Brown being present, a petition for abatement of property tax was presented for Brown Brothers, 1996, erroneous assessment. Assessor Cruzan recommended denial of the petition. Comm Wilson moved to set the full value of the property at \$200,000.00 for the 1996 tax roll (see attached), seconded by Comm Lindsay and carried. The roll was called and the proceedings were tape recorded for the record.

BOARD OF SOCIAL SERVICES was conducted.

HEALTH DEPARTMENT Director Bette Anderson gave an update on the projects planned for 1998, grants and funding.

FAIRGROUNDS Manager Dante Sena gave a more detailed outline of bid specs for the planned electrical work. The board asked him to submit the bid information to the newspaper as soon as possible. The January 1st increase of the Horseman's Club fees (family to \$70/yr & single to \$30/yr) was discussed and affirmed. The Board reiterated that their approval is needed for any increase in fairground fees. It was noted that Manager Sena is the liaison person between the Fair Board and the Board of Commissioners and, as such, will keep the Board informed about Fair Board activities.

01-12-98

3

M&M TRUCK STOP INTERSECTION area businessman, Charles Martin asked about an exemption to the subdivision regulations to split a small parcel from 22 acres, owned by him, for relocation of his business. It was discussed that if the property is on the City sanitation system, the parcel can be smaller than 3 acres. He was informed of the issues discussed with the CDOT and H.C. Peck & Associates earlier in the day.

LANDFILL Manager Ron Lanier presented a revenue and expenditure report for the landfill through November 1997. After discussion, it was affirmed that, at this time, there would be no landfill fee increases. The need to improve employee incentives to cut costs was discussed.

The Board asked Manager Lanier to create a 10% margin for the landfill department.

PROPOSED COMPREHENSIVE LAND USE PLAN: Mike Preston, Karen Welch, and Loretta Murphy met to continue finalizing the proposed plan.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

January 12, 1998

Online Copy

**Minutes 01/19/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 19, 1998

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the board of Commissioners, Montezuma County, Colorado, held on Monday, January 19, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, January 12, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's report for December 1997 was received.

ACCOUNTS PAYABLE: General fund vouchers #35577 thru #35740 in the amount of \$131,709.32, Road fund vouchers #35741 thru #35805 in the amount of \$234,822.61 and Land fund vouchers #35806 thru #35836 in the amount of \$28,574.29 were approved for payment.

COUNTY ROAD 37: Resident Vernon Koppenhafer, on behalf of V.J. Koppenhafer, met to discuss concerns about a section of the road. Mancos Foreman Dan Yeomans was present. An on-site inspection of the road will be conducted at 1:30 p.m. today. \*\*\*\* Later in the day after the inspection, the Board stated that the issue is tabled until further information is obtained from Mr. Koppenhafer.

PIUTE, INC. - INDUSTRIAL PARK representative Glenn Leighton reported on progress for the Park. A meeting was tentatively scheduled to discuss the proposed development on Friday, January 23, 1998.

FAIRGROUNDS: Horseman's Club members Dick Vogel, Cindy Lichliter and Bobbie Hunter met to discuss the increased fees at the fairgrounds. The following items were discussed: (a) a proposed gradual fee schedule, (b) enforcement if the facility is used without payment of fees, (c) creation of a Fairgrounds Advisory Board composed of members interested in all facets of fairground use and issues, and (d) implementation of an equitable fee system. Action tabled until these issues are discussed with and input obtained from Fairground Manager Dante Sena.

SNOWBIRD PARK SUBDIVISION: Planning Manager Karen Welch stated that a \$5,100 bond for the final layer of gravel (scheduled for the spring of 1998) has been established by Mr. Douglas. Contingent on the bond, Comm Wilson moved to approve and sign the final plat for the Snowbird Park Subdivision, seconded by Comm Lindsay and carried. Developer Rex Douglas was present and discussed the county policy for use of road impact fees. As a result of this discussion the August 5, 1996 policy was clarified as below.

CLARIFICATION OF AUGUST 5, 1996 POLICY - USE OF IMPACT FEES ON UNIMPROVED COUNTY ROADS: Comm Wilson moved that the wordage "non-maintained" county roads be changed to "unimproved" county roads to be consistent with classification wordage on the county road map, seconded by Comm Lindsay and carried. The policy now reads as follows: Impact fees collected from properties on an unimproved county road will be spent on the unimproved county road. Property owners will be told that the road will still be classified as an unimproved road.

BOARD OF SOCIAL SERVICES was conducted.



01-19-98

2

PLANNING COMMISSION APPOINTMENTS: Three letters were received for the two advertised vacant appointments. Comm Wilson made a Motion to appoint: Cindy Dvergsten for a 3 year term (1998, 1999, 2000), Darrell Veach for a 3 year term (1998, 1999, 2000) and Lawrence Wallington as an alternative for a 1 year term (1998). The motion was seconded by Comm Lindsay and carried.

CATERPILLAR FINANCIAL SERVICES CORP: Comm Lindsay made a motion to sign the lease option contract with the Caterpillar Financial Services Corp for the purchase of two motor graders (Road and Bridge), and to have Attorney Slough sign the Opinion of Counsel. The motion was seconded by Comm Wilson and carried.

PINON PROJECT representatives Dennis Prather and Mary Leonard presented "Indicators of a Healthy Community, Pinon Project 1997, Including the Ute Mountain Ute Indian Tribe" booklet and a Mission Statement. Information for the booklet was funded through a one-time Colorado Trust grant - future funding for any follow-up will need to come from the community. The trends set forth in the booklet and future plans were discussed. No action was taken. It was noted that a "Community Resource Directory" is now available for \$10. Carla Garrison was also present.

WEED PROGRAM MANAGER Ron Lanier presented a letter, for signature, to the Colorado Department of Transportation in regard to weed control. The letter was signed.

RESIDENT John Porter stated that his appointment as a member of the Southwest Water Board expired December 31, 1997. He submitted his letter application for reappointment to the Board. The appointment vacancy will be published in the newspaper. He also presented information on it proposed "Water Quality Forum - Stakeholders" to find out who has an interest in the Dolores Watershed use and the creation of base line data on water quality, etc. He asked if the Board sees a need for such a forum and if so if he might employ help for the agenda from Administrator Tom Weaver and/or Mike Preston. This was affirmed.

ADJOURNED FOR LUNCH and an on-site inspection of CR 37 (Vernon Koppenhafer).

OFFICE OF COMMUNITY SERVICE: Carla Garrison met to discuss the agenda for the "Noxious Weeds Improving Awareness and Control on Public and Private Lands" meeting.

ADJOURNED at 3:30 p.m.

Deputy Clerk Chairman

January 19, 1998

SEAL

**Minutes 01/26/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JANUARY 26, 1998

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 26, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman – absent  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, January 19, 1998 were read. Comm Lindsay moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

GAMING IMPACT ORDER: Comm Lindsay made a motion to direct the clerk to issue Order Number 0-05-98 to the Treasurer to pay \$126.00 from the Montezuma County District Court's Gaming Impact Fund monies to B F Millwork, Inc., P.O. Box 1746, Cortez, CO 81321. The motion was seconded by Comm Story and carried.

COUNTY ROAD 23: Landowners Trace Batie, Tom Gendill and Jerry layne from Buckeye, AZ met to discuss a section of CR 23, between CR Z and X. Information they have shows that there is a county right-of-way through this section. They asked if the county has any plans to put in a county maintained road and if not, if the Board would consider abandoning this section of road. Action was tabled until an on-site inspection and a check of county right-of-way records. They also asked if they could grade and put some gravel on the first part of the road to the dead end. This was okayed. They were referred to Round-Up District Foreman Jim Beecher.

SHERIFF Sherman Kennell and Undersheriff Sam Hager presented a summary report on COPS grant monies which is used to fund road deputy positions. They are applying for more COPS grants monies to fund 2+ positions for 3 years. Other items discussed were: (a) Coroner Bostrom's request for pagers that are not associated with the fire department pagers – pagers purchased in 1996 may need crystal changes. (b) Offer from Ertel Funeral Home to transport bodies for autopsies – no action taken. Sheriff Kennell thanked the Board for the additional funding to hire more personnel at the Jail, which has helped with security, etc.

ROAD DEPARTMENT: Foreman Jim Beecher presented the Montezuma County Road Department 1998 Road Plan. Other items on department activities were reported and discussed: (a) purchased 1992 Ford pickup, (b) pay-back work down on CR G (McElmo Canyon) is completed, (c) trailers are in the yard, (d) conveyors are in, (e) crushing gravel and blading roads, (f) proposed trade with Pleasant View Fire Department – gravel in exchange for installation of outside water faucet for use by the county to wash blades (county would pay the water bill), (g) recommendation by the Foremen that the policy for gravel for non-maintained county roads (see minutes of September 27, 1993) be reconsidered – reason for this recommendation is there is now more gravel available – action tabled until old policy can be looked at and new one written with the Board reserving the right to what can be done.

Discussed settling of shoulders on CR N (heavy truck traffic). \*\*\*\*\*Later in the day, Administrator Weaver reported that the policy on handling of excess, old, etc. equipment has been reiterated with the road department employees.

01-26-98

FAIR BOARD members Ron Kimmi, Darline Hamilton, Neil Jones, and John Fletcher and Fairground Manager Dante Sena met to discuss proposed improvements at the fairgrounds (gravel, water lines, electric and additional canopy). After discussion, the following was affirmed: (1) finish the present projects for gravel and electricity and (2) advertise for members to serve on an Advisory Board (Long-Term Planning Committee) to develop a plan and goals for use of the fairgrounds.

REGIONAL ONE-STOP CAREER CENTERS – JOB SERVICE: Representatives Maxine Maestas and Joyce Scharnhorst met to discuss the implementation of the plan funded by a planning grant in connection with establishing one-stop career centers. A letter from One-Stop Career Center Chairman Bob Fromwalt outlining two implementation options was discussed. Ms. Maestas asked that the County be involved in all the processes. The Board stated they will recommend that a third party be involved. A letter will be written asking that all the entities meet to discuss the implementation process.

INITIAL ATTACH AIRCRAFT AGREEMENT (IAAA) FOR WILDLIFE SUPPRESSION – AMENDMENT ONE: Comm Lindsay moved to sign the Amendment to the contract between the Colorado State Forest Service and Montezuma County, seconded by Comm Story and carried.

PLANNING: A planning resolution P-1-98E was presented whereas Lorene O'Brien, is the owner of 64 acres and would like to record an exemption to the subdivision regulations for a 7.65 acre parcel in Section 33, T.36N., R.13W. This is the only exemption that will be granted this property. Com Lindsay moved to adopt this resolution, seconded by Comm Story and carried. A planning resolution P\_2-98E was presented whereas Piute, Inc., owner of 160 acres would like to record an exemption to the subdivision regulation for a 3.126 acre parcel in Section Section 30, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Story and carried.

MCDONALD SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the McDonald Subdivision, contingent on the deletion of from the plat the statement "may be developed by the owner at a later date," seconded by Comm Story and carried.

BOARD OF SOCIAL SERVICES ws conducted.

CLARIFICATION OF AUGUST 5, 1996 POLICY – USE OF IMPACT FEES ON UNIMPROVED COUNTY ROADS: Comm Lindsay made a motion to rescind the motion of January 19, 1998, and revert back to the August 5, 1996 Policy, seconded by Comm Story and carried.

MAPCO PROPOSED PIPELINE: Administrator Weaver was asked to check with MAPCO personnel on the progress of the pipeline.

TAX DEFERRED RETIREMENT – ALL COUNTY EMPLOYEES: Comm Lindsay made a motion to accept the results of the final vote by the 170 eligible county employees as to tax defer their 5% retirement, or not, as follows: 50 vote to tax defer the 5%, 101 Vote not to tax defer the 5%, and 19 did not vote. The motion was seconded by Comm Story and carried.

ADJOURNED at 12:00 noon.

Deputy Clerk Chairman

January 1, 1998

SEAL

**Minutes 02/02/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 2, 1998

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 2, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, January 26, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General fund in the amount of \$159,858.03, District Attorney fund voucher #28933 in the amount of \$16,090.13, Treasurer fund voucher #23934 in the amount of \$107,590.38; Road fund in the amount of \$49,221.63, Treasurer fund voucher #10832 in the amount of \$36,383.65; and Landfill fund in the amount of \$6,935.21, Treasurer voucher #1068 in the amount of \$4,624.81 were approved for payment.

OPEN HIGH SCHOOL student, Christy Marten attended the meeting until 11:30 a.m. The Board discussed issues with her and gave her a "Colorado County Information" booklet.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-06-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

GENERAL FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-07-98 to the Treasurer to transfer \$25,709.00 from the Social Service fund to the General fund (see attached explanation). The motion was seconded by Comm Wilson and carried.

LANDOWNERS, off of CR 24.5, Jim and Carolyn Baughman, Landowners Association representative Chester Tozer and Charles Jenkins met to discuss the wordage in Resolution P-49-95 (see minutes of September 11, 1995), and other issues pertaining to claimed easements across the Baughman property. Action was tabled. A meeting will be tentatively scheduled for next Monday with all the interested parties.

PROPOSED LEWIS/ARRIOLA COMMUNITY CENTER: Representative Chan Chaffin reported on the progress of the recreational facility and asked for additional lottery funds. Comm Lindsay moved to give \$4,000.00 from the lottery fund for the purpose of building a Community Center, seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman Don Yeomans reported on and discussed the following: (a) CR 25 near intersection with CRP – trade for straightening road with Vera Fraka, (b) Ute Creek Bridge construction, (c) problem with pickup purchased in Albuquerque, NM, (d) proposal to install air conditioners in old pickups or sell all old pickups, equipment, etc. and purchase new pickups, (e) problem with shoulders on CR N. (f) Hindmarsh gravel pit, (g) condition of CR 10 – will work on, (h) graveling at

fairgrounds – future gravel projects need to be included in the road plan, (i) proposal by Forest Service to close some Schedule A roads, (j) priority for work on paved roads – will do traffic counts, (k) need for paving policy (landowners/cost share) – will work on, (l) working with TransColorado – use of county roads for access to new pipeline.

**MOUNTAIN VIEW SUBDIVISION:** Road Foreman Jim Sattley presented a letter and petition from the Mountain View Subdivision Homeowners Association about the condition of CR 28.2 and CR 28.3. Foreman Becher stated he will continue to assure the parties that as soon as the weather permits work will be done on the road.

**LODGERS TAX BOARD** representative Tom McFadden presented information (see attached) and gave an update on activities. The Lodgers Tax Board contract with the City of Cortez was discussed.

**LIBRARIAN** Mary Ellen Brubaker presented the Cortez Public Library Statistics Quarterly Report, and gave an update on the increased use of the library, which she feels is due to growth in the County. She asked for more support/funding from the County. Current funding from the revenue sharing account, which will be depleted next year, was discussed. Suggestion to make the library funding a line item in the 1999 budget will be considered.

**RESIDENT** Galen Larson met to discuss (a) landowner rights in regard to gravel/mineral rights and (b) proposed jail facility.

**PLANNING:** A planning resolution P-03-98E was presented whereas Raymond L. and Jessie R. Pound, owners of 12 acres, would be granted an exemption to the subdivision regulations to record an exemption for a 3.52 acre parcel. This tract is to be added to an adjoining landowner's property and does not create a separate tract for sale. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A presketch was presented for the Johnson Minor Subdivision and tentatively approved.

**UTE MOUNTAIN RANCH SUBDIVISION:** Comm Lindsay moved to approve and sign the final Ute Mountain Ranch Subdivision plat, seconded by Comm Wilson and carried.

**JAIL ADVISORY BOARD COMMITTEE** member Phyllis Snyder invited the Board to a noon meeting with them next Monday to review and discuss survey results.

**PROPOSED COMPREHENSIVE LAND USE PLAN:** Mike Preston and Karen Welch met to continue finalizing the proposed plan.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

February 2, 1998

SEAL

**Minutes 02/09/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 9, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 9, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, February 2, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer's report for January 1998 was received.

NOTICE OF CLAIM was received from Filbert Velasquez and will be sent to the insurance company.

LANDOWNERS, off of CR 24.5, Jim and Carolyn Baughman, Landowners Association representatives Chester Tozer and Sheila Wilson, and Charles Jenkins met to discuss the wordage in Resolution P-49-95E and other issues pertaining to claimed easements across the Baughman property. Ernest and Bettie Jo Jacques' representative, Attorney George Buck was also present. Resolution P-49-95E was discussed. Comm Lindsay made a motion to amend Resolution P-49-95E, to delete from the resolution \_\_\_ "It is also understood that the Baughman's will allow Mr. Ernie Jacques or his assigns a 30 foot unobstructed easement to his property." and add - - "Also reserving a thirty foot right-a-way for purpose of a road to Rocky Ford ditch." as recorded in Book 538, Page 312, reception No. 393062 and attached as part of Resolution P-49-95E (see attached). The motion was seconded by Comm Wilson and carried. SEARCH AND RESCUE TEAM, INC. representatives Chuck Melvin and others (see attached) presented information on the organization and their proposed building project budget. He asked if the county would support the effort with gravel and lottery monies. Comm Lindsay moved to give \$2,000.00 from the lottery fund and donate gravel for the parking lot, contingent on them hauling the gravel, seconded by Comm Wilson and carried.

MEETING – PROPOSED PIPELINES: Mancos area landowner Glen Humiston invited the Board to a meeting tentatively scheduled for Thursday, February 12, 1998 at 7:00 p.m. at the Town Hall in Mancos, CO. The agenda for the meeting is to give landowners in the area an opportunity to discuss the proposed pipelines by MAPCO and TransColo.

PARTNERS Director Reva Rowley met with the Board. She stated that they are planning a fund raising event in May at the fairgrounds. She asked if fees could be waived for use of the race track. The request was denied. She gave an update on the organization's activities.

BOARD OF SOCIAL SERVICES was conducted.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities: (a) proposal to sell trucks is on hold, (b) use of road across BLM to access the gravel pit on Tozer property has been okayed, (c) crusher needing replacement parts, (d) Old McPhee Road 27 – Wingspread Subdivision: Forest Service proposal to close lower end and build parking lot on upper end of road; discussed – access to public property and suggestion that the county build a parking lot down by water (McPhee Lake) and continue to maintain the road.

REGION 9 Director Ed Morlan and Pinon Project Direction Dennis Prather presented a draft copy of “Montezuma County Development Action Plan 1998.” Director Morlan gave an update on the proposed application for a new Community Development Block Grant (CDBG) contract for additional Business Revolving Loan Funds. The CDBG involves five counties with La Plata County being the lead county. He mentioned that funding has been received to do a survey of the needs, etc. for proposed fiber optic lines in the county. He stated that a person needs to be designed to represent Montezuma County. No action was taken.

ABATEMENT: It being the time set aside, Assessor Bob Cruzan and Appriaser Mary Zummach being present, a petition for abatement of property tax was presented for Safeway, Inc., c/o Front Row Seat (Gerald Stansbury), erroneous assessment (see attached). Assessor Cruzan recommended denial of the petition. Comm Lindsay moved to deny the abatement, seconded by Comm Wilson and carried. The roll was called and the proceedings were tape recorded for the record.

SOUTHWEST MEMORIAL HSOPITAL: Shelia Wilson met to discuss a newspaper article about the proposed Professional Doctor’s Building.

ADJOURNED FOR LUNCH: Administrator Weaver met with the Jail Committee.

WEED CONTROL FORUM: The forum facilitated by Carla Garrison was attended by Thirty-two interested persons (see attached) from Montezuma, Dolores, La Plata, Gunnison and San Miguel counties, CO, San Juan County, UT, and Fort Collins, CO and represented Weed Boards, CDOT, BLM, FS, CDOW, NRCS, NPS Mesa Verde, Dow Agro Sciences, and Extension offices. Designated spokespersons reported on their local weed programs in connection with their plans, resources and budgets. Items noted and discussed included: educational programs, GIS mapping, biological and chemical treatments, cooperations between federal, state and local entities and private landowners, grants/funding, reseeding procedures, certified hay program and enforcement policies. Comm Story thanked everyone for their comments and participation.

ADJOURNED at 4:30 p.m.

Deputy Clerk Chairman

February 9, 1998

SEAL

## Minutes 02/17/1998 Regular

### PROCEEDINGS OF THE BOARD OF COMMISSIONERS MONTEZUMA COUNTY, COLORADO FEBRUARY 17, 1998

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado held on Tuesday, February 17, 1998, at the courthouse in Cortez, Colorado there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissionre of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, February 9, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's and Sheriff's reports were received for January 1998.

BOARD OF SOCIAL SERVICE was conducted. Dennis Troy gave an update on Child Care programs.

ROAD DEPARTMENT Foreman Jay Palmer reported on items discussed at their weekly meeting and department activities: (a) discussion of repair for existing chip/seal roads, especially CR 25 - - tentatively approved; (b) classification of CR 25 & CR X (Hwy 184 across dike); (c) weather holding up work on Ute Bridge and fairgrounds; (d) moisture problems on CR N., CR M and CR L; (e) purchase of another conveyor for crusher - - The Board will do an one-site inspection of the crusher which is at the Ormiston gravel pit when the weather permits. Discussed rough spot on CR 27.

BRAVE NEW WARES representative Evelyn Adams, and recently trained teachers Laurie Dodge and K. Salacia Wahnel invited the Board to their scheduled "Open House." Ms. Adams thanked the Board for past support. She gave a progress report on their activities and showed products, catalog, photos, etc. She asked the county to be a partner for a proposed \$15,000 grant through Region 9. No action was taken. Adm Weaver will contact Region 9 Director Ed Morlan for further information on the grant. Carla Garrison was present.

HEALTH DEPARTMENT Nurse Bette Anderson gave updated information about the proposed community partnership between the Health Department and Southwest Memorial Hospital in regard to the Home Health Care program. The proposal is to divide the responsibilities as follows: Health Department – home visits with their personnel (nurses and home health care aids); Hospital – physical, occupational and speech therapy, billing and administration. Also discussed funding for the Health Department.

MONTEZUMA WATER COMPANY LOAN APPLICATION: Comm Wilson made a motion to sign the letter to Leroy Cruz, Director, Community and Business Programs, USDA Rural Development – RE: "Montezuma County Response to Town of Dolores letter of February 1, 1998 and City of Cortez Comments of February 9, 1998 on the Montezuma Water Company Loan Application," contingent on information that the above referenced letters have been mailed by the Town of Dolores and City of Cortez. The motion was seconded by Comm Lindsay and carried.

SENIOR NUTRITION CENTER: Title III B and C Programs, 1998 budget Summary addendum for Your Older Americans ACT (OAA), Title Service Contract FY 1998-98 was discussed. No action was taken.



02-17-98

2

FAIRGROUND Manager Dante Sena met to discuss fairground activities. The issue concerning use of rough stock in regard to liability insurance was discussed. Manager Sena stated that rough stock use is only permitted during rodeo club practice, since this is the only time insurance coverage is in force. In answer to an ad for members to serve on a Fairgrounds Advisory Committee, eleven letters were noted. Individual lists by the Board will be compiled for consideration in addition to the eleven applicants. Action was tabled until next week. Bids for the electrical work at the fairgrounds were received from three entities – Puckett Electric Company, Cortez Electric, Inc. and Noland Electric, Inc. Comm Wilson moved to award the bid to the low bidder, Noland Electric, Inc., seconded by Comm Lindsay and carried.

JUVENILE CRIME TASK FORCE: Nancy Johnson reported that she has moved into a new office space (rent waived) in the Johnson Building. She gave an update on current projects.

ADJOURNED at 2:30 p.m.

Deputy Clerk Chairman

February 17, 1998

SEAL

Online Copy

**Minutes 02/23/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
FEBRUARY 23, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 23, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Tuesday, February 17, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ACCOUNTS PAYABLE: General fund vouchers #35837 thru #36049 in the amount of 371, 128.75; Road fund vouchers #36050 thru 361.34 in the amount of \$272,809.67; and Landfill fund vouchers #36135 thru #36164 in the amount of \$31,854.15 were approved for payment.

MONTEZUMA WATER COMPANY: Manager Mike Bauer and Board member Jim Youngs met to discuss Montezuma Water Company's loan application from USDA Rural Development. Mr. Leroy Cruz will be contacted for clarification of State Statute 1926B. A meeting is tentatively scheduled with the Water Company, City of Cortez and Town of Dolores to discuss issues regarding the application.

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 Wilson moved to approve the application, seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman Jim Becher submitted a written report on items discussed at their weekly meeting and department activities (see attached). He stated that they are working on CR G (McElmo Canyon) repairing shoulders. The crusher is running and they will begin doing chips tomorrow. A proposed gravel policy was submitted and discussed. The policy will be discussed at the next Foremen meeting. Comm Lindsay said he had received complaints about road conditions on CR N, west of Hwy 666, and CR 23, north of Hwy 666. These roads will be checked.

HEALTH DEPARTMENT Director Bette Anderson and Southwest Memorial Hospital representative Ann'Drew O'Leary met to discuss the proposed community partnership for Home Health Care between the Health Department and the Hospital. A draft contract has been submitted and will be reviewed. Director Anderson also mentioned SB 151 – funding for Public Health. She asked that the Board contact members of the State Legislature with a request for more funding. She presented informational reports on "What Is Public Health All About," and "Funding the GAPS Survey."

PLANNING: A verbal request for an exemption to the subdivision regulations for Jeanne Reed to split a 3 acre parcel from 160 acres was tentatively approved.

02-23-98

BOARD OF SOCIAL SERVICES was conducted.

STTUTES were read about appointing a Citizens Review Panel (Social Services). Approval was given to advertise for members to serve on the panel.

ADJOURNED at 12:00 noon.

Deputy Clerk Chairman

February 23, 1998

SEAL

Online Copy

**Minutes 03/02/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 2, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 2, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, February 23, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Letter of support for U.S. Forest Service Rural Community Assistance Grant for the K9 Search and Rescue Team, Inc., headquartered in Montezuma County was signed. The Treasurer's six-month report was received. Received invitation to the first annual Dolores River Watershed Forum.

PAYROLL: General fund in the amount of \$161,611.13, Treasurer voucher #29153 in the amount of \$109,458.27, District Attorney voucher #29154 in the amount of \$15,839.50; Road fund in the amount of \$49,097.72, Treasurer voucher #10920 in the amount of \$36,651.47; and Landfill fund in the amount of \$7,107.21, Treasurer voucher #1105 in the amount of \$4,650.27 were approved for payment.

911 AUTHORITY BOARD Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-09-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

M&M TRUCK STOP INTERSECTION: Business owners in the area, Charles and Wanda Martin met to discuss recent information about CDOT's relocation appraisals of their property and changes in the intersection. They will keep the Board updated on these issues.

ROAD DEPARTMENT Foreman Don Yeomans reported on items discussed at their-weekly meeting and department activities (a) problem an CR N taken care of, (b) checked dust on CR G (McElmo Canyon) - widening road, doing detour for bridge repair, (c) met with Bruce Bradley on roads in regard to the "Trail of the Ancients" - CR X, CR BB, CR CC, CR L and CR 23 - letter will be written to BLM requesting help with roads, (d) cooperation being reinstated with VoTech, (e) blades and goose neck trailer will be advertised this week with minimum bids, (f) crushing chips at Ormiston pit, and (g) bought belly dump. Following items were discussed with the Board: (1) proposed gravel policy, (2) department financial report, (3) need for uniform policy on pulling ditches, and (4) school bus turn around (Koppenhafer).

LIDUOR LICENSE: Deputy Betty Davis presented an application for renewal of a 3.2% beer license for the Mesa Oasis Campgrounds. The Sheriff's office reported no problems with this outlet. Comm Lindsay moved to approve the application, seconded by Comm Wilson and carried. She also presented an application for renewal of a Hotel/Restaurant Liquor License for the Roundup Junction Restaurant. The Sheriff's office reported no problems with this outlet. Comm Lindsay moved to approve the application, seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

03-02-98

2

COUNTY CLERK Evie Ritthaler presented examples of ballot questions from other counties for review and discussion. Mentioned upcoming City of Cortez and Hospital District elections.

PLANNING: A verbal request for an exemption to the subdivision regulations for Cameron and Linda Secrist to split a 4-5 acre parcel from 163 acres was tentatively approved.

OFFICE OF COMMUNITY SERVICES: Mike Preston, Karen Welch and Loretta Murphy presented comments from Erin Johnson on revisions made to the proposed comprehensive land use plan. Permit approval versus designated zones in regard to pipelines and final document publication procedures were discussed. Glen Humiston was present.

ANIMAL DAMAGE (PREDATOR) CONTROL PROGRAM: USDA Wildlife Services representatives Mike Yeary and Justin Ewing met to discuss funding for the predator control program. Glen Humiston was also present and presented a personal check to support the program. The Board stated that before they will consider donating matching funds for the program next year, there will need to be a long-term commitment from the livestock industry. Comm Lindsay moved to approve \$11,125.00 matching funds for the predator control program, seconded by Comm Wilson and carried.

TREASURER: Finance Officer Mary Ann Sanders reported that Treasurer Bobbie Spore's six month report and the Commissioners warrants are now balanced with the Treasurer's funds.

ADJOURNED for lunch. Toured County Annex parking lot next to the St. Barnabas Episcopal Church (see January 12, 1998 minutes).

ADJOURNED at 2:30 p.m.

Deputy Clerk    Chairman

March 2, 1998

SEAL

Online Copy

**Minutes 03/09/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 9, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 9, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman - absent  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney - absent afternoon  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, March 2, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly road meeting and department activities: (a) Puett Lake road - will blade, check gravel and if gravel is sufficient, re-sign with a green sign and maintain, (b) did emergency blading of a road over weekend, (c) met with Forest Service and others about setting up crusher on an old site -paperwork is being prepared. Following items were discussed with the Board: (1) Road to the Sheriff posse arena and parking lot - affirmed use of county machinery to do some blading (on their time), (2) VoTech/County cooperation - exchanges (both entities will keep record of hours and scheduling).

FIRE CHIEF Jay Balfour met to discuss the proposed comprehensive Land Use Plan in connection with fire protection for commercial/industrial businesses. He asked that consideration be give to add portions of the "Uniform Fire Code" to the plan. It was noted that some of the items he mentioned are already in the plan and others will be considered.

SOUTHWEST COMMUNITY RESOURCES FOR HOUSING PRESERVATION grant letter of support was signed.

HIGHWAY USER TAX certification from the Colorado Department of Transportation was signed.

SOUTHWEST OPEN HIGH SCHOOL: Principal Jean Lovelace, teacher Cathy Kingery and students (see attached list) attended the meeting till noon. Comm Wilson gave a short summary on the role of county government.

HOME HEALTH CARE: Health Department Director Bette Anderson and representatives from Southwest Health System, Inc., Montezuma County Hospital District and Arapahoe Home Health Care Resources (see attached list) met to discuss the proposed community partnership between the Health Department and Southwest Memorial Hospital (see February 17 and 23, 1998 minutes). The draft contract was reviewed. Approximate date to start procedures for the transfer of duties is April 1, 1998.

REDSTONE LAND COMPANY representative Daniel W. Dattola and Coldwell Banker Real Estate representatives Wayne Lee, Larry Ellenberger and Ted Saunders met with the Board. Mr. Dattola gave a review of his company's planned 160 lot subdivision. He asked the Board to waive the non-refundable \$100 per lot of the set administration fee (see November 27, 1997 minutes) until after the sketch plan is presented to the planning commission. The option to do the project in several phases was discussed. The request that the fee be waived was denied. Planning Manager Karen Welch was present.

03-09-98

2

FAIRVIEW CEMETERY DISTRICT Board member Laura Kennedy gave a brief summary of their funds. She stated that their reserve fund is depleted and the cemetery board has voted to ask for an increase in the mill levy in this year's election. County Clerk Evie Ritthaler was present. Ballot procedures to accomplish this were discussed.

ABATEMENTS: It being the time set aside, Assessor Bob Cruzan being present, a petition for abatement of property tax was presented for William F. Gallegos, \$2,265.23, 1997, erroneous assessment. Assessor Cruzan recommended approval of the petition. Comm Lindsay moved to approve the petition, seconded by Comm Wilson and carried. Petition for abatement of property tax was presented for J. Rex Douglas, \$1,439.49, 1997, erroneous assessment. Assessor Cruzan recommended approval of the petition. Comm Lindsay moved to approve the petition, seconded by Comm Wilson and carried. The roll was called and the proceedings were tape recorded for the record.

ADJOURNED FOR LUNCH with the Southwest Open High School students and faculty.

HEALTH DEPARTMENT Director Bette Anderson presented the abstinence education program contract. Comm Lindsay made a motion to sign the State Abstinence Education Program contract effective March 1, 1998 between the Department of Public Health and the Montezuma County Health Department under encumbrance number ADL9808273. The motion was seconded by Comm Wilson and carried. Director Anderson presented her "Montezuma County Health Department 1997 Annual Report." This was reviewed.

GLOCKNER PROPERTY: Representative Richard Luhman stated that the Glockners want to sell the property. He presented maps showing that a small access parcel to the property belongs to the county. He asked for a quitclaim deed from the county to give access to the property. Action was tabled until an on-site inspection.

FAIRGROUNDS Manager Dante Sena gave an update on the electrical work. Paperwork to authorize Empire Electric Association, Inc. to install two transformers was signed. Discussed planned activities at the fairgrounds.

ADJOURNED at 3:30 p.m

Deputy Clerk    Chairman

March 9, 1998

SEAL

**Minutes 03/16/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 16, 1998

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 16, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, March 9, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer's report for February 1998 was received. Discussed a letter received in regard to CO2 Claims Coalition LLC - letter of acknowledgment will be written.

ACCOUNTS PAYABLE: General fund vouchers #36165 thru #36336 in the amount of \$116,795.97, Road fund vouchers #36337 thru #36404 in the amount of \$82,880.79, and Landfill fund vouchers #36405 thru #36431 in the amount of \$25,116.67 were approved for payment.

ST. BARNABAS CHURCH representatives Dennis Garrou and Scott Tipton met to discuss the proposed acquisition/trade for one 25' lot to expand church property. The lot is now part of the County Annex parking lot. Action was tabled until the church representatives meet with the Senior Citizens Advisory Committee in April.

CHICKEN CREEK SKI AREA representatives Dolph Kuss, Kathy Peckham, Mark Applequist and Rocky Wilson gave an update on activities and presented a brochure on the ski area. They asked for lottery funds to help with the operations. Comm Lindsay moved to give \$5,000.00 to the Chicken Creek Ski Area, seconded by Comm Wilson and carried.

SHERIFF Sherman Kennell and Undersheriff Sam Hager presented the application for COPS grant monies for review and signature. Comm Wilson moved to sign the application, seconded by Comm Lindsay and carried. Other items discussed were applications for other grants and the weekend jail count. Adm Weaver stated he had been contacted by two companies who do studies/designs, etc. for jail facilities and asked if the Board wanted this service. Action was tabled. Undersheriff Hager presented the Addendum to the Law Enforcement Contract with the Town of Dolores for review and signature. Comm Lindsay moved to sign the addendum, seconded by Comm Wilson and carried.

PROPOSED PIPELINES: Dixie Robbins, Roma Ewing and Diane Bartel met with the Board about proposed pipelines. Ms. Robbins presented, as information to the Board, her "Comments To The Draft FEIS" which included a petition.

SENIOR NUTRITION Manager Sue Fletcher presented a letter from the LaPlata County Commissioners asking for contributions to help cover a Area Agency on Aging (AAA) program shortfall. No action was taken.



PLANNING: A verbal request for an after-the-fact exemption to the subdivision regulations for Maynard Peck to record a 10 acre parcel was tentatively approved. A verbal request for an exemption to the subdivision regulations for Jim Aulston to split 33 acres from a 75 acre parcel was tentatively approved. Other items discussed with Planning Manager Karen Welch were: (1) Request to convert a mobile home park into "lots for sale" - denied. (2) Request for flexible requirements for road easement widths tabled, will be discussed at next Road Foreman meeting.

BRAVE NEW WARES representatives Evelyn Adams, Laurie Dodge and K. Salacia Hahnel gave an update on the company's plans and their application for an agricultural grant. Their request for a letter of support for the grant was denied. The Board suggested that they send a copy of the guaranteed loan made through the county revolving loan fund with the application. Carla Garrison was present.

BUREAU OF LAND MANAGEMENT (BLM) - San Juan Resource Area Archeologist Kristy Arrington 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 "Clues to Lowry: Interpretation, Environmental and Preservation" project for the Southwest Natural and Cultural Heritage Association. Comm Lindsay moved to support and sign the grant application, seconded by Comm Wilson and carried. Also discussed was the need for BLM and the Park Service to address helping the county with road maintenance to recreational areas, especially along the "Trail of the Ancients" route. Ms. Arrington stated that, in the future, she will make the recommendation that road maintenance be made a part of grant applications.

BOARD OF SOCIAL SERVICES was conducted.

COLORADO STATE FOREST SERVICE 1998 Annual Fire Operating Plan for Montezuma County was submitted for review. Comm Lindsay moved to sign the plan, seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICES: Comm Lindsay moved to sign the "Letter of Agreement" between the office of Community Services, Fort Lewis College, and Montezuma County to authorize the requested technical assistance of Mike Preston, seconded by Comm Wilson and carried. \*\*\*\* Mike Preston gave an update on the proposed land use plan. Also discussed (a) available grants and (b) public land issues in connection with the proposal of cooperation between local government and environmental groups.

HEALTH DEPARTMENT: Comm Lindsay made a motion to sign the amended Women, Infant and Children (WIC) Change Order Letter #3, which increases funding for the program. The motion was seconded by Comm Wilson and carried.

COLORADO DIVISION OF WILDLIFE impact assistance grant application was signed.

ADJOURNED at 2:45 p.m.

Deputy Clerk Chairman

March 16, 1998

SEAL

**Minutes 03/30/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MARCH 30, 1998

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, held on Monday, March 30, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, March 16, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for February 1998 was received.

PROPOSED COMPREHENSIVE LAND USE PLAN: Mike Preston, Karen Welch, and Loretta Murphy gave an update on finalizing the proposed plan.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-10-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

BUREAU OF LAND MANAGEMENT (BLM): Chris Zeller met to ask if the County would support and sign a grant application for monies from the State Historical Society. The monies for the mini grant would fund the

"Preservation Assessment of Cannonball Ruin" project for the Southwest Natural and Cultural Heritage Association. Comm Wilson moved to support and sign the application, seconded by Comm Lindsay and carried.

ROAD DEPARTMENT: Adm Weaver reported on items discussed at the department meeting and activities: (a) patching pot holes – newspaper article will be prepared to explain procedures, (b) need for \$20,000

capital fund monies to repair CR 44 and Dolores-Norwood road in cooperation with the Forest Service, (c) will start using subdivision impact fees to improve applicable roads, (d) trade with VoTech - parking lot has been

gravelled at the school, (e) comp time, (f) crushing gravel at Ormiston pit, (g) working on Tozer pit approval, (h) working on approval for Hindmarsh pit - will do an on-site inspection and schedule meeting with neighbors that might be affected, (i) replacement of Ute Creek bridge postponed till fall, and (j) Oak Street bridge problems - newspaper article will be prepared to explain problems and planned solutions. Discussed CR G (McElmo Canyon) shoulders, increased traffic on CR 21, pot hole patching on CR N and planned repair this summer of CR 25 (Lebanon Road).

FAIRGROUND HANDICAPPED PARKING: Judy Lichliter stated that the handicapped accessible parking space is not being honored by entities that lease the facility. Lessees and sub-lessees are using the designated handicapped parking space to set up booths etc. Discussed lease contract and that the Sheriff's office should enforce any violations. Adm Weaver will inform Fairground Manager Sena of the concerns and ask that he take appropriate action if it happens again.

GIANT TRANSPORTATION - SPECIAL USE PERMIT: Comm Lindsay made a motion to renew the Special Use Permit for the period of April 15 through October 15, 1998, allowing Giant Transportation to operate Longer Vehicle Combinations (LVC) on the following Montezuma County roads: CR BB, CR 9, CR 10 and CR 12. The motion was seconded by Comm Wilson and carried. These LVC will have a gross vehicle weight (GVW) that will not exceed 126,000 lbs. The weight per axle will not exceed existing weight laws per the Federal Bridge Formula. The permit will carry the same stipulations as the 1997 permit.

CORONER Paul Bostrom made a request for a salary increase. He stated his current salary for coroner duties is \$300 per month. He presented information to justify the increase based on his present workload. The request was discussed. Comm Wilson moved to increase his salary to \$400 per month, seconded by Comm Lindsay and carried.

PLANNING: A planning resolution P-4-98E was presented whereas Lyle James Aulston, owner of 75.80 acres, would be granted an exemption to the subdivision regulations to record an exemption for a 33.63 acres parcel in Section 1, T.37N., R.18W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request for an after-the-fact exemption to the subdivision regulations for Don Etnier to record a 7 or 8 acre parcel was tentatively approved. A verbal request for an exemption to the subdivision regulations for Hamilton Bros. Farms to split 7 or 8 acres from a 95 acre parcel was tentatively approved. Other items discussed with Planning Manager Karen Welch were: (1) CDOT comment letter requested by Town of Dolores on access to the proposed 3-lot Johnson Subdivision -traffic counts were reviewed - response letter will be written to CDOT; (2) Proposed change to vary rights-of-way for private subdivision roads with the determining factor being the area available for shoulders (flat or hilly land) --- maximum 60' with 24' road surface -- minimum 42' with 24' road surface. No action was taken.

SPURLOCK SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Spurlock Subdivision, seconded by Comm Lindsay and carried.

ARROWPOINTE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Arrowpointe Subdivision, seconded by Comm Lindsay and approved.

WRIGHT WATER ENGINEERS representative Eric Bikis asked that the Board support and sign a grant application from the Colorado Historical Society to fund the "Mummy Lake Paleohydrologic Study at Mesa Verde National Park." Comm Lindsay moved to support and sign the application, seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

ATTORNEY Erin Johnson representing landowners Trace Batie, Tom Gendill and Jerry Layne from Buckeye, AZ met to discuss a section of CR 23, between CR Z and X (see minutes of January 26, 1998). The Board did an on-site inspection of the area and stated that they do not want to abandon this section of unimproved county road. The Board affirmed that (a) No improvement is planned for this section in the near future; (b) The landowners can bring the road up to county specs and the county will maintain it or they may fence the right-of-way off and leave the right-of-way as it is. Also discussed an access problem to properties off CR J.8 in the area of the Sam Pinkerton property. No action was taken.

OFFICE OF COMMUNITY SERVICES: Letter presented by Mike Preston to sponsor conservation easement support programs was signed.

LANDOWNERS Ross and Nora Mosher, owners of 20 acres, met to discuss their proposed 2-lot (3 and 17 acre) subdivision. Their daughter Diana Mosher and Planning Manager Karen Welch were also present. Tentative approval was given for the subdivision and a one time length and width exemption for both parcels. If final approval is given, wordage on the plat will be required stating that under no circumstance will the larger parcel be further subdivided.

DISTRICT COURT Clerk Sandy Weaver met to discuss the need for more space for the probation department. Her suggestion to acquire more space at the Justice Building was discussed. The Board stated that would be satisfactory with them, if it is worked out with the Sheriff's department.

STATE SENATE CANDIDATE Jasper Welch presented his credentials. Concerns about issues involving Montezuma County were discussed.

GLOCKNER PROPERTY: Representative Richard Luhman met to discuss a small access parcel to the Glockner property (see minutes of March 9, 1998).

After discussion, it was affirmed that the county will give an easement to the Glockner's for access to their property. Mr. Luhman will prepare the easement document. Loretta Murphy was present.

ASSESSOR Bob Cruzan stated that Coors Brewing Company has re-inventoried the number of signs they have in the county, and as a result the total value has been reduced to less than \$2,500. In light of the lower valuation, Coors has asked the county to stipulate that their sign inventory is not taxable under current statutes. The Board stated that the re-inventory did not change their position and directed Assessor Cruzan and Attorney Slough to argue their case before the Board of Assessment of Appeals by telephone. This hearing is scheduled at 4:00 p.m. on April 6, 1998, in Grand Junction, CO.

LIQUOR LICENSES: Deputy Clerk Betty Davis presented an application for renewal of a 3.2% beer license for the McPhee Marina Recreation Complex, Inc. The Sheriff's office reported no problems with this outlet. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried. Also presented was an application for renewal of a Hotel/ Restaurant liquor license for the McPhee Marina Recreation Complex, Inc. The Sheriff's office reported no problems with this outlet. Comm Lindsay moved to approve the application, seconded by Comm Wilson and carried.

A new application for a Hotel/Restaurant liquor license for the Echo Basin Dude Ranch, a recreational complex was presented. A public hearing is scheduled for May 4, 1998, at 10:00 a.m. A three mile radius was set for the investigation by the Sheriff's department with the owner, Daniel Bjorkman, doing the polling.

MESA VERDE MUSEUM ASSOCIATION, INC. representative Rovilla Ellis asked the Board to support and sign two grant applications from the Colorado Historical Society. The monies would fund "The Publishing of Balcony House Manuscript," and "Re-analysis of Wetherill Mesa Tree-Ring Samples." Comm Lindsay moved to support and sign the applications, seconded by Comm Wilson and carried.

LANDFILL Manager Ron Lanier met to discuss landfill maintenance, managing, etc.

ADJOURNED at 4:30 p.m.

Deputy Clerk      Chairman

March 30, 1998

SEAL

**Minutes 04/06/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 6, 1998

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 6, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, March 30, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General fund in the amount of \$162,123.46, District Attorney voucher #29334 in the amount of \$15,983.903, Treasurer voucher #29335 in the amount of \$110,249.01; Road fund in the amount of \$49,007.72, Treasurer voucher #10994 in the amount of \$36,721.47; and, Landfill fund in the amount of \$6,938.64, Treasurer voucher #1140 in the amount of \$4,578.69 were approved for payment.

DOLORES - NORWOOD ROAD (FDR 526): Comm Lindsay made a motion to sign the Project Agreement between Montezuma County Commissioners, Montezuma County, Colorado and San Juan National Forest, USDA Forest Service (see attached). The motion was seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities: (a) tentative dates for chip sealing: CR G (upper portion - McElmo Canyon) - April 15th thru 18th, and CR 25 (Lebanon) August 31st thru September 3rd, (b) proposed Dolores-Norwood road agreement with the Forest Service, and (c) have sold three blades. Discussed gravel request for CR 38.5 - road will be bladed and checked for gravel needs.

DOLORES VFW POST 6068 representative Joe Juarez presented to the Board a "Certificate of Appreciation" for their support of the mobile Viet Nam Memorial Wall display scheduled for July 9-12, 1998 at the Joe Rowell Park in Dolores.

SOUTHWEST COMMUNITY RESOURCES (CDBG) representative Joyce Troxel and Loan Committee representative Terry Wheeler gave an update on a project to continue the regional low-income homeowners' rehabilitation/replacement program. Comm Lindsay moved to support the program, seconded by Comm Wilson and carried. Other CDBG programs were discussed.

GLOCKNER PROPERTY: Loretta Murphy presented a draft copy of the easement giving access to the Glockner property from the County. The document was reviewed. Comm Wilson moved to authorize the Commissioner of Deeds to sign the final document, seconded by Comm Lindsay and carried. \*\*\*\*\* Later in the day the final document was presented (see attached). Comm Wilson moved to grant the easement, seconded by Comm Lindsay and carried.

HEALTH DEPARTMENT Director Bette Anderson presented the "Home Health Agency Transfer Agreement" (Medicare Provider Number 06-7017 transfer from the County to the Hospital) by and between Montezuma County and Southwest Health System, Inc., dba Southwest Memorial Hospital effective April 15, 1998. Comm Wilson moved to sign the agreement, seconded by Comm Lindsay and carried. Discussed public health programs and need to prioritize them.

PROPOSED HINDMARSH GRAVEL PIT: Landowners on CR W, Tom Volm, Darlene LeBlanc, Helen Comber and Tom J. Kelly met with the Board. Adm Weaver gave an overview of the area and the proposed pit. Road Foreman Jim Sattley presented information on the two access options. The County stated they will upgrade approximately 2.5 miles of CR W by doing the following: (a) widen as much as possible to a 24' surface, re-gravel and maintain (b) do their best to keep the noise down, (c) control dust (use mag-chloride if necessary), and (d) adjust hours of use if necessary. Mr. Kelly asked if he could give input on any road improvements. Foreman Sattley will prepare a proposed plan for the improvements and an on-site inspection involving the Board and the public will be scheduled. Carla Garrison was also present.

UNDERSHERIFF Sam Hager gave the weekly jail count. Discussed application for gaming impat funds and procedures. Presented a brochure on availability of U.S. Department of Justice Office of Justice of Programs Corrections Programs Office Violent Offender Incarceration/Truth in Sentencing Grant Funds.

ADJOURNED FOR LUNCH with the Jail Advisory Committee.

LANDOWNERS Ross and Nora Mosher, owners of 20 acres, met to discuss their proposed 2-lot subdivision. Colorado Housing, Inc. Director Raymond Finney, and Diana Mosher were also present. A revised preliminary sketch showing changes in the lot lines to accommodate length and width was presented. Tentative approval was given for the subdivision, with no restrictions (see minutes of March 30, 1998). Mr. Finney presented information on the Self-Help home building program.

PLANNING: A planning resolution P-5-98E was presented whereas Jeanne Reed, owner of 120 acres, would be granted an exemption to the subdivision regulations to record an exemption for a 3.01 acre parcel in Section 12, T.37N., R.18W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Discussed and affirmed that some of the administration fees collected for the Redstone Subdivision may be used for consulting fees (roads, soils, septic and stability).

TOTTEN LAKE ESTATES SUBDIVISION: Comm Wilson moved to approve and sign the for the Totten Lake Subdivision (Michael Trienen), seconded by and carried.

RANDY SMITH SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Randy Smith Subdivision, seconded by Comm Wilson and carried.

PROPOSED COMPREHENSIVE LAND USE PLAN: Mike Preston and Planning Manager Karen Welch met to discuss the proposal for a two public hearing system.

EAGLES OVERLOOK SUBDIVISION - A CLUSTER DEVELOPMENT: Representative for Carter Norris, Bob Durant reported on Phase I of the subdivision and presented a brochure on the area. Access to the development and State access codes were discussed. Mr. Durant asked if road impact fees collected from the development could be used to improve 1/2 mile of CR 27. It was noted that any improvements will need to be included in the Road Plan. No action was taken. Planning Manager Karen Welch was present.

04-06-98

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FIBER OPTICS: Lyle Bilberry gave an update on telecommunication plans for fiber-optic capability in the county. Discussed suggestion that fiberoptic cable be installed along with pipe in the proposed TransColorado pipeline.

CLERK Evie Ritthaler gave an update on designated polling places for the City of Cortez and the Towns of Dolores and Mancos elections tomorrow and the Special Districts election in May.

FAIRGROUNDS Manager Dante Sena stated that the electrical pedestals will be done this week. He asked for funding to install a screen on the west side of the race track so the races can start earlier. Funds needed for the completion of other unfinished projects were discussed. Action tabled until bills from other projects are received and paid.

ADJOURNED at 4:15 p.m.

Deputy Clerk    Chairman

April 6, 1998

SEAL

Online Copy

**Minutes 04/13/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 13, 1998

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 13, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, April 6, 1998 were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's report for March 1998 and Public Trustee Quarterly Report dated March 1998 were received.

TOURISM UMBRELLA COMMITTEE: Comm Wilson attended the recent meeting and reported on a survey sent out by the Committee.

HANDICAPPED PARKING: Resident Kenneth Gabel met to discuss handicap markings at the Senior Citizen Annex parking spaces and bus stop. He feels that handicapped identification of designated areas for all county facilities should follow State and Federal regulations. Markings will be checked and changes made as necessary.

ROAD DEPARTMENT Foreman Jay Palmer reported on items discussed at their weekly meeting and department activities: (a) blading as weather permits, (b) proposal to chew up CR 25 (Lebanon) and re-lay if price within reason, (c) CR G (McElmo Canyon) repair: talked with Mountain Gravel for hot mix machine (available at end of month instead of April 15th) - will do shoulders first, then schedule for oil mix - discussed two different options for repair, (d) crack seal machine is in for work on Norwood road, (e) Mancos district putting in pipe, (f) personnel to Albuquerque to check on purchasing chipper, (g) the two blades not sold will be re-advertised, and (h) re-installing knocked down stop signs. Discussed: request from Ken Carr for blading of CR 18 - will do as soon as weather permits; trailer at VoTech; and personnel.

BOARD OF SOCIAL SERVICES was conducted.

LIQUOR LICENSE: Deputy Clerk Betty Davis presented an application for a renewal of a retail liquor license for Smitty's Liquor. The Sheriff reported no problems with the establishment. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried.

REGION 9 CORTEZ/DURANGO JOB SERVICE CENTERS Business Plan, Program Year 1998 - 1999 was signed.



PLANNING: A planning resolution P-6-98E was presented whereas Don and Gaylene Etnier, owners of 8.19 acres, would be granted an exemption to the subdivision regulations to record an exemption in Section 8, T.36N., R.15W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request by Jackie Wallace for an exemption to the subdivision regulations to split off and sell 2.5 acres to an adjoining landowner (Betty Porter) was tentatively approved, contingent on a survey -restriction mentioned in minutes of April 15, 1996 was removed.

JTPA COUNCIL: Comm Story moved to appoint Comm Wilson as a member of the JTPA Council to replace Chairman Bob Fromwalt who is resigning, seconded by Comm Lindsay and carried.

FAIR BOARD member Ron Kimmi, Wal Mart Manager Brice Carruth, "Green Team" members Ginger Roberts and Glenda Kuykendall met with the Board. Mr. Carruth stated that Wal Mart has available funds to implement an improvement project for the fairgrounds. The need to finalize Advisory Board members before community involvement was discussed. Mr. Kimmi stated that Wal Mart, 4-H and other entities are ready to start the process as soon as the Advisory Board is in place.

PROPOSED COMPREHENSIVE LAND USE PLAN: Mike Preston, Karen Welch, and Loretta Murphy met to continue finalizing the plan.

ADJOURNED at 4:00 p.m.

Deputy Clerk    Chairman

April 13, 1998

SEAL

Online Copy

**Minutes 04/20/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 20, 1998

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 20, 1998, at the courthouse in Cortez, Colorado, there were present;

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, April 12, 1998 were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

NOTICE OF INTENT was filed by John Mathias. The notice will be sent to the Insurance Company.

ACCOUNTS PAYABLE: General fund vouchers #36432 thru #36620 in the amount of \$164,283.50; Road fund vouchers #36621 thru #36712 in the amount of \$86,694.40; and Landfill fund vouchers #36713 thru #36741 in the amount of \$27,091.38 were approved for payment.

SOUTHWEST MEMORIAL HOSPITAL - MONTEZUMA COUNTY HOSPITAL DISTRICT (MCHD): Concerned citizens and prospective MCHD candidates (see attached list) met with the Board. Spokesperson Shelia Wilson and others requested: (a) a public hearing to discuss the proposed tax exempt bonds and (b) that no action be taken on issues until the new Board is in place. Consideration of the requests was tabled until after the Board's attendance at MCHD's scheduled Public Hearing, April 23, 1998.

ROAD DEPARTMENT Foreman Jim Beecher reported on items discussed at their weekly meeting and department activities: (a) crack sealing Norwood road, (b) working on CR P & CR 25 - straightening curve, (c) no purchases made in Albuquerque, but have located a used chipper, (d) proposal to purchase roller to go behind blade for use with the mag chloride program and doing new shoulders. Discussed: (1) request to straighten CR S & CR 25 curve -Foreman Beecher will look at, (2) condition of CR X, and (3) need and method to widen shoulders on CR 25. Comm Story complimented the department on the condition of CR BB.

SHERIFF Sherman Kennell and Undersheriff Sam Hager met to discuss scheduling for tour at the Grand Junction Correction Center this month. Other items discussed: (a) results of grant applications, (b) Squad System Patrol - there is better coverage using zones, (c) asked for letter of support for Criminal Justice Task Force Money to be used for 1-2 agents in Cortez - Sheriff will draft letter, (d) proposal to sell hiking permits for help with Search and Rescue, (e) weekend jail count.

ANNUAL JOINT OPERATING AND FINANCIAL PLAN, ATTACHMENT 1 (McPhee Lake) between the Montezuma County Sheriff, the Board of County Commissioners and the USDA, San Juan and Rio Grande National Forest from January 1, 1997 thru December 31, 1998 was presented by Sheriff Kennell. Comm Lindsay moved to sign the attachment, seconded by Comm Wilson and carried.

SOUTHWEST COLORADO LANDOWNERS ASSOCIATION, INC: Chester Tozer, Glen Fish, Lewis McInnes and Gary Shaw met to discuss U.S. Forest Service reserve water issues. A "Petition For Redress of Grievance and for Investigation and Public Hearing" in connection with representation, appointed by the Commissioners, to the Southwestern Water Conservation District Board was presented. No action was taken.

JUVENILE CRIME TASK FORCE: Nancy Johnson reported on the "Temporary Alternative Placement" (TAP) program at the Middle School and other programs. Participation in programs by area schools and ways to increase interest was discussed.

ABATEMENT: Assessor Cruzan being present, a petition for abatement of property tax was presented for K.M.L. Enterprises, Inc., 1997, erroneous assessment, \$4,182.51. Assessor Cruzan recommended approval of the petition. Comm Lindsay moved to approve the petition, seconded by Comm Wilson and carried. Mr. Lars Bjorkqvist was present and asked that the evaluation on the property be adjusted. He was informed that the evaluation is a separate issue that needs to be addressed by the Board of Equalization. He was advised to file a formal protest. All proceedings were taped for the record and the roll was called.

ANIMAL DAMAGE (PREDATOR) CONTROL PROGRAM: USDA Wildlife Services representative Justin Ewing and others representing cattlemen associations (see attached list) met to discuss the program and future funding. Comm Story stated that the county is willing to continue support of the program as long as the livestock industry raises matching monies.

FAIRGROUNDS - RACE TRACK: Fairground Manager Dante Sena and Senior Nutrition Manager Sue Fletcher presented a schedule for petty cash reimbursement (race track) and the current balance of the account. Manager Fletcher asked if reimbursement of the account can be on a monthly basis instead of weekly. After discussion, it was affirmed that reimbursement can be on a bi-weekly basis.

LIQUOR LICENSES: Deputy Clerk Betty Davis stated that the ARA Mesa Verde Company has changed their name from ARA Mesa Verde Company to ARAMARK Sports and Entertainment Services, Inc. They also have applied for a new sales tax number. A Transfer of Ownership is being done for the new business name - ARAMARK Sports and Entertainment Services, Inc. As a result of this, she presented an application for a temporary license, while transfer of ownership is being finalized, and a 3.2% beer license for ARAMARK, formerly known as ARA Mesa Verde Company. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried. Also presented was an application for renewal of a Hotel/Restaurant Liquor License for Stoner Creek. The Sheriff and Health Departments reported no problems with the establishment. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A verbal request for an exemption to the subdivision regulations was tentatively approved for Barbara Butt, et al to split 2-3 acres from 70 acres to sell to an adjoining landowner, Alvin Carter.

PROPOSED COMPREHENSIVE LAND USE PLAN: Mike Preston, Karen Welch, and Loretta Murphy met to continue finalizing the plan.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

April 20, 1998

SEAL

**Minutes 04/23/1998 Emergency**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 23, 1998

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA )

A emergency meeting of the Board of Commissioners, Montezuma County, Colorado, was called on Thursday, April 23, 1998, at 10:40 p.m. at the Cortez Conference Center in Cortez, CO. Present were:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Nelda Jenkins, Deputy Clerk

Immediately after the Montezuma County Hospital District (MCHD) Public Hearing and approval by the MCHD of \$9.6 million in Bond sales to build a Professional Doctors Building, Comm Story called an emergency meeting of the Board of County Commissioners to determine if the resolutions approved by the MCHD constitute material modification of the Service Plan between the Board and MCHD. Comm Wilson moved that the changes being made by the MCHD constitutes material modifications of the Service Plan and that MCHD must petition the Board of County Commissioners prior to making such changes, seconded by Comm Lindsay and carried. Comm Lindsay moved to direct the County Attorney to file an action seeking a restraining order on April 24, 1998, in District Court to enjoin MCHD from proceeding without petitioning the Board of County Commissioners, seconded by Comm Wilson and carried.

ADJOURNED.

Deputy Clerk     Chairman  
April 23, 1998  
SEAL

Online Copy

**Minutes 04/27/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
APRIL 27, 1998

STATE OF COLORADO     )  
  )ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 27, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting- held on Monday, April 20, 1998 and the emergency meeting held on Thursday, April 23, 1998 were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-11-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

CORTEZ HIGH SCHOOL students, Crystal Hollie and Michael Jones, attended the meeting until noon. County government information was presented and discussed with them.

ROAD DEPARTMENT Foreman Don Yeomans reported on items discussed at their weekly meeting and department activities: (a) ordered used roller, (b) have sealed cracks on CR 31 up to House Creek - discussed need to chip seal in the future, (c) reworking CR P & CR 25 corner, (d) ditching CR G (McElmo Canyon - plan to patch in early May, and (e) met with Water Company about request to waive permits. Discussed: (1) request for "Slow Children Playing Sign," (2) B. Powell's question about gravel pile - Pleasant View, -he was told to contact Road Department, (3) proposed retirement policy -will discuss with all department heads. and (4) condition of Kelly Hill.

LIQUOR LICENSES: Deputy Betty Davis presented "Transfer of Ownership" and application for a 3.2% beer license for ARAMARK Sports and Entertainment Services, Inc. Comm Wilson moved to approve the "Transfer of Ownership" and the application for a 3.2% beer license for ARAMARK, seconded by Comm Lindsay and carried. Also, presented a "Change in Corporate Officers" and a renewal application for a 3.2% beer license for the Maverik Country Store. A new "Certificate of Good Standing" was received. The Sheriff department reported no problem with this establishment. The Health Department has been contacted for their approval. Comm Lindsay moved to approve the "Change in Corporate Officers" and renewal for a 3.2% beer license, contingent on approval from the Health Department, seconded by Comm Wilson and carried.

SANITATION DEPARTMENT Manager Mick Periman presented copies of Notices sent to Marty Blackmore and Elaine Quarles stating that sewage disposal systems on their properties are not in compliance with county rules and regulations. Action was tabled until next week.

PLANNING: Pre-sketch for a 2-lot subdivision for Slim Cox, owner of 10 acres, to split off 1.7 acres of commercial property was presented. Action was tabled until the septic system is checked. \*\*\* Later in the day Mr. Cox met with the Board and stated the septic system has been upgraded. Planning Manager Karen Welch will check with the Sanitation Department. Increasing the acreage for the commercial lot was discussed. It was noted that the commercial lot will be restricted to commercial use unless it is increased to 3 acres. Tentative approval was given. A verbal request from Rita Wallace to amend P-10-93E to change a boundary line to increase an easement to 60' was tabled. Pre-sketch for a 3-lot minor subdivision from William and Sharon Walker was tentatively approved. Pre-sketch for a 2-lot subdivision for Frankie Lopez was tentatively approved.

PARTINGTON SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Partington Subdivision, seconded by Comm Wilson and carried.

HINDMARSH GRAVEL PIT APPLICATION: A "letter" permit application which will be submitted to the Planning Commission with a mitigating plan to address traffic, noise, vibration, and dust problems was presented and discussed. All residents will be notified. The Planning Commission will then forward recommendation to the Board of Commissioners for the public hearing. Mike Preston, Carla Garrison, Loretta Murphy and Karen Welch were present.

EMERGENCY MEETING RATIFICATION - MONTEZUMA COUNTY HOSPITAL DISTRICT (MCHD): Comm Wilson moved that the changes being made by the MCHD constitutes material modifications of the Service Plan and that MCHD must petition the Board of County Commissioners prior to making such changes, seconded by Comm Lindsay and carried. Comm Lindsay moved to direct the County Attorney to file an action seeking a restraining order on April 24, 1998, in District Court to enjoin MCHD from proceeding without petitioning the Board of County Commissioners, seconded by Comm Wilson and carried. Comm Wilson moved to ratify this action taken by the Board of County Commissioners on Thursday, April 23, 1998, and the filing of this action in District Court, seconded by Comm Lindsay and carried.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) Director Ed Morlan presented an application for a Regional Business Revolving Loan Fund (RLF) for review. A public hearing is scheduled on the CDEG-RLF program for May 4th at the Annex Building. Also presented was the draft copy of the Montezuma County Community Development Action Plan 1998 for review. Mary Leonard was also present.

ADJOURNED FOR LUNCH with the Dolores County Board of Commissioners.

BOARD OF SOCIAL SERVICES was conducted. Effective May 1, 1998, Dennis Story is appointed Director of Social Services. Letter to Colorado Department of Human Services, Merit System Division was signed.

CORTEZ JOB SERVICE CENTER - LEASE AGREEMENT: Comm Lindsay moved to sign the Lease Agreement ( 2 year Contract - File 98-1297) between the Colorado Department of Labor and Employment and The Board of County Commissioners, seconded by Comm Wilson and carried.

CORONER Paul Bostrom thanked the Board for his increase in pay. He asked if the County has Indemnity Liability Insurance. This was affirmed. He also asked if the County would help with expenses for two of his deputies to attend the Corners Association's annual meeting. It was affirmed that \$200 would be available to help with expenses.

CRIMINAL JUSTICE TASK FORCE MONEY letter of support was signed.

ADJOURNED at 2:30 p.m.

Deputy Clerk    Chairman

April 27, 1998

SEAL

**Minutes 05/04/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 4, 1998

STATE OF COLORADO     )  
  )ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 4, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, April 27, 1998 were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. MAPCO's lawsuit filed against the Board of County Commissioners was noted.

PAYROLL: General fund payroll in the amount of \$167,355.28, District Attorney voucher #29532 in the amount of \$16,099.22, Treasurer voucher #29533 in the amount of \$113,841.63; Road fund payroll in the amount of \$51,267.59, Treasurer voucher #11094 in the amount of \$37,207.81; and Landfill payroll in the amount of \$6,658.04, Treasurer voucher #1177 in the amount of \$4,461.39 were approved for payment.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-12-98 to the Treasurer to pay \$28,297.41 for the remaining 1998 balance due from the 911 account to the City of Cortez (lease purchase equipment for the dispatch Center). The motion was seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss the proposed Land Use Plan. Also presented information on his presentation at an upcoming BLM National Training Center Pipeline Short course.

BOARD OF SOCIAL SERVICES was conducted.

ADMINISTRATOR Weaver and Comm Wilson reported on their trip to inspect the Grand Junction, CO Jail and Community Correction facilities. A proposed Community Correction position to be jointly funded with monies from General and Sheriff accounts, until the end of the year, was discussed and affirmed.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities: (a) patching holes on CR G (McElmo Canyon), (b) will go to Denver to look at surplus equipment, (c) stock piling chips for CR 25 - discussed widening shoulders and suggestion to do only a portion of the road this year, (d) working with the water company on CR P - offer to split costs will be discussed at the next road department meeting. Discussed: (1) CR 25 proposed work - the Board will do an on-site inspection of the road today, (2) condition of CR 28 north of CR N and Crow Canyon road, (3) use of impact fees collected from CR 37, et al - will be discussed at the next road department meeting.

INTERNATIONAL INSTREAM FLOW PROJECT - U.S. FOREST SERVICE RESERVE WATER: John Nelson, Larry Johnson, Muriel Sluyter and Chester Tozer met to discuss the project. The Board requested that Mr. Nelson prepare a synopsis, with references, for them to review. Mr. Nelson stated this would be done and asked for time next Monday to go over the document with them. This was affirmed for 2:00 p.m. Monday, May 11, 1998.

PUBLIC HEARING - E. B. DUDE AND GUEST RANCH LLC - LIQUOR LICENSE: it being the time set aside, a Public Hearing was conducted for the consideration of a Hotel/Restaurant liquor license for the E. B. Dude and Guest Ranch LLC, a Recreational Complex (formerly Echo Basin Ranch). The roll was called and proof of publication was read. Present were Deputy Clerk Betty Davis, owner Dan Bjorkman, Perry Lewis, and Sheriff Department Investigator Calvin Boggs. Deputy Clerk Betty Davis presented the application for the Hotel/Restaurant liquor license. Deputy Davis stated that fingerprints have been sent, but the results have not been received. Investigator Boggs gave his "Report of Investigation." Mr. Bjorkman did his own polling and reported that within the set radius of 3 miles 18 residents were polled by phone. The following questions were asked: (a) Do you feel there is a need for this license? and (2) Do you want this license issued? The survey showed 16 affirmative, 2 against (one of the two stated they were against it because of the condition of road). Perry Lewis expressed his support of the application. Comm Wilson made a motion to approve the application, contingent on a completed floor plan and a positive fingerprint report. The motion was seconded by Comm Lindsay and carried. These proceedings were taped for the record. Mr. Bjorkman asked if new signage addressing speed and a dangerous curve could be installed. He was referred to the road department weekly meeting each Wednesday.

JOB SERVICE - ONE STOP CENTER: Maxine Maestas and Della Gray met to discuss the scheduled meeting with several entities this week to go over the proposed One-Stop Center plan.

REGION 9 Director Ed Morlan met with the Board. Draft copy of the Montezuma County Community Development Action Plan 1998 was discussed. No action was taken.

HEALTH DEPARTMENT Director Bette Anderson presented a "Honorary Proclamation" in regard to Nurses' Week. Comm Lindsay moved to sign the proclamation declaring May 4th through May 8th, 1998 as Nurses' week, seconded by Comm Wilson and carried. Discussed other health department programs and issues with the Board.

PLANNING: Landowner Rita Wallace met to discuss her request to amend P-10-93E to change a boundary line to increase an easement to 60 feet. The request was discussed. Planning Manager Karen Welch presented Resolution P10-93E Second Amendment whereas the owners (Wallace) would be granted an exemption to the subdivision regulations to record an exemption in Section 14, T.36N., R.16W. Any further subdivision of Tract 1 containing 13.22 acres will require an alternate access other than the one described in Exhibits A and A1 of this document. Any such subdivision of property will also require the approval of the Board of County Commissioners of Montezuma County. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A planning resolution P-7-98E was presented whereas Maynard D. and Thelma V. Peck, owners of 9.95 acres, would be granted an exemption to record an After-the-Fact exemption. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A planning resolution P-8-98E was presented whereas Jackie Wallace, owner of 100 acres, would be granted an exemption to record a 3.53 acre isolated tract. This tract is to be adjoined to Betty Porter's 1.65 acre tract, and does not create a separate tract for sale. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Letter concerning the Gwen Johnson Subdivision, CR 31/V.6/Granath Mesa was discussed.



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LANDOWNER Alyne Eakins met to discuss a "use" problem of a residential lot in the Hilltop Subdivision. Covenants were discussed and she was advised to seek legal counsel.

PROPOSED CELLULAR ONE TOWER: It was noted that Cellular One needs to submit a letter addressing their proposed 104 foot tower south of Dolores, CO.

ADJOURNED at 4:15 p.m.

Deputy Clerk                      Chairman

May 4, 1998

SEAL

Online Copy

**Minutes 05/11/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 11, 1998

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 11, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, May 4, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT Foreman Don Yeomans reported on items discussed at their weekly meeting and department activities: (a) proposed work on CR 25 (Lebanon Road) - suggestion to do only prep (shoulders) work this year, (b) finished patching CR G (McElmo Canyon), (c) work on CR 42 (Kelly Hill) -suggestion to tear up oil, re-gravel and shoot mag-chloride, (d) scheduling and ways to pay for oil. Discussed: (1) Check on -- blading further on CR 18 and trees hanging over intersection CR P and CR 25, (2) broken windshield - split cost, (3) start time for proposed TransColo pipeline, and (4) mag-chloride scheduled for 56 miles.

FINANCE OFFICER Mary Ann Sanders asked if the Board would consider appointing two or three doctors as designated "workmen compensation" doctors. This was affirmed and a letter will be sent to local doctors for their response.

ONE STOP CENTER - JOB SERVICE: Comm Story reported on the meeting held last week.

TERM LIMITS: Democratic representative Tony Valdez and Republican representative Pam Long presented resolutions from both party County assemblies for the termination of local term limits. They asked that the

Board pass a resolution to put the question of local term limits to the vote of the people on the general election ballot. Action was tabled. Clerk Evie Ritthaler was present.

LANDOWNER Betty South presented a request for approval of a 3-lot minor subdivision east of Cortez. Planning Manager Karen Welch was present. Action was tabled.

PROSPECTIVE LANDOWNERS Don and Phylis Smith met to discuss land they are interested in acquiring from Dorothy Roatcap. Since there is problem with the total acreage involved, it was suggested that Ms. Roatcap get a "Certificate of Title" and a survey of the tract in question. Planning Manager Karen Welch was present.

PLANNING: A planning resolution P-5-98E Amended was presented whereas Resolution P-5-98E was adopted on the 6th day of April, 1998 and it becomes necessary to adjust the boundary at the owner's (Jeanne Reed) request. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A planning resolution P-9-98E was presented whereas Cameron C. and Linda Lee Secrist, owners of 153.0 acres, would be granted an exemption

to the subdivision regulations to record an exemption in Section 6, T.37N., R.17W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A planning resolution 2-10-98E was presented whereas Barbara L. Belt, owner of 70 acres, would be granted an exemption to the subdivision regulations to record a 3.08 acre tract in Montezuma County, Colorado. This tract is to be adjoined to Jeff and Robin Carver's 10 acre tract as recorded in book 501 Page 242-243, and does not create a separate tract for sale. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request for an after-the-fact exemption to the subdivision regulations for Jeff Booton on a 31.5 acre tract was

tentatively approved. A verbal request for an exemption to the subdivision regulations for Ron Englehart, owner of 60 acres to split off and sell 20 acres to an adjoining landowner (Greenbank) and add 15 acres to a 25 acre tract to make 40 acres was tentatively approved.

A verbal request for an exemption to the subdivision regulations for Charlie Porter, owner of 116 acres to sell adjoining landowner Don Sanders 5 acres and to sell a 6 acre tract created by the Towaoc canal was tentatively approved. A verbal request from Gerald Teeters for an exemption to the subdivision regulations for an after-the-fact exemption on a 1.05 acre tract was tentatively approved, contingent on the existing septic system being checked by a certified engineer.

BOARD OF SOCIAL SERVICES was conducted. Social Services Department Director Dennis Story and Kathy Talcott were present. After discussion, it was noted that reports, etc. will be presented by the Department once a month.

MONTEZUMA COUNTY HOSPITAL DISTRICT (MCHD) members Don Jolovich, Joe Reed and Florence Bane reported that the District has approved a resolution that instructed MCHD Attorney McCabe to inform all parties involved that the "revenue bonds" shall be held in abeyance for 30 days, pending examination of the resolution passed by the former MCHD Board on April 23, 1998, the proposed construction project, and all other relevant issues by the Board of Directors. It was noted that the Commissioners have 45 days to appeal the decision by Senior Judge Al Haas, who on May 8th ruled that MCHD had the authority to approve the bond resolution without county commissioner approval and without a public vote.

FAIRGROUNDS: Rodeo Club member Dick Vogel and 4-H member Bobbie Hunter met to discuss "user" fees at the fairgrounds. Manager Dante Sena was also present. The decision to exclude members that have not paid fees to purchased cards was discussed. A meeting will be scheduled with all the organizations that use the facility. Manager Sena will contact all the parties about the meeting.

COLUMBINE GARDENS: J. B. Fish and Hilda Fish presented the "Montezuma County Salad Processing Feasibility Study."

LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND APPLICATIONS -- Tribal Gaming Impact Study, and Road Maintenance and Chipseal: Road 21 were signed.

HEALTH DEPARTMENT Director Bette Anderson presented the Southwest Health System, Inc. dba Southwest Memorial Hospital "Home Health Service Agreement for Service by Arrangement" contract for signature. Comm Lindsay moved to sign the contract, seconded by Comm Wilson and carried. Concerns expressed by the State of Colorado Health Department about this contract were discussed.

ABATEMENT: Assessor Bob Cruzan being present, a petition for abatement of property tax was presented for Raymond E. and Sylvia M. Hageman, 1997, erroneous assessment, \$1,136.02, on 12 5357-193-021-002, TR 2 Country View Estates 19-37-16, 35.21 ac. Assessor Cruzan recommended approval of the petition. Comm Lindsay moved to approve the petition, seconded by Comm Wilson and carried. The roll was called and all the proceedings were taped for the record.

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ASSESSOR Cruzan asked whether an appeal should be filed in regard to the decision by the Board of Assessment of Appeals in the Coors Brewing Company case (see minutes of March 30, 1998). The Assessor recommended that the Commissioners not appeal, since a future case may be stronger. The Commissioners directed Attorney Slough that no appeal will be made.

INTERNATIONAL INSTREAM FLOW PROJECT - U.S. FOREST SERVICE RESERVE WATER: Spokesperson John Nelson and 17 other interested persons (see attached list) met to discuss Agenda 21: Earth's Action Plan, The Federal Water Rights Task Report, other documents and information on the project. It was noted that the public will be invited for comment at the Public Water Forum Hearing tentatively planned for early June. The meeting time and place will be published in the newspaper.

JUVENILE CRIME TASK FORCE PROGRAM: Nancy Johnston reported on her budget, grant applications and activities. After discussion it was affirmed that the program will be re-evaluated.

ADJOURNED at 4:30 p.m.

Deputy Clerk                      Chairman

May 11, 1998

SEAL

Online Copy

**Minutes 05/18/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 18, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 18, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, May 11, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff and Clerk reports for the month of April 1998 were received.

ACCOUNTS PAYABLE: General fund vouchers #36742 thru #36928 in the amount of \$122,511.88, Road fund vouchers #36929 thru #37009 in the amount of \$68,693.64 and Landfill fund vouchers #37010 thru #37046 in the amount of \$43,838.24 were approved for payment.

MONTEZUMA WATER COMPANY Manager Mike Bauer met to discuss moving a water valves on CR P and 25 and cost responsibility.

MONTEZUMA COUNTY HOSPITAL DISTRICT (MCHD) members Don Jolovich, Florence Bane, and Joe Reed presented a copy of their Notice Letter - "Revenue Bonds/Medical Office Building" which was sent to SHS by the MCHD Board on May 11, 1998. They asked about the status of the Commissioner's option to appeal Senior Judge Al Haas's decision. They were told that no appeal has been filed. After discussion, Comm Wilson moved to direct Attorney Slough to file an appeal, seconded by Comm Lindsay. Several options to consider before an appeal is filed were discussed and will be considered at a later time. Comm Wilson withdrew his motion for filing the appeal, seconded by Comm Lindsay and carried.

ROAD DEPARTMENT Foreman Jim Becher reported on items discussed at their weekly meeting and department activities: (a) working on CR S, (b) blading, (c) one part-time person has been hired, (d) truck to do magchloride is being worked on - mag-chloride work is scheduled for next week.

LIQUOR LICENSES: Deputy Clerk Betty Davis presented several different items: (1) Maverik County Store - fingerprint approval has been rejected. Paperwork was resubmitted May 18th. (2) Eagle Claw Trading Post - application for renewal for their retail liquor license and 3.2% beer license has been received. The Sheriff's Department reported there has been one violation - selling to a minor. Deputy Davis will get more information from the Sheriff's Department. \*\*\* Later in the day, Deputy Davis reported that the Sheriff's department stated that the one violation was at the liquor store walk up window. Recommendation for action will be made to the Board in regard to the violation after the State Liquor License Agent meets with the Sheriff, owner Charles Schroeder and Deputy Davis. (3) E. B. Dude and Guest Ranch LLC - received assignment of lease to E. B. Dude and Guest Ranch LLC from Daniel J. Bjorkman Trust. The Hotel/Restaurant liquor license was signed, contingent on approval from the State of Colorado.

PLANNING Manager Karen Welch presented the agenda for the next Planning Commission Meeting and a letter to the Town of Dolores about the Granath Mesa subdivision access. The letter was signed. A pre-sketch for a 2-lot minor subdivision for Lynn Neal, owner of 28 acres, was tentatively approved.

LANDFILL/WEED CONTROL PROGRAM Manager Ron Lanier presented revenue/expenditure landfill report through April 1998. The Board asked the following be submitted for review next week: (a) expenditure report breakdown with comparison figures from 1997, (b) an outline of projected costs to do EPA mandates, and (c) figures to show direct cost to do one bale. Manager Lanier was also asked to submit, to Administrator Weaver, daily information on fixed and variable costs to build a data base. Free clean-up day at the landfill was discussed. Suggestions will be submitted to the City of Cortez and Town of Mancos and Dolores (a) to split the cost incurred --- County pay 1/4 with the other entities splitting the cost as they determine is acceptable to them, and (b) schedule the clean up on one weekend. Manager Lanier reported the cost share weed control program is working good.

SANITATION Manager Mick Periman met to discuss the sewer problem at the Marty Blackmore residence. No action was taken until statutes are reviewed.

ABATEMENT: Assessor Bob Cruzan being present, a petition for abatement of property tax was presented for the Cortez Fire Protection District, 1997, erroneous assessment, \$3,427.02 on 12 5637-102-02-002, Tract 5 Cottonwood Grove 10-35-16. Assessor Cruzan recommended approval of the petition. Comm Lindsay was excused because of a conflict of interest. Comm Wilson moved to approve the petition, seconded by Comm Story and carried. The roll was called and all the proceedings were taped for the record.

STATE REPRESENTATIVE Jim Dyer reported on legislature action in the last session. Issues concerning the county were discussed. It was mentioned that Montezuma County would like to be considered again for the Juvenile facility, if it is not constructed in La Plata County.

MID-AMERICAN PIPELINE COMPANY (MAPCO) - RE: 98-S-912: Attorney Slough presented his "Defendant's Response To Motion For Preliminary Injunction and Defendant's Memorandum of Authority" for review by the Board.

SOCIAL SERVICES CITIZENS REVIEW PANEL APPOINTMENTS: Comm Lindsay made a motion to appoint the following as members: Maxine R. Carton, Vicki Lawhorn, Judy K. Echols, Stephanie Abel, T. J. Knight, Simon Martinez, and Barbara J. Howe. The motion was seconded by Comm Wilson and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk      Chairman

May 18, 1998

**Minutes 05/26/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
MAY 26, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, May 26, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney -- absent  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, May 18, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

RESIDENT Galen Larson met to ask about the International Instream Flow Project - U.S. Forest Service Reserve Water May 18th evening meeting, with lecturer Michael Coffman. Dates of other meetings tentatively scheduled to further discuss the water issues were mentioned.

JUVENILE CRIME TASK FORCE PROGRAM: Nancy Johnston reported on a grant application. Matching monies were discussed. Ms. Johnston will check on what type of match is needed and findings will be reported to the Board. It was reiterated that the program is still scheduled to be re-evaluated.

STATE WATER RESOURCES representative Glen Humiston met to discuss requests he receives from people asking for outside water on parcels of lands created with cisterns as the property's water source. He asked if something could be incorporated in the subdivision rules and regulations to address these requests. After discussion, it was affirmed that this will be addressed on the application form. Planning Manager Karen Welch was present.

LANDOWNER Pat Burns met to discuss his 2-lot moderate subdivision. He stated he would like an exemption instead of going through the subdivision process. The proposed subdivision was discussed. Planning Manager Karen Welch was present and he will work with her to complete the process.

PLANNING: A planning resolution P-11-98E was presented whereas an exemption to the subdivision regulations would be granted to Walter E. and Lynne B. Henes, owners of 591 acres, who would like to trade a 9.68 acre tract with Majors Limited Liability Company, owner of 268 acres, who would like to trade 9.71 acres with Walter E. and Lynne B. Henes, in Section 11, T.37N., R.15W. Said properties located in Montezuma County, Colorado, are not considered separate tracts for sale and will be adjoined to each landowners remaining acreage. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A verbal request for Cameron C. and Linda Lee Secrist to amend Resolution P-9-98E (approved May 11th) to

increase the acreage in that resolution was tentatively approved.

LIQUOR LICENSES: Deputy Betty Davis presented an application for renewal of a retail liquor license for the Dawson Lake Store. The Sheriff Department reported no problems with the establishment. Comm Lindsay moved to approve the application, seconded by Comm Wilson and carried.

05-26-98

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LANDFILL Manager Ron Lanier reported that the City of Cortez has planned their clean-up day for May 30th. Since Mancos and Dolores will not be involved, the City of Cortez will pay the landfill fees.

BRAVE NEW WARES representatives K. Salacia Hahnel and Laurie Dodge reported that the founder and owner, Evelyn Adams, has left town. They presented a statement of facts. The company's outstanding loans and debts were discussed. They were asked to contact a Valley National Bank representative about the company's loan through the county revolving loan fund.

TERM LIMITS: Comm Lindsay made a motion that a referendum be put on the ballot, per two resolutions submitted by the Democratic and Republican parties, to eliminate term limits for all elected Montezuma County officials and Special Districts members. The motion was seconded by Comm Wilson. Comm Story voted "nay," Comm Lindsay voted "aye," and Comm Wilson voted "aye." The motion carried.

EXTENSION Agent Kenny Smith reported that the weed control cost share program is having very positive results.

ONE-STOP CENTER - JOB SERVICE: Comm Wilson reported on meeting and noted that the study plan has been submitted.

ADJOURNED at 12:00 noon.

Deputy Clerk    Chairman – Acting

May 26, 1998

SEAL

Online Copy



**Minutes 06/01/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 1, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 1, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman -- absent  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Tuesday, May 26, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried. Comm Lindsay made a motion to correct the minutes of May 18, 1998, as follows (underlined words were added): MID-AMERICAN PIPELINE COMPANY (MAPCO) - RE: 98-S-912: Attorney Slough presented his Defendant's Answer, Defendant's Response to Motion For Preliminary Injunction and Defendant's Memorandum of Authority" for review by the Board.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. A letter from Specialty Risk Services - insured Montezuma County in regard to claimant Mid-America Pipeline Company, file No. 788 L 25773 was noted (see attached).

PAYROLL: General fund payroll in the amount of \$167,140.05, District Attorney voucher #29728 in the amount of \$16,051.51, Treasurer voucher #29729 in the amount of \$115,874.19, Road fund payroll in the amount of \$52,549.76, Treasurer voucher #11183 in the amount of \$37,494.37, and Landfill fund payroll in the amount of \$8,498.56, Treasurer voucher #1223 in the amount of \$5,166.15 were approved for payment.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-13-98 to the Treasurer to pay \$1,013.54 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

GAMING IMPACT FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-14-98 to the Treasurer to transfer \$106,353.00 from the Gaming Impact fund to the Road and Bridge Department. The motion was seconded by Comm Wilson and carried.

UNDERSHERIFF Sam Hager gave an updated report on the search for suspects in the May 28th shooting of County, City and Park Service personnel. Items reported on and discussed were: (a) location of command posts, (b) have lots of outside help (helicopters, manpower, etc) - need to keep record for thank you notes, (c) road department involved with taking care of roads -CR BB and CR 10, (d) future need for better informational equipment, (e) damage to cars, and (f) budget. The Board commended all the persons involved.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities: (a) presented information on an acid chemical product that the road department plans to use on the Kelly Hill road base, (b) will blade patch the Dolores-Norwood road this week, and (c) proposal to supply each water truck with fire retardant equipment. Foreman Sattley asked for an update on Trans-Colo's proposed pipeline. Information was presented that Trans-Colo has asked the Federal Energy Regulatory Commission to commission the start of construction of the pipeline.

LANDOWNER Russell Hindmarsh was present to meet with the Board and the State Land Board representative in regard to fencing (grazing permit). He was informed that the meeting was canceled and rescheduled for Monday, June 22nd. He mentioned the condition of the Dolores-Norwood road. He was told that some work is scheduled for this week.

CLERK Evie Ritthaler met to discuss procedures in the Eagle Claw Trading Post liquor license violation. It was determined that the Board's responsibility is to: (1) decide if there has been a violation of the law, and (2) then decide on the penalty. Statutes will be reviewed. If the case is pursued by the Sheriff's office and the State Liquor License Agent, it is their responsibility, as filing agencies, to select their own attorney if they desire one.

MONTEZUMA COUNTY HOSPITAL DISTRICT's "Notice of Application to County Commissioners for Montezuma County For Approval of Revenue Bond Issuance" and petition for a hearing in front of the Board of County Commissioners was received in the Clerk's office on Friday, May 28, 1998. "Notice of Withdrawal of Notice of Application" by fax was received in the Clerk's office on June 1, 1998. See attached copies of said documents presented by Clerk Ritthaler.

RESIDENTS Bud and Janie Rosamond met to discuss their proposed purchase of an established RV Park and their plans to add storage units on the property. Access needs required by CDOT were mentioned as only informational. Planning Manager Karen Welch and Loretta Murphy were present.

EL BOREGO MINOR SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the El Borego Minor Subdivision (Gary Walker), seconded by Comm Wilson and carried.

PLANNING: A verbal request for an exemption to the subdivision regulations for Norman and Michaela Smith to split a 3-acre tract from 65 acres was tentatively approved.

PROPOSED HINDMARSH GRAVEL PIT (CR W): Planning Manager Karen Welch and Administrator Tom Weaver reported on the Planning Commission's remarks on the proposed gravel pit. A public hearing is scheduled for Monday, June 22, 1998, at 10:30 a.m.

PROPOSED LAND USE CODE: Planning Manager Karen Welch presented the Montezuma County Land Use Code which was certified by the Montezuma County Planning Commission to the Board of County Commissioners and introduced as Resolution No. 2-98. Comm Lindsay made a motion to schedule a public

hearing for Wednesday evening, July 15, 1998, at 7:00 p.m. at the Cortez Conference Center and that the public notice of this meeting be published once a week in the Cortez, Dolores, and Mancos newspapers. The motion was seconded by Comm Wilson and carried. Mike Preston and Loretta Murphy were present. It was noted that copies of the certified document will be available to the public.

LEBANON ROAD (CR 25) resident Russell Martin met to discuss the proposal by the road department to widen shoulders on Lebanon Road. His concerns were that previous widening on a section of the road created a drainage problem and that road improvements might increase speeding. He was advised to express his concerns at the road department's Wednesday weekly meeting.

ADJOURNED at 12:00 noon.

Deputy Clerk     Chairman

June 1, 1998

SEAL

**Minutes 06/08/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 8, 1998

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 8, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman - absent after 9:30 a.m.  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, June 1, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

GAMING IMPACT FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-15-98 to the Treasurer to transfer \$7,673.00 from the Gaming Impact Fund account to the Department of Social Services. The motion was seconded by Comm Story and carried.

GENERAL FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-16-98 to the Treasurer to transfer \$71,020.95 in Cost Allocation Funds from the General Fund to the Department of Social Services Fund. The motion was seconded by Comm Story and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented a letter for a year extension on the land use planning grant. The letter was signed. \*\*\*\* Later in the day, he and Carla Garrison discussed other meetings and tours planned in the near future.

ROAD DEPARTMENT Foreman Jay Palmer reported on items discussed at their weekly meeting and department activities. (a) blading of roads - using water truck, (b) chip/sealing CR G (McElmo Canyon) next week, (c) water valves moved on CR 25, (d) will starting flagging CR 25 soon, (e) work on Kelly Hill this week, (f) start mag-chloride in Mancos District this week, (g) discussed that mag-chloride for road to Lee's Trailer Park is residents responsibility, (h) condition of CR BB, and (h) purchase of water truck. \*\*\*\* Later in the day, a letter for Montezuma County to purchase a 1991 Ford F250 pick-up and snow removal from Dolores County in trade for gravel (see attached) was signed.

CLERK Evie Ritthaler met to discuss procedures in the Eagle Claw Trading Post liquor license violation. A

public hearing is scheduled for Monday, July 13, 1998, at 1:30 p.m.

GENERAL LIABILITY INSURANCE, BIDS: Bids were received from the following: (1) Wolcott Insurance Services, Inc. (Penco) for \$89,007.00, (2) Four Corners Insurance for \$92,024.97, (3) Mountain West Insurance for \$92,109.00, and (4) CTSI for \$110,366.00. Attorney Slough was excused because of a conflict of interest. Comm Lindsay moved to accept the Wolcott Insurance Services, Inc. (Penco) bid of \$89,007.00, seconded by Comm Story and carried.

AREA AGENCY ON AGING (AAA): Region representative Charlie Speno presented information on changes in the administration of services in the region for Older Americans Act (OAA) monies in connection with the AAA program. The new system will be modeled after Montezuma County's program. Funding information was presented. He asked for an additional \$1,768 from Montezuma County to help with the Region's 1997 program deficit. Action was tabled.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING: A verbal request for an exemption to the subdivision regulations for Irene Doerfer to split a 10 to 13 acre parcel from 530 acres was tentatively approved. Planning Manager Karen Welch discussed the proposal by several entities to combine commercial and residential lots within subdivisions. Loretta Murphy was present. Corey Veach was also present and discussed changes (commercial/residential) he may propose in his Sierra Vista Subdivision. It was noted that the Land Use Code has not been adopted yet, therefore any development of commercial/residential lots within a subdivision, at this time, should be addressed in subdivision covenants.

PUBLIC HEARING - COUNTY RIGHT-OF-WAY: A public hearing was set for Monday, June 22, 1998 at 2:00 p.m. to consider abandonment of a county right-of-way - a section of CR 23, between CR Z and X (see minutes of January 26, 1998 and March 30, 1998).

HEALTH DEPARTMENT Director Bette Anderson gave an update on the Home Health Care Service change over from the Health Department to Southwest Health Systems, Inc.

MID-AMERICAN PIPELINE COMPANY (MAPCO) lawsuit filed against the Board of County commissioners is set for Thursday, June 18, 1998, in U.S. District Court in Denver, CO.

MONTEZUMA COUNTY HOSPITAL DISTRICT - APPEAL: Authorization to appeal Senior Judge Al Haas' decision of May 8<sup>th</sup> was tabled until next week.

COMMUNITY CORRECTIONS PROGRAM: Sheriff Deputy Amy Ball, who has been appointed as director for the proposed program, and District Attorney Mike Green gave information on the organization, grant proposals and facility requirements. Ms. Ball stated that she feels that a planner needs to be employed. This was affirmed.

CERTIFIED PUBLIC ACCOUNTANT, Gale W. Greenlee, Inc. letter of engagement for 1998 was signed.

DEPARTMENT OF ENERGY MINERAL IMPACT GRANT MONIES: Two applications for Energy Impact grant monies were presented by Adm Weaver for prioritizing. Comm Story moved that the two projects be prioritized as follows: (1) Cortez Fire Protection for a sub-station, and (2) Water meters - Town of Mancos, seconded by Comm Lindsay and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk    Chairman

June 8, 1998

SEAL

**Minutes 06/15/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 15, 1998

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 15, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, June 8, 1998 were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

OFFICE OF COMMUNITY SERVICES: Mike Preston discussed scheduling for land use code public meetings. \*\*\*\* Later in the day, Carla Garrison asked the Board for permission to contract a person to facilitate timber industry diversification studies. The approximate 6 month contract will be funded by a Forest Service grant and CSU. This was affirmed.

LANDOWNERS Ernest and Bettie Jacques and daughter Kathy Randolph met to discuss wordage in their 1991 variance on a parcel of land off Road 24.5 (see minutes of December 23, 1996). It was suggested that court action is the only way to resolve the easement issue. Loretta Murphy was present.

ROAD DEPARTMENT: Lloyd Everett reported on items discussed at their weekly meeting and department activities: (a) funding for asphalt - need billing invoices, (b) cost estimate from Empire Electric to move and replace 3 poles - affirmed funding, tabled estimated cost amount, (c) impact fee use requested by Bertie Ashcroft for mag-chloride on CR 37, (d) water truck (fairgrounds) - funding, and (g) will start mag-chloride in Dolores and Cortez districts this week. Discussed: (1) Redstone Subdivision compliance with county road specs - County consultant, Engineer Steve Harris will be contacted; (2) Complaint from Martin Robbins in regard to condition of CR BB - mag-chloride is scheduled in approximately two weeks for the road.

COMMUNITY CORRECTIONS PROGRAM/FACILITY: Director Amy Ball recommended that the planner for the proposed facility be Blythe Design. This was affirmed. Also present were District Attorney Mike Green, Undersheriff Sam Hager, Sheriff Deputy Joey Chavez, Probation Department representative Steve Brittain and Lynn Williams. Resolution No. 3-98 for Establishment of Community Corrections Board, appointment recommendations for initial 5 member board, and the Planning of New Institutions (PONI) grant application through the National Institute of Corrections were discussed. Comm Lindsay moved to adopt Resolution No. 3-98, Establishment of Community Corrections Board, seconded by Comm Wilson and carried. Comm Wilson moved to appoint the following to the initial board: Joe Keck, interim Chairman, Slim McWilliams, Bill Rutledge, Judge Sharon Hansen and Amy Ball, seconded by Comm Lindsay and carried. The grant application was signed.

06-15-98

2

SHERIFF DEPARTMENT: Undersheriff Sam Hager and Deputy Joey Chavez gave an updated report on the search for suspects in the May 28th shooting. District Attorney Mike Green was present. Costs (vehicle, search, etc.), and billing were discussed.

PROSPECTIVE LANDOWNERS Mike McAfee and Stan Foster met with the Board to discuss their proposed commercial/residential development of 50 acres on CR 27 and Hwy 184. A Planning Commission public hearing is scheduled for Thursday, June 25, 1998 for public input on the issue. Loretta Murphy was present.

HEALTH DEPARTMENT Nurse Bette Anderson presented an Amended Single-Entry Point Agency Contract, Change order No. 1 for long-term care. Comm Lindsay moved to sign the Change Order No. 1, which increases funding to the Health Department, seconded by Comm Wilson and carried.

RESIDENT Erin Johnson met to discuss her letter to the Board about the proposed gravel pit on CR W and commercial development on CR 27 and Hwy 184.

MONTEZUMA COUNTY HOSPITAL DISTRICT - APPEAL: Comm Wilson moved to authorize Attorney Slough to file an appeal to the decision by Senior Judge Al Haas on May 8th (see May 11, 1998 minutes), seconded by Comm Lindsay and carried.

PLANNING: A planning resolution P-12-98E was presented whereas an exemption to the subdivision regulations would be granted to Larry and Joy Keeling, owners of 78.08 acres, to record an exemption for this property in Section 1, T.36N., R.16W. This will be the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request for an exemption to the subdivision regulations for Paul and Shirley Bucher to split a 3.06 acre parcel and a 6 acre parcel from 80 acres was tentatively approved.

CCI MEETING: Comm Wilson reported on his attendance at the CCI summer meeting last week.

ADJOURNED at 3:00 p.m.

Deputy Clerk    Chairman

June 15, 1998

SEAL

**Minutes 06/22/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 22, 1998

STATE OF COLORADO     )  
  )ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 22, 1998, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the previous meeting held on Monday, June 15, 1998, were read.

Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ACCOUNTS PAYABLE: General fund warrants #29730 thru #29926 in the amount of \$133,764.02; Road fund warrants #11184 thru #11283 in the amount of \$149,355.95; and, Landfill fund warrants #1224 thru #1259 in the amount of \$28,730.79 were approved for payment.

COMMUNITY CORRECTIONS PROGRAM: Director Amy Ball, Judge Sharon Hansen, Joe Keck, Slim McWilliams, Bill Rutledge, Lynn Williams and Sheriff Sherman Kennell met to discuss the formation of the new Community Corrections Board. After discussion, Comm Wilson moved to rescind the motion made June 15, 1998, appointing five initial persons to the Board, seconded by Comm Lindsay and carried. Resolution No. 3-98 was signed, establishing a new Montezuma County Community Corrections Board, State of Colorado, in order to implement a local Community Corrections program. Comm Lindsay made a motion to appoint the following to the Community Corrections Board: community members - Joe Keck, Slim McWilliams, Bill Rutledge, Chief Judge Sharon Hansen, Criminal Justice Coordinator Amy Ball, and officials holding the following positions: Sheriff, Chief of Police, District Attorney, Probation, and a local -- Public Defender, Defense Councilor, or Attorney. The motion was seconded by Comm Wilson and carried.

PLANNING: The pre-sketch for a 3-lot minor subdivision proposed by Kay and Vicki Anderson was tentatively approved. A verbal request for an exemption to the subdivision regulations for Clarence and Sharon Bott to split from 30 acres a 2 acre parcel to be added to an adjoining acreage (Mike Weaver) was tentatively approved. A verbal request for an exemption to the subdivision regulations by Robert and Barbara Mashino to change a boundary line between two tracts owned by them was tentatively approved. Discussed the Ashcroft request (see June 15, 1998 minutes). After review, it was determined that the Ashcrofts did not pay any impact fees since the action was before fees were applicable.

PUBLIC HEARING - PROPOSED GRAVEL PIT ON CR W - HINDMARSH PROPERTY: It being the time set aside, a Public Hearing was conducted to consider a High Impact Permit with respect to a gravel mining operation to be conducted on the Russell Hindmarsh property, lying on the south side of CR W approximately 2 miles west of CR 31. The roll was called and the Public Notice was read. Owner Russell Hindmarsh, Road Department representatives Jim Sattley and Randy Smith and approximately 45 persons (see attached list) were present. Resident Erin Johnson presented a petition signed by persons opposed to the pit and several letters were received expressing opposition. The majority of the persons at the hearing were opposed to the proposed gravel Pit. Comm Story explained the application of the Comprehensive Land Use Plan and Code and the role of the Board.

Administrator Weaver presented the proposed plan for the pit and the acreage involved. The Planning Commission minutes of May 28, 1998 in regard to the permit were presented (see attached) and copies given to the public. A public comment period was held. Questions were asked – Have there been studies about environmental issues, other areas looked at as possible sites, and enough publicity and information given to the public? Is there a conflict of interest with the Board as the decision maker? and Should the land use code be in effect before any decision? Concerns were expressed about the following: truck traffic, maintenance of asphalt road, development overall, property values, visual, noise, safety, whether appropriate for a scenic byway area, destruction of wildlife range, crusher vibration, length of time for use, road width, and dust. Road department representatives explained the operation of the crusher, planned reclamation of the area, and study on gravel costs if purchased from private companies versus county operated gravel pits. Mr. Hindmarsh explained his future plans for the acreage if a gravel pit is not developed. Private property owner rights were discussed. Administrator Weaver was asked by the Board to compile a mitigation proposal by July 13th. It was noted that a draft copy of the proposal will be available for public review by July 9th. The hearing is continued until Monday, July 13, 1998, at 10:00 a.m. These proceedings were taped for the record.

REGION 9 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDEG) PROGRAM representative Stuart Cohen presented the grant application for signature. Comm Lindsay moved to sign the grant application, seconded by Comm Wilson and carried. It was noted that La Plata County is still the lead county.

PUBLIC HEARING - COUNTY RIGHT-OF-WAY ABANDONMENT: It being the time set aside, a Public Hearing was conducted on the proposed abandonment of that part of the county road right-of-way between Sections 20 and 21 (CR 23, between CR Z and X.) north of Narreguinnep Reservoir. The roll was called and the Public Notice was read. Present for the hearing were property owners, Tracey Batie, Dallas Batie, Tom Gendill, and Jerry Layne, their Attorney Erin Johnson, Lyle Bilberry, Loretta Murphy, Karen Welch, and approximately nine other interested persons (see attached list). The proposal to close and fence off the ROW was discussed. Of the nine public persons attending the hearing, eight were against the proposal and one had no objections to it. After discussion, Attorney Johnson asked for a brief recess to discuss the issue with her clients. This was granted and after the recess, Attorney Johnson stated her clients desired to withdraw the request for abandonment. The Board accepted the withdrawal. These proceedings were taped for the record.

CANCELLATION OF COUNTY MONTEZUMA WARRANTS: Comm Lindsay moved to cancel two warrants (see attached list) issued by Montezuma County, which have not been cashed by said payees, seconded by Comm Wilson and carried.

ADJOURNED at 3:00 p.m.

Deputy Clerk Chairman

June 22, 1998

SEAL



**Minutes 06/29/1998 Special**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JUNE 29, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 29, 1998, 8:00 a.m., at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman -- absent  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

ORDINANCE NO. 1-96 -- OPEN FIRE BAN: Fire Department Chief Jay Balfour requested a ban on open fires based on the following conditions: (a) 18 fire calls in 13 days, (b) above 90% temperatures, (c) red flag humidity, and (d) no precipitation and none predicted for the near future. He stated that he had discussed the extreme conditions with Sheriff Kennell, who is the designated Fire Marshal, and Sheriff Kennell was in agreement with the request. Ordinance No. 1-96 (ban open fires), adopted June 24, 1996, was reviewed. Landfill Manager Ron Lanier was present. Comm Lindsay made a motion to adopt Resolution No. 4-98 stating that Resolution No. 6-97 and the suspension of the ban on open fires is hereby canceled pursuant to Montezuma County Ordinance No. 1-96, and that the ban on open fires pursuant to Ordinance No. 1-96 continues in full-force and effect. The motion was seconded by Comm Wilson and carried.

LANDFILL Manager Ron Lanier met to discuss the damage from last week's fire in the landfill building. Chief Balfour mentioned several ideas to help take care of any future situation (smoke and fire detectors, access to keys, scudder hatches for better smoke removal). Manager Lanier said that they may stagger work shifts so all trash is taken care of each day. Insurance coverage and temporary wiring until full power is restored were discussed. Manager Lanier mentioned that next Friday and Saturday the landfill will be closed for repairs.

GAMING IMPACT FUND ORDERS: Comm Lindsay moved to direct the Clerk to issue the below Orders to the Treasurer to pay the amounts from the Gaming Impact Fund for District Court invoices (security systems), seconded by Comm Wilson and carried:

#0-18-98	\$57,567.00	HSE Communications - video arraignment proposal No. 3053
#0-19-98	\$ 5,250.00	HSE Communications - video cart equipment
#0-20-98	\$ 4,775.15	Redcliff Builders - construction of bullet resistant security entrance

LIQUOR LICENSE: Deputy Betty Davis and Clerk Evie Ritthaler met to advise the Board that the Sheriff has requested a new hearing date of August 3, 1998, for the Eagle Claw Trading Post public hearing. Comm Lindsay moved to vacate the public hearing set for July 13, 1998, at 1:30 p.m., and reset it for Monday, August 3, 1998, at 1:30 p.m., seconded by Comm Wilson and carried.

06-29-98

2

PLANNING Manager Karen Welch presented a letter received by the Montezuma Planning Commission from the Colorado Department of Transportation (CDOT). It addressed a concern about a request from landowners for access off the intersection of Hwy 184 and CR 27. The Board mentioned the need to meet with the CDOT about intersection issues. Adm Tom Weaver will draft a letter to CDOT for review next week.

ADJOURNED at 9:30 p.m.

Deputy Clerk    Chairman

June 29, 1998

SEAL

Online Copy

**Minutes 07/06/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 6, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 6, 1998, at the Courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on June 22, 1998, and the special meeting held on June 29, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

WOMEN LEAGUE OF VOTERS representative Rita Burke was a visitor to the meeting. She gave an update on their membership and goals.

PAYROLL: General Payroll in the amount of \$179,028.45, District Attorney voucher #29931 in the amount of \$16,231.85, Treasurer voucher #29932 in the amount of \$122,852.76; Road Payroll in the amount of \$52,225.69, Treasurer voucher #11285 in the amount of \$37,647.65; and Landfill Payroll in the amount of \$7,753.51, Treasurer voucher #4,731.38 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-17-98 to the Treasurer to pay \$1,019.34 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

GENERAL FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-21-98 to the Treasurer to transfer \$92,296.60 from the General Fund to the Social Services/HCBS fund (see attached). The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities; (a) graveling CR 32 and CR 31, and (b) widening curve on CR P. Discussed: (1) mag-chloride - policy is not to do intersections, and residents need to order it if they want it on CR 28 (Lee's Mobile Home Park), (2) need fence crew - will bid out (Hindmarsh), (3) need to gather traffic data on CR 37 (Ashcroft), (4) need to work on CR 10 and CR BB - roads are very rough due to no precipitation, (5) available grant monies for roads, and (6) gravel available in county. Adm Weaver presented the draft mitigation proposal for the Hindmarsh gravel pit.

LIQUOR LICENSE: Deputy Betty Davis and Clerk Evie Ritthaler met with the Board. Comm Wilson made a motion to make the attached ("Notice of Hearing and Order to Show Cause in the matter of Schroeder Colorado, Inc., doing business as Eagle Claw Trading Post and Liquor Store) an Order and Notice of the Board and authorize and ratify the Clerk's issuance and service of same. The motion was seconded by Comm Lindsay and carried.

TERM LIMITS in connection with the office of the District Attorney were discussed. The District Attorney represents the counties of Montezuma and Dolores. Clerk Ritthaler will check on clarification.

REDSTONE LAND COMPANY representative Daniel Dattola, Realtor Wayne Lee, and adjacent property owner Ray Huseby met with the Board. Mr. Dattola asked if road impact fees might be used to pave the first 1/4 mile of road into the subdivision. He stated that this request is being made to mitigate the dust problem for eight adjacent neighbors. Adjacent property

owner Ray Huseby, speaking for himself and the other neighbors, expressed that this would take care of their concerns and be a long-term solution to the traffic close to the homes. The Board agreed to allow the Redstone Land Company to spend an actual, cost amount not to exceed \$15,000 to chip/seal the first 1/4 mile of road. Said amount is to be credited against the road impact fees.

PLANNING: A planning resolution P-13-98E was presented whereas an exemption to the subdivision regulations would be granted to Clarence E. and Sharon L. Bott, owners of 34.75 acres, to record a 3.26 acre tract in Section 1, T.35N., R.14W. This tract is to be adjoined to Mike Weaver's 2.0 acre tract as recorded in Book 492 Page 569, and does not create a separate tract for sale. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A planning resolution P-14-98E was presented whereas an exemption to the subdivision regulations would be granted to Ronald D. and Cheryl D. Englehart, owners of 35 acres, to record a 20.07 acre tract in Section 9, T.36N., R.17W. This tract is to be adjoined to George Greenbank's 60 acre tract and does not create a separate tract for sale. The remaining 15 acres will be adjoined to Mr. Englehart's existing 25.03 acre parcel. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request for an exemption to the subdivision regulations for John and Janet Snider to split a 6.8 acre parcel with a 60' easement from 144 acres was tentatively approved. Planning Manager Karen Welch presented the public information brochure on the land use code.

EXTENSION OFFICE Director Jan Sennhenn invited the Board to a meeting with Associate Director of Coop-Extension Dr. Mary McPhail Gray and other extension office representatives other items discussed were safety signage which is already posted at the fairgrounds, county fair scheduling, and fruit (grape, etc.) development in the county.

GRAVEL LEASE CONTRACT - DARREN STONE: Comm Wilson moved to sign the agreement (see attached) entered into July 1, 1998, between the County of Montezuma, by the Board of County Commissioners and Darren Stone, seconded by Comm Lindsay and carried.

CORTEZ CROSS-DISABILITY COALITION representative Kim Stewart asked if the Board would proclaim July 24 - 26, 1998, as Disability Weekend to honor the 1990 disability law. This was affirmed. She invited the Board to their planned picnic July 24th at Centennial Park from 5:00 to 7:00 p.m.

ENVIRONMENTAL HEALTH SERVICES CONTRACT RENEWAL LETTER - HEALTH DEPARTMENT: Comm Wilson moved to sign the contract renewal between the State of Colorado, Department of Public Health and Environment and the Board of Montezuma County commissioners, seconded by Comm Story and carried. Comm Lindsay was excused because of a conflict of interest.

COMMUNITY CORRECTIONS PROGRAM: Comm Lindsay moved to approve the designated terms for the appointed members to the Community Corrections Board (see attached), seconded by Comm Wilson and carried. Adm Weaver reported on the meeting with Undersheriff Sam Hager, Amy Ball, and facility planner representative from Blythe Design.

CORTEZ FIRE PROTECTION DEPARTMENT representative Chief Jay Balfour and Shannan Harrison met to discuss applications for grant monies and a suggestion that Special Fire Districts can assess impact fees for needed funds. After discussion, it was noted that a previous research showed no law authorizing assessment of impact fees by special districts.

HEALTH DEPARTMENT: Nurse Debby Jones and Jane Duncan, representatives of the PATH program reported on the "Baby, Think It Over," "Parent to Parent," and "Car Seat" programs - activities, costs and results.

SOUTHWEST MEMORIAL HOSPITAL (SWMH) HOME HEALTH CARE: SWMH representative Ann Drew O-Leary, Home Health Care Nurse Peggy Blackmer, and Arapaho Health Care Resources representatives Jason Bullard, Norma Tankersley and Arthur Rice met with the Board. They gave an update on the transition period of transferring home health care billing from the Health Department to SWMH. It was noted that any new nurses hired will be

HEALTH DEPARTMENT Director Bette Anderson reported on department activities and programs. She presented copies of their "Tips for Tourist" (health) brochures, which are placed in the area Visitor Centers.

PROPOSED COMPREHENSIVE LAND USE CODE: Changes passed by the State legislature affecting the proposed land use code were reviewed. Revisions were made in the code reflecting these changes, and inclusion of the pipeline resolutions. It was noted that the Planning Commission needs to see the changes and certify such. A special meeting of the Planning Commission will be scheduled for July 15, 1998, at 5:30 p.m. at the Anasazi Restaurant for consideration of the changes. Notice of the meeting will be posted. Planning Manager Karen Welch was present.

ADJOURNED at 4:00 p.m.

Deputy Clerk    Chairman

July 6, 1998

SEAL

Online Copy

**Minutes 07/13/1998 and 07/15/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 13 & 15, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 13, 1998, at the Courthouse in Cortez, Colorado, and on Wednesday, July 15, 1998, at the Cortez Conference Center, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on July 7, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for the month of June 1998 and the Treasurer's reports were received.

ROAD DEPARTMENT Foreman Jay Palmer reported on items discussed at their weekly meeting and department activities: (a) asphalt - CR 44, (b) still working on CR 25 & P, (c) moving crusher, (d) blading Dolores-Norwood Road, (e) graveling on CR 32, (f) grant monies - San Juan, UT, (g) using water trucks when grading - roads very dry.

BOARD OF SOCIAL SERVICES was conducted.

CONTINUED PUBLIC HEARING - PROPOSED GRAVEL PIT ON CR W - HINDMARSH PROPERTY: It being the time set aside, a Public Hearing continued from June 22, 1998, was conducted to consider a High Impact Permit with respect to a gravel mining operation to be conducted on the Russell Hindmarsh property, lying on the south side of CR W approximately 2 miles west of CR 31. The roll was called, the Public Notice was read, and the proceedings were taped for the record. Owner Russell Hindmarsh, Road Department representatives Jim Sattley and Randy Smith and approximately 40 person (see attached list) were present. Comm Story noted several petitions and letters expressing opposition to the project. Adm Weaver presented and explained the proposed "Mitigation Measures." A public comment period was held. The majority stated they oppose the project; approximately six persons stated they support the project. The Board expressed their support for the project, because of a need for more gravel to take care of county roads. Comm Wilson made a motion to approve the High Impact Permit No. 100-98 for a gravel mining operation to be conducted on the Russell Hindmarsh property, lying on the south side of CR W approximately 2 miles west of CR 31. The motion was seconded by Comm Lindsay and carried. A tour of the site is scheduled for Sunday, July 19, 1998 at 9:00 a.m. with all interested persons, Mr. Hindmarsh and representatives of the Board.

HEALTH DEPARTMENT: Single-Entry Point Agency Contract, Change Order No. 2 for long-term care was signed.

RESOLUTION NO. 1-98 - TRANS COLORADO PIPELINE: Comm Lindsay made a motion to adopt Resolution No. 1-98, (see attached) whereas it is mutually acceptable to Montezuma County, the U.S. Forest Service and TransColorado to enter into an agreement whereby roads will be maintained in a condition that is equal to, or better than, their condition prior to TransColorado's natural gas pipeline construction. The motion was seconded by Comm Wilson and carried. Carla Garrison was present.

"Plat note not included in minutes – just a plat note no amt – see written draft

RESOLUTION NO. 6-98: Comm Wilson moved to adopt Resolution No. 1-98 proclaiming the weekend of July 24, 25 and 26, 1998 as Americans with Disabilities Weekend in Montezuma County, seconded by Comm Lindsay and carried.

LEE MODERATE SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Lee Moderate Subdivision (Larry Lee), seconded by Comm Wilson and carried. It was noted that Empire Electric signed off on the easements but in lieu of signing off on the improvements, submitted a letter stating

what is presently on the property.

PLANNING: A planning resolution 2-15-98E was presented whereas an exemption to the subdivision regulations would be granted to Hamilton Brothers Farms, Inc., owner of 95 acres, to record an exemption for 4.93 acres in Section 2, T.37N., R.16W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from Wayne Lee to split two separate parcels (10 acre and 19.9 acre) from 64 acres was tentatively approved. A verbal request from Johnny Donaldson to split from 32 acres a 6-7 acre parcel to be adjoined to a 1.7 acre parcel (Lalonde) was tentatively approved. Discussed a request from Arthur Kittell to abandon a road easement within the Wapiti Rim Subdivision to the Charlie Rogers lot. It was noted that since the easement is within a subdivision, the parties involved need to agree to close the road and a written letter stating such should be submitted to the Board so the easement can be deleted from the final subdivision plat.

PROPOSED LAND USE PLAN CODE: Proposed changes in the code were reviewed. Planning Manager Karen Welch, Loretta Murphy and Mike Preston were present.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss scheduled meetings: July 13th - Water Forum; and July 15th - Public Hearing on the proposed land use code.

RECESSED: Comm Lindsay moved to recess the meeting till Wednesday, July 15, 1998 at 7:00 p.m. at the Cortez Conference Center for the Public Hearing on the proposed Land Use Code, seconded by Comm Wilson and carried.

PUBLIC HEARING - PROPOSED LAND USE CODE: It being the time set aside, a Public Hearing was conducted on the proposed Montezuma County Land Use Code, including civil and criminal penalties. The roll was called, the Public Notice was read and the proceedings were taped for the record. Comm Wilson gave opening statements. Mike Preston presented "Tools For A Good Neighbor Policy" and discussed the information in the brochure. Comm Story chaired the remaining portion of the hearing. Planning Commission members and Planning staff were introduced. Comm Story summarized the process for the 4-year project. Twenty-eight persons (see attached list) attended the hearing with approximately ten persons making comments. Comm Wilson moved to continue the Public Hearing until Monday, July 20, 1998, at 3:00 p.m. at the courthouse, seconded by Comm Lindsay and carried.

ADJOURNED at 9:00 p.m.

Deputy Clerk    Chairman

July 13 & 15, 1998

**Minutes 07/20/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 20, 1998

STATE OF COLORADO        )  
                                  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 20, 1998, at the courthouse in Cortez, Colorado, there were present;

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meetings held on July 13 and 15, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ACCOUNTS PAYABLE: General fund warrants #29928 thru #30124 in the amount of \$174,126.51, Road fund warrants #11284 thru #11380 in the amount of \$245,576.03 and Landfill fund warrants #1269 thru #1296 in the amount of \$32,985.74 were approved for payment.

GAMING IMPACT ORDER: Comm Wilson made a motion to direct the Clerk to issue Order Number 0-22-98 to the Treasurer to transfer \$2,193.00 from the Gaming Impact fund account to the Road and Bridge Department. The motion was seconded by Comm Lindsay and carried.

PINE ZONE PROJECT: CSU representative Dr. Denny Lynch presented and discussed the "Summary Report for the Ponderosa Pine Partnership, Montezuma County, CO - "Ecology and Economics of Ponderosa Pine Forest Restoration on the Mancos-Dolores District of the San Juan National Forest." Wood Scientist Tim Reader presented and discussed his report -"A Survey of Montezuma County Forest Products Related Businesses and Mill Residue Assessment." Carla Garrison, Mike Preston and Joyce Lynch were also present.

LANDOWNERS Arthur Wilson and Wade Wilson met to request that several 4-way stop signs placed at intersections in the Yellow Jacket area be removed. It was noted that other neighbors have requested more signage in the area. The Board asked that the Wilsons work with their neighbors and after the differences are settled meet with the Road Department for sign placement.

BOARD OF EQUALIZATION: It being 11:00 a.m., the time set aside, the Montezuma County Commissioners convened on Monday, July 20, 1998, to sit as the Board of Equalization. The roll was called, the Proof of Publication was read and the proceedings were tape recorded for the record. Assessor Bob Cruzan, Chief Appraiser Mary Zummach, Field Appraisers Scott Davis and Darrell Mott were in attendance.

BEVERLY J. KOTARSKI appeared for the Board's decision concerning her appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #5359-123-00-008. Comm Story was excused because of a conflict of interest. Comm Lindsay made a motion to adjust the valuation for assessment on the land to \$140,000.00. The motion was seconded by Comm Wilson and carried.



BRUCE LIGHTENBURGER, General Manager Southwest Motor Hotel Associates, Inc. (Holiday Inn) appeared for the Board's decision concerning his appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #5611-254-00-004. Comm Wilson made a motion to adjust the valuation for assessment on the property to \$2,105,969.00. The motion was seconded by Comm Lindsay and carried.

PETE BALLODE, President of Rock Sales Company appeared for the Board's decision concerning his appeal on the "Notice of valuation" for 1998 by the Assessor's office on Parcel #5611-262-35-002. Comm Wilson made a motion to adjust the valuation for assessment on the property to \$240,650.00. The motion was seconded by Comm Lindsay and carried. The Board of Equalization recessed at 12:30 p.m. until July 27, 1998.

ADJOURNED FOR LUNCH at the Dolores Town Hall.

STATE REPRESENTATIVE Kay Alexander met with the Board. She commended the county's proposed land use code. She discussed some of the following items: property taxes in connection with pipelines, grants, search monies, and federal laws for transporting of goods between states (commercial). The Board mentioned and discussed with Representative Alexander their concerns about public health funding needs, property/school taxation, and lack of county authority in regard to Hospital Districts.

COLORADO DIVISION OF TRANSPORTATION (CDOT) representatives Ed Demming and Melinda Nichols, and developers Stan Foster and Mike McCaffey met to discuss access on CR 27 off of Hwy 184. Others present included Vernal Aulston, Karen Welch, Loretta Murphy, and Road Department Foreman Jim Becher. After discussion, an on-site inspection of the area is scheduled for Monday, July 27, 1998 with CDOT, Board and developer representatives. Mentioned and discussed is the need for the Board, the Town of Dolores, and CDOT to address the intersection threshold levels in Dolores, CO, especially traffic from the Granath Mesa area.

CROSS-DISABILITY COALITION representative Dorie Domerese asked for county help to establish a riding facility for the handicapped on private property. The request was denied, since county equipment would be used on private property.

CONTINUED PUBLIC HEARING - PROPOSED LAND USE CODE: It being the time set aside, a Public Hearing continued from July 15, 1998, was conducted on the proposed Montezuma County Land Use Code, including civil and criminal penalties. The roll was called, the Public Notice was read and the proceedings were taped for the record. Comm Story gave an overview of the project. Approximately 25 persons attended (see attached list), and several made comments during the comment period. One written comment was received. Comm Wilson made a motion to adopt RESOLUTION NO. 2-98, a resolution adopting the Montezuma County Land Use Code and providing for civil and criminal penalties. The motion was seconded by Comm Lindsay and carried.

LOPEZ MODERATE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Lopez Moderate Subdivision, seconded by Comm Lindsay and carried.

PLANNING: A planning resolution P-16-98E was presented whereas Frankie T. and Beatrice Lopez, owners of 19.71 acres, would like an exemption to the subdivision regulations to record an exemption for 4.32 acres for a tract that is isolated by CR 33 in Section 31, T.37N., R.14W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A planning resolution P-17-98E was presented whereas Christine L. Applin, owner of 80

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acres, would like an exemption to the subdivision regulations to record an exemption for 20.266 acres in Section 21, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request by John Frazier to split from 19.88 a 7.8 acre parcel to be added to an adjoining property (Kraus) was tentatively approved. A verbal request from Aileen Maxwell to amend resolution P-1-82 to split from 130 acres a 6 to 12 acre parcel to be added to an adjoining property (Valencia) was tentatively approved. A verbal request by John Dosh to split a 47.3 acre parcel, separated by the highway, into two tracts (27 and 20 acres) was tentatively approved, contingent on a survey of both tracts.

CANCELLATION OF COUNTY MONTEZUMA WARRANT Comm Lindsay moved to cancel one warrant (see attached) issued by Montezuma County, which has not been cashed by said payee, seconded by Comm Wilson and carried.

ADJOURNED at 5:10 p.m.

Deputy Clerk                      Chairman

July 20, 1998

SEAL

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**Minutes 07/27/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
JULY 27, 1998

STATE OF COLORADO    )  
                                  ) ss  
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 27, 1998 at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on July 20, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

WITHDRAWAL - CANCELLATION OF COUNTY MONTEZUMA WARRANT: Finance Officer Mary Ann Sanders asked that the cancellation made July 20, 1998, be withdrawn. The warrant was located and will be cashed. Comm Lindsay moved that the cancellation of the warrant be withdrawn, seconded by Comm Wilson and carried.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-23-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

SOCIAL SERVICES Director Dennis Story presented "Memorandum of Understanding" (MOU) Agreement (Welfare Reform - annual performance Contract) between the State of Colorado Department of Human Services and the Board of County Commissioners of Montezuma County, Colorado. Comm Wilson moved to sign the Agreement/Contract, seconded by Comm Lindsay and carried.

JANITORIAL BIDS - JUSTICE BUILDING: Bids were advertised for janitorial services at the Justice Building. One bid was received. Comm Lindsay moved to accept the bid of \$950.00 per month from Busy "B" Janitorial (Clarence A. Bugg), seconded by Comm Wilson and carried.

COMMUNITY CORRECTIONS PROGRAM: Criminal Justice Coordinator Amy Ball and Undersheriff Sam Hager met to discuss the program and proposed jail facility. Coordinator Ball presented and discussed the following: (1) Proposal for facility from facility planner Roy Blythe. -- The Board asked

that more references be checked before affirming the proposal by Blythe Design. This was done and later in the day the Board affirmed the proposal. (2) Community Corrections office activities. (3) Jail Advisory Committee appointments – Comm Wilson made a motion to appoint the following to the Committee: Comm Kent Lindsay, Adm Tom Weaver, Judge Sharon Hansen, District Attorney Mike Green, Probation Office representative Lynn Williams, Don Henderson, Bill Rutledge, John Koucorek, Rita Burke, Mary Lou Asbury and Scott Davis. The motion was seconded by Comm Lindsay and carried. (3) Contract between the Colorado Department of Public Safety, Division of Criminal Justice and Montezuma County Community Corrections Board. -- No action taken.

ORDINANCE NO. 1-96 -- FIRE BAN: Undersheriff Sam Hager asked that the Board lift the fire ban (see June 29, 1998 minutes - Res No. 4-98). Comm Lindsay moved to adopt RESOLUTION NO. 7-98, a resolution suspending the ban on open fires in Montezuma County, seconded by Comm Wilson and carried.

LANDOWNER Charles A. Campbell, owner of 42 acres, asked if the Board would vary the length and width requirements of the property if he chooses to develop it into a 2-lot minor subdivision. This was affirmed. Planning Manager Karen Welch and Loretta Murphy were present.

SLIM AND DOLLIE COX SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Slim and Dollie Cox Subdivision, seconded by Comm Wilson and carried.

PLANNING: A planning resolution P-18-98E was presented whereas Irene Doerfer, owner of 530 acres, would be granted an exemption to the subdivision regulations to record an exemption for 20.05 acres, in Section 9, T.35N. R.13W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. -- Planning Manager Karen Welch presented a draft copy of the mitigation measures to be made part of the Hindmarsh Gravel Pit -High Impact Permit No. 100-98. No action was taken. A meeting with all the parties will be scheduled for next week.

MONTEZUMA COUNTY HOSPITAL DISTRICT (MCHD) member Florence Bane met to discuss and ask for clarification of several items involving the lease with Southwest Health Services (SKS). She was informed that a meeting is tentatively scheduled for August 13, 1998, with MCHD, SHS, the Board and any others interested entities to discuss these issues.

LANDOWNER Gary Mahaffey presented a memorandum in regard to the Cortez Pipeline (Shell, Mobil and Vickers Cortez Pipeline Company) CO2 case and a draft resolution stating that the county supports the lawsuit. Comm Wilson was excused because of a conflict of interest. Action was tabled. Mike Preston was present.

BOARD OF EQUALIZATION: It being 11:00 a.m., the time set aside, the Montezuma County Commissioners reconvened on Monday, July 27, 1998, to sit as the Board of Equalization. The roll was called and the proceedings were taped for the record. Assessor Bob Cruzan, Chief Appraiser Mary Zummach, Field Appraisers Scott Davis and Darrell Mott were in attendance.

ALBERT FLOSSMAN, El Capri Motel owner, appeared for the Board's decision concerning his appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #5611-343-00-013. Mr. Flossman's counsel Attorney Kelly McCabe was also present. Comm Lindsay made a motion to adjust the valuation for assessment on the motel to \$175,000. The motion was seconded by Comm Wilson and carried.

RON KOTARSKI appeared for the Board's decision concerning his appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #5609-183-04-009. Comm Story was excused because of a conflict of interest. Comm Lindsay made a motion to deny an adjustment on the valuation for assessment on the property. The motion was seconded by Comm Wilson and carried.

Assessor Cruzan presented an appeal from WILLIAM SHAPPELL and MARIANNE PREKKER for the Board's decision concerning their appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #5357-122-02-001. The Assessor recommended an adjustment to \$29,440.00. Comm Lindsay made a motion to adjust the valuation for assessment to \$29,440.00. The motion was seconded by Comm Wilson and carried.

The Board of Equalization recessed at 12:00 noon until August 3, 1998.

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FOUR CORNERS AREA ADVISORY TRAUMA COMMITTEE (ATAC) 1998 BIENNIAL PLAN:  
Comm Lindsay moved to sign the Four Corners ATAC plan, seconded by Comm Wilson and carried.

ADJOURNED for lunch and an on-site inspection of CR 27 and Hwy 184 at 1:30 p.m. with CDOT, developers, and other interested persons.

Deputy Clerk    Chairman-Vice

July 27, 1998

SEAL

Online Copy

**Minutes 08/03/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 3, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA   )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 3, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman -- absent  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator -- absent after 10:00 a.m.  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on July 27, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General Fund payroll in the amount of \$187,919.42, District Attorney warrant #30134 in the amount of \$15,841.61, Treasurer warrant #30135 in the amount of \$131,637.10; Road Department payroll in the amount of \$52,916.83, Treasurer warrant #11382 in the amount of \$39,585.87; and Landfill Fund payroll in the amount of \$9,170.21, Treasurer warrant #1298 in the amount of \$4,811.77 were approved for payment.

LANDOWNERS Arthur Wilson and Wade Wilson met to discuss their request to remove some of the 4-way stop signs in the Yellow Jacket area. They presented maps showing roads and residences and stated they have met with the road department. Action was tabled until the Sheriff's report is received.

COST ALLOCATION PLAN for the Year Ended December 31, 1997 (Social Services) submitted by Gale W. Greenlee, Inc. was signed.

AGREEMENT BETWEEN THE USDI, BUREAU OF LAND MANAGEMENT AND MONTEZUMA COUNTY, COLORADO: Comm Lindsay moved to sign the Memorandum of Agreement (MOU) to facilitate the implementation of a noxious weed control program between BLM and the County, seconded by Comm Wilson and carried. Carla Garrison was present.

HEALTH DEPARTMENT Director Bette Anderson met to discuss the following: (a) proposal to the Area Agency on Aging (AAA) for the funding from Title III-F (a preventive health program for senior citizens), and (b) reinstatement of the State paid EPSDT (medicaid) and the HIV testing and Counseling programs. It was noted that no new personnel will be hired.

RESIDENTS Gil and Esther Madsen met to discuss the access problem on CR 27 and Hwy 184. The Board stated no meeting with the CDOT is scheduled for today, but that the Madsen's would be notified of the next scheduled meeting with CDOT.

BOARD OF EQUALIZATION: It being 10:00 a.m., the time set aside, the Montezuma County Commissioners reconvened on Monday, August 3, 1998, to sit as the Board of Equalization. The roll was called, and the proceedings were taped for the record. Assessor Bob Cruzan and Chief Appraiser Mary Zummach were in attendance.

Assessor Cruzan presented an appeal from TCI SATELLITE ENTERTAINMENT, INC. for the Board's decision concerning their appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcels #8801000-01-047-P, #8806-000-00-017-P, #8829-000-00-135-P and #8839-000-00-131-P. Comm Lindsay made a motion to deny the request for exemption status on all the parcels. The motion was seconded by Comm Wilson and carried.

Assessor Cruzan presented an appeal from USA WASTE/dba/BAKER SANITATION for the Board's decision concerning their appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcels #8829-000-00-064-P and 8829-000-00-112-P. Comm Lindsay made a motion to deny the request for exemption status on both parcels. The motion was seconded by Comm Wilson and carried.

Assessor Cruzan presented an appeal from ANNE JEFFERY for the Board's decision concerning her appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #5609-033-01-001. Comm Lindsay made a motion to deny an adjustment on the valuation for assessment on the property. The motion was seconded by Comm Wilson and carried.

Assessor Cruzan presented an appeal from BRADLEY C. VERGIEN for the Board's decision concerning his appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #5603-072-00-032. Comm Lindsay made a motion to adjust the valuation for assessment to \$90,000.00. The motion died for lack of a second. After discussion, Comm Lindsay made a motion to adjust the valuation for assessment to \$92,920.00. The motion was seconded by Comm Wilson and carried.

Assessor Cruzan presented an appeal from TOM L. BALISLE for the Board's decision concerning his appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #5611-024-04-015. Comm Lindsay made a motion to adjust the valuation for assessment to \$41,850.00. The motion was seconded by Comm Wilson and carried.

Assessor Cruzan presented an appeal from COORS BREWING COMPANY for the Board's decision concerning their appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #8801-000-00-071-P. It was noted that the inventory submitted by Coors appears to be incomplete. Comm Lindsay made a motion to continue the appeal until Monday, August 10, 1998, at 11:00 a.m., at which time more information on the inventory will be presented by the Assessor's office. The motion was seconded by Comm Wilson and carried.

The Board of Equalization recessed at 11:45 a.m. until August 10, 1998.

LIQUOR LICENSE ADMINISTRATIVE HEARING -- SCHROEDER-COLORADO, INC./Eagle Claw Trading Post Retail Liquor Store: It being the time set aside, a hearing was conducted for a violation of selling liquor to a minor on April 28, 1998, at 4321 South Highway 160, Cortez, CO. The roll was called and the proceedings were taped for the record. Schroeder-Colorado, Inc. President Charles Schroeder, his counsel Attorney Stan Morris, Colorado Liquor Enforcement Division Investigators, Karl Strecker and Brian Turner, Montezuma County Sheriff Patrol Deputy Buck Woodman, Clerk Evie Ritthaler and Deputy Clerk Betty Davis were present. Deputy Woodman, Schroeder Colorado, Inc. President Schroeder and Investigator Strecker gave sworn testimony. Attorney Morris cross-examined Deputy Woodman and Investigator Strecker. Attorney Slough noted statutes on penalties - CRS 12-47-601. Comm Lindsay made a motion that the Board finds Schroeder-Colorado, Inc. in violation of CRS 12-47-901 (1)(a) -- first offence for sale of alcohol to a person under 21 years. The motion was seconded by Comm Wilson and carried. The evidence was insufficient as to the charge of sale to an intoxicated person. Comm Lindsay made a motion that there be a thirteen (13) day suspension -- 1 day actual and 12 days in abeyance for one year. The motion was seconded by Comm Wilson and carried. Discussed the determination of the one day closure. Mr. Schroeder and Attorney Morris took a short recess. Comm Lindsay moved that the closure be scheduled for Tuesday, August 11, 1998, seconded by Comm Wilson and carried. It was noted that "Notice of Suspension" signs need to be posted inside and outside the establishment and Mr. Schroeder was told to go over procedures more in depth with his employees in regard to liquor license sale rules and regulations.

LIQUOR LICENSES: Deputy Betty Davis presented applications for Schroeder Colorado, Inc./Eagle Claw Trading Post and Liquor Store for a 3.2% beer license and a retail liquor store license. Comm Lindsay moved to approve the applications, seconded by Comm Wilson and carried. Due to a transfer of ownership in process, Deputy Davis presented an application for a temporary Hotel/Restaurant Liquor License for the Roundup Junction Restaurant. Comm Lindsay moved to approve the application, seconded by Comm Wilson and carried.

PLANNING: A verbal request from Jerry and Neeta Mahaffey to split 12 acres from 53.4 acres was tentatively approved.

REDSTONE LAND COMPANY representative Dan Dattola, Realtor Wayne Lee, and representatives of the Mancos fire department Charlie Mitchell (spokesperson), Lyle Cox and Julio Archuleta met with the Board. Planning Manager Karen Welch and Loretta Murphy were also present. Mr. Dattola stated that the Redstone Land Company has offered for a fire sub-station within the subdivision, a 1/2 acre parcel and a building. Mr. Mitchell stated they do not feel this offer will take care of the long-term needs because of the number of homes planned for the subdivision. Other fire chiefs in the area will be contacted. Action was tabled until next Monday, August 10, 1998 at 10:00 a.m.

PIPELINES: Landowner Glen Humiston presented information on Williams Network (a communications company), who he stated is now the owner of MAPCO and Northwest Pipelines.

THE CHAPEL - PROPOSED HOMELESS SHELTER FACILITY: Persons objecting to the proposed facility, Pauline Donaldson, Attorney George Buck, Diana Smith, Paul Smith, Charles Short, Michael LaLonde and Becky LaLonde met with the Board. Attorney Buck presented a summary of some of the State's criteria for such a facility. A letter petition signed by approximately 13 residents in the area and another letter were noted (see attached). Action was tabled until next week. The persons and entities involved will be notified. Later in the day Salvation Army representative Mel Heath met with the Board and was informed of the meeting scheduled for Monday, August 10, 1998 at 1:30 p.m.

ADJOURNED at 4:05 p.m.

Deputy Clerk    Chairman

August 3, 1998



**Minutes 08/10/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 10, 1998

STATE OF COLORADO     )  
                                  )ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 10, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman -- absent  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on August 3, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Story and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer report for July 1998 was received. Received from the City of Cortez notice of an application for annexation of .96 acres from the Cortez Fire Protection District and date of hearing.

RETIREMENT FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-24-98 to the Treasurer to transfer from the Retirement Fund to the following funds: FLEX - \$697.14, CEEL - \$198.75 and General -\$1,012.56 to reconcile the account. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities: (a) finished with mag-chloride on Norwood-Glade road, and (b) will start grading on Schedule A roads. Discussed: (1) complaints about CR BB, CR U, Echo Basin needs patching, CR 25 rough - City of Cortez will be contacted, CR L before chip-seal need to change a culvert, and (2) fencing on Hindmarsh corner bid out -will start this week.

NON-COUNTY ROAD: Residents Lorie Pearson, Dalton Becker, Forrest Capps, Carol Capps, Tonya Yates, Bob Yates, Shell representative Charlie Rosenbaugh and Road Department Foreman Jim Sattley met to discuss 1/2 mile of road which ends at CR T - north of CR 18. The residents asked if the county would put on new gravel and maintain the private road. The request was denied since it is a non-county road with no county easements.

WEED CONTROL COST-SHARE PROGRAM: Weed Manager Ron Lanier, Dalton Montgomery, Bob Bement and Carla Garrison met to discuss the program. "1998 Weed Cost Share Program" information and a list of persons applying for help from the program were presented. They asked if the county would match the grant monies for 1999. This was affirmed. Discussed need for pipelines to control weeds.

GROVES OF ASPENS (SPRING CREEK) SUBDIVISION: Planning Manager Karen Welch and Realtor Ellen Paquin presented a verbal request from Jane McDonald for an after-the-fact exemption for P-1-81 approved on January 5, 1981. Action was tabled.

REDSTONE LAND COMPANY representative Dan Dattola, Fire Department Chiefs Jay Balfour, Lloyd Johnson, Lyle Cox, and Claudia Applin, representative of the Mancos fire department Charlie Mitchell and Dolores County Planning Commission representative Vern Aulston met with the Board. Planning Manager Karen Welch and Loretta Murphy were also present. The proposed fire sub-station in the subdivision was discussed. Comm Lindsay made a motion that before approval of Phase I, a plan needs to be compiled and agreed on between the Redstone Land Company and the Mancos Fire District, with requirements that include Redstone Land Company building a turn-key three bay with training room building (45'x70') on a 1/2 acre parcel within the subdivision. The motion was seconded by Comm Story and carried. It was noted that the fire district will be responsible for supplying the equipment for the facility.

MONTEZUMA COUNTY HOSPITAL DISTRICT (MCHD)/SOUTHWEST HEALTH SYSTEMS (SHS): Sheila Wilson stated that she feels that MCHD and SHS are working together to resolve the issues between the two entities. The MCHD/SHS meeting scheduled for Thursday, August 13th to address these issues was discussed.

REGION 9 Director Ed Morlan presented information on the proposed Energy Impact Assistance Fund (EIAF) grant application for telecommunication development - fiber optic cable, with the City of Cortez as the sponsor. City of Cortez representative Rick Smith was present. He asked for a letter of support from the Board. This was affirmed. Director Morlan also presented the Community Development Action Plan and the Community Development Project List (information). The Action Plan, which is a part of Region 9's Community Development Block Grant Application for additional Revolving Loan Funds, was reviewed, changes made and signed.

THE CHAPEL - PROPOSED HOMELESS SHELTER FACILITY: Approximately 23 persons met to discuss the proposed facility (see attached list). Speaker for the facility, Mike Moseley presented the proposed "Christian Emergency Shelter Operation Procedures" (see attached). Landowner Randy Smith presented and read his letter to the Board stating his opposition to the facility (see attached). The Board stated that sanitation needs and Land Use Code thresholds will have to be met. No action was taken since the facility is already there and has a non-residential use. The Board encouraged the different factions to work together to resolve the issues.

BOARD OF SOCIAL SERVICES was conducted.

LIQUOR LICENSE - SCHROEDER-COLORADO, INC: Deputy Betty Davis presented "Findings, Conclusions and Order" in regard to Schroeder-Colorado, Inc/Eagle Claw Trading Post Retail Liquor Store violation of selling liquor to a person under 21 years (see minutes of August 10, 1998). It was signed by Comm Kent Lindsay, Local Licensing Authority.

PLANNING: A planning resolution P-19-98E was presented whereas an exemption to the subdivision regulations would be granted to Johnny L. and Pauline Ruth Donaldson, owners of 32 acres, to record a 13.26 acre tract, a 10.50 acre tract, and a 6.73 acre tract in Section 16, T.35N., R.16W. Said property is divided by Hwys 160/666. The 6.73 acre tract will be adjoined to Michael and Becky LaLonde's 1.75 acre tract, creating a total of 8.48 acres and does not create a separate tract for sale. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Story and carried. A planning resolution P-20-98E was presented whereas an exemption to the subdivision regulations would be granted to Jeffrey D. and Dee L. Booten, owners of 30.33 acres, to record an after-the-fact exemption in Section 11, T.36N., R.14W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Story and carried. A planning resolution to amend P-53-86 was presented to adjust a boundary at the owners request (Maggie Love and Mike Anderegg) in Section 18, T.36N., R. 16W. Comm Lindsay moved to adopt this resolution, seconded by Comm Story and carried. A verbal request from Sandra Cushman and Paul

Gagne III to amend P-42-96E to add one acre to the 3 acre parcel was tentatively approved. A verbal request from Dolores Knight to split from 158 acres a 21.6 acre parcel was tentatively approved, contingent on all parties agreeing to the restriction to agriculture use only because of a length and width problem, (no residential or commercial and no septic systems).

KAY ANDERSON SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Kay Anderson Subdivision, seconded by Comm Story and carried. Mr. Anderson was present.

NEAL MINOR SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Neal Minor Subdivision, seconded by Comm Story and carried.

PROPOSED COUNTY GRAVEL PIT - DALE MURPHY: The gravel pit proposed on the Dale Murphy property (CR 10 and CR BB) was discussed.

HINDMARSH GRAVEL PIT PERMIT: Comm Lindsay moved to sign the "Letter Permit for Commercial or Industrial Uses" Permit No. 4-98 (see attached), seconded by Comm Story and carried.

ANIMAL DAMAGE CONTROL COOPERATIVE AGREEMENT: Comm Lindsay made a motion to sign the Work Plan/Financial Plan for January 1 thru December 31, 1998 - Cooperative Agreement No. 98-73-08-0310-RA between the USDA, Animal and Plant Health Inspection Service, Wildlife Services and the Montezuma County Commissions. The motion was seconded by Comm Story and carried.

BOARD OF EQUALIZATION: It being the time set aside, the Montezuma County Commissioners reconvened on Monday, August 10, 1998, to sit as the Board of Equalization. The roll was called and the proceedings were taped for the record. Assessor Bob Cruzan was in attendance.

Assessor Cruzan presented an appeal from COORS BREWING COMPANY for the Board's decision concerning their appeal on the "Notice of Valuation" for 1998 by the Assessor's office on Parcel #8801-000-00-071-P. After discussion about inventory (see minutes of August 3, 1998) submitted by Coors, Comm Lindsay made a motion to accept the Assessor's recommendation, adjust the value to zero, and drop the valuation from the tax roll. The motion was seconded by Comm Story and carried.

The Board of Equalization for 1998 recessed at 4:15 p.m.

LAWSUIT - US GOVERNMENT AND CO2 CLAIMS COALITION LLC AGAINST CORTEZ PIPELINE (partnership owned by Shell, Mobil and Vickers): Comm Lindsay made a motion to adopt RESOLUTION 8-98, requesting that the Court continue Montezuma County as a member of Plaintiff's class in the lawsuit. The motion was seconded by Comm Story and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented a draft letter in response to the MAPCO EIS. The Board reviewed the letter and suggested modifications.

ADJOURNED at 5:00 p.m.

Deputy Clerk    Chairman

August 10, 1998

SEAL

**Minutes 08/17/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 17, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 17, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on August 10, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Sheriff's report for July 1998 was received. Noted a fax from MCHD Attorney Kelly McCabe RE: Case No. 98 CA 1182, Montezuma County Board of Commissioners vs Montezuma County Hospital District.

ACCOUNTS PAYABLE: General fund warrants #30130 thru #30376 in the amount of \$141,176.73, Road fund warrants #11383 thru #11487 in the amount of \$159,649.67, and Landfill fund warrants #1299 thru #1333 in the amount of \$21,967.48 were approved for payment.

PROSPECTIVE LANDOWNER Chuck McAfee asked if the county would maintain an unimproved section (1/2 mile) of CR 20, south of CR Z. He was informed that the county will supply the gravel and maintain it, if he brings the road up to county specs. He was advised to contact Road Foreman Jim Becher for further explanation on road specs. Lloyd Everett was present.

LANDOWNER Ken Sinclair asked if the county would maintain an unimproved section of road at the end of CR CC (west). He stated that since the Department of Energy uses a section of the road, he is working with them. He has also contacted Road Foreman Jim Becher. He was told that the county will supply the gravel and maintain it, if he brings the section up to county specs. Lloyd Everett was present and mentioned that this type of request needs to be included in the 1999 road plan.

LANDOWNER Frankie Lopez, on CR 33 adjacent to Division of Wildlife (DOW) access to Puett Lake known as P.4, stated that the section of road on P.4 belongs to himself and the Division of Wildlife. Lloyd Everett was present and stated that the road is signed as a county road and is maintained by the county. The DOW has inferred to Mr. Lopez that they will maintain P.4. Adm Weaver will contact DOW representative Mike Zgainer for clarification on the ownership and maintenance of the road. Mr. Lopez stated that he is having a water line installed by the Summit Ridge Water District. The necessary permit for cutting CR 33 was discussed. It was affirmed that the water company needs to obtain the permit from the road department. The school bus turn around on CR 33, past Mr. Lopez's property was discussed. Lloyd Everett will contact the Dolores School about the turn around.

ROAD DEPARTMENT Foreman Lloyd Everett reported on items discussed at their weekly meeting and department activities: (a) doing shoulders and widening on CR 21 (CR G south Hwy 666), (b) working on CR P and CR 25, and CR 27, CR 37 (Koppenhafer) and Schedule A roads, and (c) proposed gravel pits - will check again on price of gravel. Items mentioned and discussed were: (1) Echo Basin road needs pot holes filled - has been done but road needs major work, (2) closure of CR 24 - CDOT working on CR G (M&M Truck Stop) - CDOT will be contacted for meeting about funding for other access, (3) dust problem at Stone's Gravel pit has been taken care of.

PLANNING: A planning resolution to amend P-37-84 was presented to adjust the boundary at owner, Harry Halls' request in Section 5, T.35N., R.13W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A planning resolution P-21-98E was presented whereas an exemption to the subdivision regulations would be granted to Michael David and Jill Poplin, owners of 78 acres, to record an exemption for an 8 acre parcel in Section 31, T.38N., R.16W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Planning Manager Karen Welch presented for discussion: (1) proposed 2-lot minor subdivision (3 and 17 acre) in the Four Season Nursery area - will submit to the Planning Commission for recommendation on zoning, (2) Dolores Knight's tentative approval - tabled because of property line dispute, and (3) presented proposal for Echo Basin development around proposed golf course.

SOCIAL SERVICES Director Dennis Story submitted an application for grant monies from the Colorado Department of Human Services (contract between the State of Colorado for use and benefit of the Department Human Services, Division of Child Care and the Montezuma County Department of Social Services) for signature. Tabled until the contract is reviewed.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented the letter to the Bureau of Land Management, Salt Lake City, Utah, in response to the MAPCO EIS. Comm Lindsay made a motion to sign the letter stating that Montezuma County appeals the "Finding of No Significant Impact" on the Mid-America Pipeline Company, Rocky Mountain Loop Project, EA No. UT-UTO-98-02, by the Bureau of Land Management. The motion was seconded by Comm Wilson and carried. It was noted that the Forest Service is replacing the Beaver Bridge.

1998 ABSTRACT OF ASSESSMENT: Assessor Cruzan presented the assessment. Comm Lindsay moved to sign the 1998 Abstract of Assessment for Montezuma County taxable valuation of \$212,878,250.00, seconded by Comm Wilson and carried. Assessor Cruzan informed the Board that the State Board of Equalization has been deducting possessory interest from the County Abstract of Assessment.

MAPCO PIPELINE: Mancos Valley residents, Bob Colgan, Glen Humiston, Roma Ewing and Dixie Robbins met to discuss the proposed MAPCO pipeline. Mr. Colgan presented background information in regard to the pipeline. County permitting process was discussed.

WEED CONTROL COST-SHARE PROGRAM: Weed program Manager, Ron Lanier presented, for signature, a letter stating Montezuma County will pledge \$15,000 matching funds in connection with the application for grant monies from the Natural Resource Conservation Service for the 1999 Weed Control Cost-Share program. Comm Lindsay moved to sign the letter, seconded by Comm Wilson and carried.

ADJOURNED at 3:00 p.m.

Deputy Clerk    Chairman

August 17, 1998

**Minutes 08/24/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 24, 1998

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 24, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on August 17, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried. Note correction of minutes August 10, 1998, Liquor License Schroeder-Colorado, Inc. --- (see minutes of August 10, 1998 should read see minutes of August 3, 1998).

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Clerk's report for July 1998 was received.

JUDGEMENT - U.S. DISTRICT COURT OF COLORADO - Civil Action No. 98-S-912, Mid-America Pipeline Company, vs. Board of County Commissioners of Montezuma County, Colorado received on August 18, 1998 was noted.

COUNTY ROAD 38 (KOPPENHAFER): Road Department Foremen Don Yeomans and Jim Becher met to discuss unimproved CR 38 ("VJ" Koppenhafer). An on-site inspection of the road was scheduled for 1:30 p.m. \*\*\*\*\* After the inspection, it was noted that the Board agreed to: (1) extend unimproved CR 38 past the cattleguard 1/2 mile, (2) gravel the road up to an 18' width and the bus turn around, and (3) maintain it to this point. Beyond the turn around, maintenance and snow plowing will be Mr. Koppenhafer's responsibility. If Mr. Koppenhafer wants to gravel the road up to an 18' width, from the bus turn around to his driveway, and put in a turn around on his property, the county will furnish the gravel and maintain it. (Mr. Koppenhafer will have to haul, spread, etc. the gravel.) It was noted that any improvement on roads need to be included in the yearly Road Plan.

ROAD DEPARTMENT Foreman Jim Becher reported on items discussed at their weekly meeting and department activities: (a) preparing CR 25 (Great Cut Dike) for oil, (b) Dolores district is finishing up on Schedule A roads, (c) crushing at Stone's gravel pit, (d) to Farmington, NM today to pick up chipper, and (e) and will haul from Ormiston as soon as possible. Discussed: (1) request to install memorial sign for Dale Claxton on CR 27 -need to advise people involved to work with the Road Department on placement, (2) compliment on CR BB, (3) permitting of gravel (sand rock pits), and (4) a plan to mix mag-chloride with gravel when re-graveling roads.

HEALTH DEPARTMENT Director Bette Anderson presented two contracts for review. Comm Wilson moved to sign Public Health Nursing contract, between the State of Colorado, Department of Public Health and the Board of County Commissioners, seconded by Comm Lindsay and carried. Comm Lindsay moved to sign a new Tuberculosis (direct observation) contract, between the State of Colorado, Department of Public Health and the Board of County Commissioners, seconded by Comm Wilson and carried. Presented this year's United Way brochure. Discussed Home Health Care/Southwest Health Systems, Inc. program.

08-24-98

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COMMUNITY CORRECTIONS - JAIL FACILITY: Director Amy Ball met to discuss and present, for review, contracts for the proposed jail facility. Ways to fund the facility (sales/use tax, mill levy increase or privatization) and the need to educate the public about the proposed facility were discussed. Comm Wilson moved to adopt and sign contract #460000 RAA effective July 1, 1998, between the State of Colorado for use and benefit of Public Safety, Division of Criminal Justice and Montezuma County Commissions - Corrections c/o Montezuma Sheriff's Department, seconded by Comm Lindsay. Comm Lindsay moved to adopt and sign the sub-contracts of #460000 RAA with ComCor and Hilltop House, seconded by Comm Wilson and carried. Action was tabled on the Blythe Design + co. programming contracts for the new Detention Facility for Montezuma County.

MAPCO PIPELINE: Mancos Valley landowners Glen Humiston and Dixie Robbins met to discuss the proposed MAPCO pipeline, permitting, etc. Mike Preston was also present.

SOCIAL SERVICES Director Dennis Story, Pinon Project representative Virginia Howey and First Southern Baptist Church representative Jimmy Kennedy met to discuss a State approved contract for grant monies. The contract was reviewed. Comm Lindsay moved to sign the contract between the State of Colorado for use and benefit of the Department Human Services, Division of Child Care and the Montezuma County Department of Social Services, seconded by Comm Wilson and carried. It was noted that designated sub-contractors must make application to Director Dennis Story for any funds from the grant.

PLANNING: A planning resolution P-22-98E was presented, whereas an exemption to the subdivision regulations would be granted to Jerry w. and Neeta J. Mahaffey, owners of 53.4 acres, to record an exemption for 12 acres in Sections 17 and 18, T.38N., R.18W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, contingent on the Mahaffeys' designation of a zone for the 12 acre tract according to the Land Use Code, seconded by Comm Wilson and carried. Discussed: (a) Melinda Nichols' request for the county to be a party with landowners in the area in obtaining a highway access permit from CDOT for CR 27. This request was denied. (b) Possible need for a temporary industrial high-impact permit for a pipeyard at CR Y and Hwy 666 -no action taken.

ADJOURNED for lunch, an on-site inspection of CR 38, and a meeting with Southwest Health Systems, Inc., Administrator Steve Selzer on SHS and MCHD activities.

MOTION - COURT OF APPEALS, STATE OF COLORADO, Case No. 98 CA 1182 - In Re The Organization of Montezuma County Hospital District, Montezuma County, Colorado was received (see attached). Comm Lindsay moved to sign the Motion, seconded by Comm Wilson and carried.

ADJOURNED at 5:00 p.m.

Deputy Clerk    Chairman

August 24, 1998

SEAL

**Minutes 08/31/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
AUGUST 31, 1998

STATE OF COLORADO     )  
  )ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 31, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on August 24, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General fund payroll in the amount of \$167,204.60, District Attorney warrant #30379 in the amount of \$15,805.54, Treasurer warrant #30380 in the amount of \$118,864.46; Road fund payroll in the amount of \$53,417.47, Treasurer warrant #11489 in the amount of \$39,830.18; and Landfill fund payroll in the amount of \$9,836.44, Treasurer warrant #1335 in the amount of \$5,296.88 were approved for payment.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-25-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman Jay Palmer reported on items discussed at their weekly meeting and department activities: (a) comments received from VJ Koppenhafer about options on CR 38, (b) looked at equipment in Grand Junction, (c) chip/sealing CR 25 (Great Cut Dike), (d) work on CR 21 (McElmo Canyon) and CR 27, and (e) mag-chloride - Cache Canyon, CR 31 and CR 32. Discussed: (1) Need for signage on strip/painting truck - will be taken care of, and (2) Personnel - will schedule meeting with all the road foremen next week - Jay will notify them.

HOME BUILDERS ASSOCIATION representative John Stramel presented the association's informational packet. He stated that they have an Ethics Committee to address any complaints against their members, and have backup resources available from National and State Home Builders associations.

COMMUNITY CORRECTIONS - JAIL FACILITY: Director Amy Ball presented Blythe Design + co. programming contracts for the new Detention Facility. Changes made last week were initialed. Comm Lindsay made a motion to accept and sign the contract between Montezuma County and Architect Blythe Design + co. for the Montezuma County Jail Facility project. The motion was seconded by Comm Wilson and carried. Director Ball stated that a video is planned for presentation to the public to promote the jail facility project.



**M&M TRUCK STOP INTERSECTION - COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)**

**CLOSURE OF COUNTY ROAD 24:** Fire Protection Board members, Keenan Ertel and Jack Click, Cortez Fire Department Chief Jay Balfour, Shannan Harrison and Chuck Martin met to discuss the closure. They stated that an access road from the fire department sub-station on CR 24 has to be in place before closure of CR 24 by the State of Colorado. Presented was CDOT's access plan for the project (see attached). Easement, installation of utilities, responsibilities of each entity in regard to cost, etc. for the access were discussed. CDOT and Nielsons Inc. personnel (contractor for the project) were contacted and asked to met with the Board.\*\*\*\*\* LATER in the day CDOT representative, Michael McVaugh, Nielsons, Inc. representatives Ralph Wegner and Cliff Stephens met with the Board to discuss the closure.

Later in the meeting, Road Foreman Jay Palmer was present. After discussion the following was agreed upon: COUNTY: will build and gravel a 1/4 mile cut off access road (CR 24 to CR 24.3) on the fire department easement by Wednesday, September 9, 1998. CDOT: will provide oil next year to chip/seal (3 coats) this cut-off road and from the intersection of the cut off road south of the fire sub-station to CR G (1/4 mile). Billing for the oil will be submitted to Nielsons, Inc.'s for payment by CDOT.

**PROPOSED MAPCO PIPELINE:** MAPCO representatives Attorney Tom Dugan, Brett D'Spain, and Alan Wurtz met to discuss legal issues, the BLM process, and the Montezuma County Land Use Code permitting process in connection with the proposed pipeline. The Board stated that MAPCO needs to submit to the county an application for a High Impact Permit and that the process will not be circumvented. MAPCO representatives discussed time limits and mentioned the TransColo pipeline approved by FERC in 1992. Also present were Mancos area landowners opposed to the proposed pipeline, Don O'Brien, Terry Starr, Glen Humiston, Dixie Robbins and George LeSatz.

**CRIMINAL JUSTICE TASK FORCE GRANT:** Lu Millican presented the grant for the Sheriff's department. Comm Lindsay moved to accept and sign the award for grant monies to the Sheriff Department. The motion was seconded by Comm Wilson and carried.

**FORFEITURE BOARD:** Comm Wilson moved to appoint Comm Lindsay as a member to the Forfeiture Board, seconded by Comm Story and carried.

**SOUTHWEST COLORADO MENTAL HEALTH/MONTEZUMA JAIL CONTRACT:** Comm Lindsay made a motion to sign the "Professional Mental Health Service Agreement for the Montezuma Jail 1998/1999 between Southwest Colorado Mental Health Center, Inc. and Montezuma County for September 1, 1998 through August 31, 1999. The motion was seconded by Comm Wilson and carried.

**CLERK** Evie Ritthaller reported receipt of reimbursement monies from the State of Colorado for last year's school district ballot issues. Resolutions for ballot issues this year were discussed. Action was tabled.

**FINANCE OFFICER** Mary Ann Sanders stated that Doctor Blair Pyle made the only bid to be the designated Workman's Comp physician. Comm Lindsay moved to appoint Dr. Pyle as the county Workman's Comp physician, seconded by Comm Wilson and carried.

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

Deputy Clerk     Chairman

August 31, 1998

SEAL

**Minutes 09/08/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 8, 1998

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, September 8, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on August 31, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Clerk's report for August 1998 was received.

UNIMPROVED COUNTY ROAD 38: Landowners Vance Koppenhafer and Blake Mithcell met to discuss options on CR 38. Options (see minutes of August 24, 1998) were reiterated. If the landowners want to gravel the road up to an 18' width, from the bus turn around to the end of unimproved CR 38 (Mitchell's gate) the county will furnish the gravel and maintain it. If they chose to do so, Mr. Koppenhafer stated they will let the Road Department know so it can be included on the 1999 Road Plan. A date of December 31, 2000 was set as the deadline of the project. If there is any future land splits on this section of unimproved CR 38, the developers will need to bring the road up to county specs and a 24' width.

LANDOWNER Vance Koppenhafer asked if the need to fence lands adjoining the Redstone Land Company's proposed Cedar Acres Ranches Subdivision has been addressed. He was told that a representative is scheduled to meet with the Board this afternoon and this issue will be mentioned to them.

CORTEZ CU CENTER Director Ann Chambers invited the Board to "Philanthropy Day." Director Chambers presented a letter asking for lottery funds to support projects at the Center. Comm Lindsay moved to donate \$2,500 to the Center from the lottery funds, seconded by Comm Wilson and carried.

POLICY - GRAVEL: Comm Lindsay moved to accept the gravel policy (see attached), seconded by Comm Wilson and carried.

COMMUNITY CORRECTIONS - JAIL FACILITY: Director Amy Ball presented a brochure and question/answer sheet for the planned presentations to the public to promote the jail facility project. The following issues were discussed in connection with the project: (a) ballot - resolution and statutes, and (b) financial - exact project bid and cost estimates. A conference call is scheduled for 1:30 p.m. today with Architect Roy Blythe. Director Ball stated that the community corrections pre-trial program was effective September 1. \*\*\*\*\* LATER in the day, the Board had a conference call with Roy Blythe. Director Amy Ball was also present. Project costs were discussed. Action was tabled. It was affirmed that Director Ball should continue to promote the jail facility project. A meeting will be scheduled with the Jail Advisory members. Director Ball will contact them.

PLANNING: A planning resolution P-23-98E After-the-Fact was presented whereas an exemption to the subdivision regulations would be granted to Bryan and Theresa Oakes, owners of 8.98 acres, to record an after-the-fact exemption in Section 32, T.36N., R.13W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A planning resolution to amend P-42-96E was presented to adjust the boundary at the owners, Paul Gagne and Sandra Cushman, request in Section 3, T.37N., R.15W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. At Dolores Knight's written request, the following two proposed transactions on her property were discussed: (1) sell 20 acres with no use restrictions to an adjoining landowner, Roland Hoch, and add it to his property, and (2) sell 20 acres, with "agriculture only" restrictive use, to an adjoining landowner, Tom Eubanks. The two requests were tentatively approved.

REDSTONE LAND COMPANY - PROPOSED CEDAR ACRE RANCHES SUBDIVISION representative Dan Dattola, Attorney Kelly McCabe, Surveyor Wayne Lee and Planning Manager Karen Welch met to discuss the proposed fire department sub-station in the Redstone subdivision. Final plats for the proposed Cedar Acre Forests Subdivision (Phase I and Phase II) were presented and reviewed. Action was tabled until the Board meets with Mancos Fire Chief Lyle Cox and Mancos Fire Board member Charlie Mitchell at 2:15 p.m. today.

Redstone representative Dan Dattola told the Board that the Redstone Land Company has contracted for installation of fencing for land adjoining BLM lands. LATER in the day Mancos Fire Chief Lyle Cox, Mancos Fire Board member Charlie Mitchell, Redstone Land Company representative Dan Dattola, Surveyor Wayne Lee and Planning Manager Karen Welch met to discuss the proposed sub-station. Plans, submitted by the Fire Department, and Redstone's proposal for a building were discussed. Comm Lindsay excused himself because of a conflict of interest. No agreement could be reached between the Mancos Fire District and the Redstone Land Company. Comm Wilson moved to approve Redstone Land deeding the 1/2 acre shown on the plat for a fire sub-station to the Mancos Fire District with a reversionary clause seconded by Comm Story and carried. A "Letter of Credit" for \$75,000 for the sub-station was presented. The letter was reviewed. Comm Wilson moved to approve the \$75,000 "Letter of Credit" for the fire substation (see attached), seconded by Comm Story and carried. Comm Wilson moved to approve and sign the final plat for the Cedar Acre Ranches Subdivision, Phase I and Phase II, seconded by Comm Lindsay and carried.

JUDGEMENT - U.S. DISTRICT COURT OF COLORADO - Civil Action No. 98-S-912, Mid-American Pipeline Company, vs Board of County Commissioners of Montezuma County, Colorado: Comm Lindsay moved not to appeal the judgement, seconded by Comm Wilson and carried.

GENERAL FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-26-98 to the Treasurer to pay \$9,570.00 from the General Fund to the Colorado Department of Revenue (overpayment - seatbelt disbursements from December 1997 through June 1998). The motion was seconded by Comm Wilson and carried.

TERM LIMITS: Comm Lindsay moved to amend the motion on Term Limits (see minutes of May 26, 1998), to exclude the "Special District members," seconded by Comm Wilson and carried.

09-08-98

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BALLOT ISSUE - TERM LIMITS: Comm Lindsay made a motion that RESOLUTION NO. 9-98 to eliminate term limits for the Montezuma County Assessor, County Clerk and Recorder, County Commissioners, County Coroner, County Sheriff, and County Treasurer Pursuant to Article 18, Section 11(2), Colorado Constitution be put on the November ballot for a vote of the people. The motion was seconded by Comm Wilson. Comm Story voted "nay," Comm Lindsay voted "aye," and Comm Wilson voted "aye." The motion carried.

ADJOURNED at 4:50 p.m.

Deputy Clerk    Chairman

September 8, 1998

SEAL

Online Copy

**Minutes 09/14/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 14, 1998

STATE OF COLORADO     )  
  )ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 14, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on September 8, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Treasurer's report for August 1998 was received. Noted receipt of a court decision - Case No. 98 CA 1182, Montezuma County Board of Commissioners vs Montezuma County Hospital District.

ROAD DEPARTMENT Foreman Jay Palmer reported on items discussed at their weekly meeting and department activities: (a) new road CR 24.2 is done, (b) striping done on CR G (McElmo Canyon), (c) patching roads, (d) will be moving mail boxes on CR 25 before work begins, (e) reiterated if owners (CR 23 - proposed elk ranch) Batie, Gendill, & Layne buy culvert, county will rough-in road and install culvert, (f) graveling CR BB, (g) blading CR 37, and (h) CR 28 - fencing done, widening road spring water has to be piped into drainage. Discussed: (1) personnel truck drivers (transfer to other districts), (2) re-install mail box knocked down by tree in county right-of-way - affirmed, (3) request by school bus personnel that county upgrade unimproved CR Z - Jay will inform them of the County gravel policy, and (4) status of water for county from J. Jones - use other source.

HEALTH DEPARTMENT Director Bette Anderson presented the EPSDT Contract between the State of Colorado, Department of Public Health and Montezuma County Board of County Commissioners. The contract was reviewed. Comm Lindsay moved to sign the EPSDT (medicaid) contract, seconded by Comm Wilson and carried. Director Anderson presented her letter of resignation from the Health Department.

COLORADO DIVISION OF WILDLIFE (DOW) representatives Jim Olterman and Robin Olterman reported on the reintroduction of Canada lynx and wolverine to Colorado by the DOW.

LIQUOR LICENSE: Deputy Betty Davis presented an application for a "Change of Corporate Structure" and renewal for the Skyline Foodmart, 3.2% beer license, and Hilltop Liquor, retail liquor license, by the Norbell, Inc. The Sheriff's Department reported no problem with this establishment. Comm Wilson moved to approve the application, contingent on receipt of fingerprint approval for Mr. Northcutt, seconded by Comm Lindsay and carried. An application for renewal of a retail liquor license for Log Cabin Liquors was presented. The Sheriff's Department reported no problems with this establishment. Comm Lindsay moved to approve the application, seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

09-14-98

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COMMUNITY CORRECTIONS - JAIL FACILITY: Director Amy Ball, Sheriff Sherman Kennell, representatives from local banks, the Sheriff and Probation departments, the Jail Advisory Board and other interested persons (see attached list) met to discuss the proposed ballot issue for the jail facility project. Action was tabled. Another meeting was scheduled for next Monday, September 21, 1998 at 1:30 p.m.

PLANNING: A verbal request from Larry Worth to split 25 acres from a 60 acre parcel was tentatively approved. A verbal request from Clarence and Shirley Williams to split 20 acres from a 133.9 acre parcel was tentatively approved, A verbal request from Kirby Weaver to add 13 acres to his 21 acres and then split off a 5.5 acre parcel was tentatively approved. Discussed Mae Lisenberg's proposed 2-lot minor subdivision - 3 acre parcel needs septic system approval - prospective buyer Don Smith needs to contact Sanitation Department Manger Periman.

LANDFILL/WEED PROGRAM Manager Ron Lanier stated that the dozer at the landfill needs to be replaced. He reported on financial reports, the fire insurance settlement, and the State inspection of the landfill facility. He also gave an update on the weed program. The program to control weeds in the county gravel pits and the cost-share program were successful this year.

OFFICE OF COMMUNITY SERVICES: Carla Garrison met to discuss federal land use issues.

Deputy Clerk                      Chairman

September 14, 1998

SEAL

Online Copy

**Minutes 09/21/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS,  
MONTEZUMA COUNTY, COLORADO  
SEPTEMBER 21, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 21, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on September 14, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT: Foreman Jim Becher and Randy Smith were present. Canyon Construction representative Robert Anderson met to discuss the condition of and plans for county maintenance on CR 24.2. Property owner, Helen McClellan complimented the road department for work being done on CR BB. Foreman Jim Becher and Randy Smith reported on items discussed at the weekly meeting and department activities: (a) dust problem at the Stone Gravel pit - affirmed to stop chipping - work will be completed at the pit in the next 2 weeks, (b) still hauling gravel to CR BB, (c) contacted proposed Elk Ranch - owners Batie, Gendill, Layne about culvert, (d) contacted school bus personnel about unimproved CR Z, (e) Pleasant View Fire District's need to 'extend pipe at facility - affirmed if they buy pipe, the county will install, (f) request from K-9 representative Chuck Melvin for any old rock crusher screen - Randy will contact him, and (g) Great Cut Dike chip/seal looks good.

FOREST SERVICE Acting Project Manager for the Heritage Program, Bruce Ellis presented a proposal for grant monies from Colorado State Historical funds for a "Visitor Opportunities and Cultural Resource Protection Strategy -Demonstration Project Prospectus" project. He asked for a letter of support. Action was tabled until an application is submitted.

MANCOS FIRE DISTRICT: Administrator Weaver and Comm Wilson reported on Mancos Fire District meeting. The Fire District's proposal to apply for energy impact monies was discussed.

PUBLIC HEARING FOR ZONING REQUEST AND GENERAL PLANNED UNIT DEVELOPMENT (PUD): It being the time set aside, a Public Hearing was conducted for the purpose of considering a zoning request by Victor and Gail Vanik on property located in the NE/4 of Section 1, T.36N., R.16W., NMPM, Montezuma County, CO, situated on the south side of Road P approximately 430 feet west of Hwy 145. The zoning request is for A/R 3-9 and the land use will be General PUD. The roll was called and the Proof of Publication was read. Planning Manager Karen Welch and Victor Vanik were present. Comm Lindsay moved to approve the zoning request and the PUD plan, seconded by Comm Wilson and carried. The proceedings were taped for the record.

PLANNING: A verbal request from Russell and Sandra Masco to split 3 acres from 340 acres was tentatively approved, contingent on a 30' easement.

09-21-98

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JUVENILE CRIME PREVENTION - DRUG FREE "RED RIBBON" WEEK: Nancy Johnston presented information on the scheduled activities for "Red Ribbon" Week -October 23 thru October 30, 1998. She asked the Board for a donation of \$381 to pay for ribbons, balloons and refreshments for the kick-off ceremonies planned to be held at the Courthouse. Comm Lindsay moved to donate \$400, seconded by Comm Wilson and carried. She also reported on other juvenile crime prevention programs.

SOUTHWEST HEALTH SYSTEM (SHS) - MONTEZUMA COUNTY HOSPITAL DISTRICT (MCHD): Comm Lindsay moved to appoint Comm Story as the facilitator for SHS and MCHD meetings, seconded by Comm Wilson and carried.

TRANS-COLORADO PIPELINE - KN ENERGY representatives Gail Hutchinson and Jim Krohe presented the company's annual report and gave a progress report (with pictures) of the pipeline.

STATE SENATE candidate Jasper Welch met with the Board. Local issues were discussed.

COMMUNITY CORRECTIONS - JAIL FACILITY: Criminal Justice Coordinator Amy Ball and approximately 27 interested persons (see attached list) met to discuss the proposed ballot issue for the jail facility project. Coordinator Ball presented informational handouts to the group. Comm Wilson made a motion at 3:58 p.m. on September 21, 1998 to adopt RESOLUTION NO. 10-98 (see attached) referring to the voters a proposal to establish a ½% sales and use tax for the purpose of financing the construction of a Jail Facility costing approximately five and one-half million dollars (\$5,500,000-00). The motion was seconded by Comm Lindsay and carried. Resolution No. 10-98 will be published in its entirety in the Cortez, Mancos and Dolores newspapers, once a week for four consecutive weeks.

MONTEZUMA COUNTY GRAVEL LEASE CONTRACT: Comm Lindsay moved to sign the gravel lease contract (see attached) between Daren Stone and Montezuma County Board of County Commissioners, seconded by Comm Wilson and carried.

MAPCO – HIGH IMPACT PERMIT: The need for MAPCO to submit an application for a High Impact Permit was discussed. Planning Manager Karen Welch was present. The Planning Department will send a certified letter to MAPCO stating that the County needs to receive an application for the permit by October 8, 1998. The application, if received by this date, will be presented at the Planning Commission meeting on October 22nd.

ADJOURNED at 5:00 p.m.

Deputy Clerk Chairman

September 21, 1998

SEAL





scheduled for October 19, 1998 at 10:00 a.m. Discussed request from Larry Rule, who is a subcontractor for Nielsons, Inc., to place a temporary batch plant on CR 25 for work in connection with the M&M Truckstop intersection. It was affirmed that per the present Land Use Code the General Contractor for a project needs to submit to the Planning Commission the project plan and request one waiver for the whole project.

Nielsons, Inc. will be notified.

MESA VERDE NATIONAL PARK representative Julie Bell met to asked if the County would support three grant applications for monies from the Colorado State Historical Society. The multi-year grant would be used to help fund the "Archeological Documentation and Assessment of Rock Art in Mesa Verde National Park. The two mini grants would be used to help fund the "Mesa Verde Centennial Project Phase III" and "Publish Balcony House Manuscript" projects. Comm Lindsay moved to support and sign the applications, seconded by Comm Wilson and carried.

"LEADERSHIP MONTEZUMA" representatives Joan Luhman and Danna Nofsinger presented information on the program. They asked for support and a donation of \$1,000 (see attached). Comm Lindsay moved to donate \$1,000 for the 1998-99 year, seconded by Comm Wilson and carried.

MANCOS VALLEY RESOURCE (MVR) representative Tom Vaughan presented information on the 501(c)(3) organization. He asked if the Board would participate in the restructuring of MVR by designating one person for an initial one-year term on the MVR Board. It was agreed that the Board will participate and in the near future appoint a person to serve on the MVR Board.

OFFICE OF COMMUNITY SERVICES: Carla Garrison met to discuss proposed Hindmarsh Gravel Pit. Tentative suggestion is to met with the Forest Service and Town of Dolores for comments.

HEALTH DEPARTMENT Director Bette Anderson presented the State of Colorado health contract for the Mancos School District for signature. Comm Lindsay moved to sign the contract, seconded by Comm Wilson and carried. She also presented a job description for the County Health Officer, Dr. Gerald Griebel for signature. Comm Lindsay moved to sign the job description, contingent on the job description stating that the officer is also responsible for licensing ambulances, seconded by Comm Wilson and carried other items noted: (a) the osteoprosis grant was received, (b) budget, and (c) personnel.

ADMINISTRATOR Tom Weaver presented and discussed with the Board the "Property Tax Expectations - 1999 Budget Year." Statutes on Amendment 1 were read.

ADJOURNED at 1:00 p.m.

Deputy Clerk    Chairman

September 28, 1998

SEAL

**Minutes 10/05/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 5, 1998

STATE OF COLORADO     )  
                                  )ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 5, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, September 28, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. The Board read and noted the receipt of Civil Action No. 98-S-912 Order from the United District Court for the District of Colorado, Judge Sparr re: Mid-America Pipeline Company (MAPCO) vs. Board of County Commissioners of Montezuma County, Colorado (see attached).

PAYROLL: General fund payroll in the amount of \$169,464.21, District Attorney warrant #30627 in the amount of \$16,003.94, Treasurer warrant #30628 in the amount of \$119,849.89, Road fund payroll in the amount of \$51,283.03, Treasure warrant #11587 in the amount of \$39,575.51, and Landfill fund payroll in the amount of \$9,586.87, Treasurer warrant #1366 in the amount of \$5,236.01 were approved for payment.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-27-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT: District Foreman Jim Sattley was present. Landowner Tim Karr asked about the new county gravel policy (see September 8, 1998 minutes). He stated he would haul the gravel, if the county would bring an 1/4 mile section of CR 18 up to county specs and maintain it. Supply of gravel was discussed. The county agreed to blade the dirt. Mr. Karr was advised to get in touch with Foreman Jay Palmer for scheduling the work. Foreman Sattley reported on items discussed at the weekly meeting and department activities: (a) working on CR 25 & P and CR 28, (b) blading roads, (c) working on CR 38 (Koppenhafer), (d) will be crushing the rest of the week at Stone's gravel pit, and (e) personnel. Other items discussed with the Board: (1) sight problem on CR 21 corner (apple tree needs to be trimmed) - will check, (2) cooperation between City of Cortez and County -Denny Lake, and (3) Trans-Colorado pump station at intersection of Cottonwood-Norwood Road - possible need for snow removal on this forest service Schedule "A" road.

CORTEZ LIBRARY: Librarian Maryellen Brubaker presented the State Equalization grant for signature. It was signed.

LANDOWNERS Bert and Harriet Shull and Planning Manager Karen Welch met to discuss the Shull's request to split an 8 acre parcel from 70 acres. Tentative approval was given.

10-05-98

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PLANNING: A verbal request from Thomas Knight, owner of 49 acres, to record an exemption for a 3 acre parcel created by the canal was tentatively approved. A verbal request from Harry Rogers to split from 608 acres a 5 acre parcel was tentatively approved. "Letter Permit" received from Loretta Murphy was noted. In connection with the work at the M&M Truckstop, Planning Manager Karen Welch presented Nielsons, Inc. project plan, a map showing the temporary site for the construction yard, and a request for a waiver for a high impact permit. Comm Lindsay moved to sign the waiver, seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented an update on the Comprehensive Implementation Plan.

ADJOURNED at 11:30 a.m. for lunch and an on-site look at the M&M Truckstop intersection project.

Deputy Clerk    Chairman

October 5, 1998

SEAL

Online Copy

**Minutes 10/12/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 12, 1998

STATE OF COLORADO     )  
  )ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 12, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman - absent  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, October 5, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer's report for September 1998 was received.

SOUTHWEST EMERGENCY MEDICAL SERVICES (SWEMS) BOARD: Comm Lindsay moved to appoint Edward Martinez and James Melvin to the SWEMS Board, seconded by Comm Wilson and carried.

ROAD DEPARTMENT: Foreman Jay Palmer and Lloyd Everett met with the Board. Foreman Palmer reported on items discussed at the weekly meeting and department activities: (a) acquisition of surplus equipment, (b) major work on widening CR 28 is done, (c) CR BB and CR 10 - mag-chloride done, (d) will extend culvert on CR BB, (e) CR 25 - will start widening this week, (f) CR P - will start widening and move mail boxes, (g) CR 23 (Crow Canyon) regraded, will mag-chloride since it is a high traffic road (Noted: mag-chloride will be applied to newly regraded roads at the discretion of the Road Department on a case-by-case basis), and (h) through crushing at Stone's gravel pit. Other items discussed with the Board: (1) Walt Ertel's request that a second chip/seal be done on CR N before winter (see minutes of September 28, 1998) - Foreman Palmer stated he talked with Walt Ertel and reiterated to Mr. Ertel that it will be next spring before a second chip/seal can be done. (2) Gravel supply and dust control at gravel pits. (3) Tim Karr's request for upgrading on CR 18 (see September 28, 1998 minutes). Foreman Palmer will contact Mr. Karr and inform him that the information given to him last week was incorrect and that the county gravel policy for gravelling unimproved roads will be followed. Lloyd Everett presented bids received for purchase of a loader. He stated that at the Wednesday foremen meeting the possibility of procuring a used loader was discussed. The Foremen recommended that this be checked into before any further action. Comm Lindsay moved to reject all bids for a loader, seconded by Comm Wilson and carried.

LOTTERY FUNDS: Comm Lindsay moved to pay \$20,000 from the lottery fund to the Road department for a water truck for the Fairgrounds, seconded by Comm Wilson and carried.

GENERAL FUND ORDER-. Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-28-98 to the Treasurer to transfer \$97,733.87 from the General Fund to the Social Services/HCES fund (see attached). The motion was seconded by Comm Wilson and carried.

CAPITAL FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-29-98 to the Treasurer to transfer \$3,380.00 from the Capital Fund to the Road Department for repair on CR 31 (see attached). The motion was seconded by Comm Wilson and carried.

10-12-98

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CAPITAL FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-30-98 to the Treasurer to transfer \$27,756.56 from the Capital Fund to the Road Department for repair on CR 44 (see attached). The motion was seconded by Comm Wilson and carried.

RUSTIC RIDGE SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Rustic Ridge Subdivision, seconded by Comm Wilson and carried. Jeff Wells was present.

VANIK MINOR SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Vanik Minor Subdivision, seconded by Comm Wilson and carried.

DLC MINOR SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the DLC Minor Subdivision (Gwen Johnson), seconded by Comm Wilson and carried.

PLANNING: A planning resolution P-1-82 Amend was presented, whereas an exemption to the subdivision regulations would be granted to adjust the boundary at the owner's (Maxwell) request. Comm Lindsay moved to adopt this amended resolution, seconded by Comm Wilson and carried. Planning Manager Karen Welch presented approved "Letter Permits" from Don Etnier and Loretta Murphy for signature. Both were signed. Finalized high impact permit waiver for Nielsons, Inc. (M&M Truckstop project) was presented and signed. Planning Manager Welch stated that an application for a high impact permit has been received from MAPCO (pipeline).

BOARD OF SOCIAL SERVICES was conducted.

HEALTH DEPARTMENT: Interim Director John Godbey introduced himself to the Board and presented for review and signature the Colorado Action for Healthy People (CAHP) Grant Agreement/Contract for osteoporosis testing in connection with the Adult Wellness Maintenance Project.

Comm Lindsay moved to sign the Grant Agreement/Contract Grant #AWM-98TR-105, seconded by Comm Wilson and carried.

FAIR BOARD APPOINTMENTS: Applications for two vacancies on the Fair Board were reviewed. Comm Lindsay moved to appoint Jack Niemann and Darrell R. Dennison to the Fair Board, seconded by Comm Wilson and carried.

LIQUOR LICENSE: Deputy Clerk 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 this establishment. Comm Lindsay moved to approve the Application, seconded by Comm Wilson and carried.

LAND PURCHASE: Comm Lindsay made a motion to enter into the Contract between the Dolores Medical Assn., P.C. Profit Sharing Trust (Edward G. Merritt - Trustee) and Montezuma County to acquire approximately 40 acres as described in the attached document. The motion was seconded by Comm Wilson and carried.

Comm Wilson gave reports on the Tourism Committee and AAA meetings.

OFFICE OF COMMUNITY SERVICES: Carla Garrison gave an update on the Fairground Committee. A meeting between the committee and the Board is tentatively scheduled for October 26th.

Deputy Clerk    Chairman

October 12, 1998

SEAL

**Minutes 10/19/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 19, 1998

STATE OF COLORADO     )  
  )ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 19, 1998, at the courthouse in Cortez, Colorado, there were present:

- E. Eugene Story, Chairman - absent
- Glenn E. "Kelly" Wilson, Vice-Chairman
- J. Kent Lindsay, Commissioner of Deeds
- Bob D. Slough, County Attorney
- Thomas J. Weaver, Administrator - absent (morning)
- Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, October 12, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ACCOUNTS PAYABLE: General fund warrants #30629 thru #30812 in the amount of \$130,242.97, Road fund warrants #11594 thru #11677 in the amount of \$100,490.91 and Landfill fund warrants #1367 thru #1401 in the amount of \$28,641.80 were approved for payment.

ROAD DEPARTMENT Foreman Jim Becher reported on items discussed at their weekly meeting and department activities: (a) working on CR 25, (b) crusher is in Mancos, and (c) widening CR 28. Discussed phone and water permit requests - no problems.

M&M TRUCK STOP INTERSECTION PROJECT: Landowners in the area of the project, Steve and Sheryl Blair met to discuss structural, sewer and water line damage at their residence due to the project. They stated that any help from the county with CDOT would be appreciated.

WEED PROGRAM/LANDFILL Manager Ron Lanier presented information on the Colorado Weed Management Associations (CWMA) Annual Conference and Trade Show Agenda. The Board was invited to attend. Manager Lanier will contact members of the weed board and ask if any of them desire to go. He will let the Board know next week. Manager Lanier also gave an update on activities at the Landfill.

PUBLIC HEARING FOR ZONING: It being the time set aside, a Public Hearing was conducted for the purpose of considering a zoning request by Carol and Frankie Melton for a 2-lot minor subdivision on 20 acres located in the N2NW4NW4 of Section 12, T.36N., R.17W. NMPM, Montezuma County, Colorado. The zoning request is for A/R 3-10. The roll was called and the Proof of Publication was read. Planning Manager Karen Welch and Carol Melton were present. Comm Lindsay moved to approve the zoning request, seconded by Comm Wilson and carried. The proceedings were taped for the record.

ELK POINTE SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Elk Pointe Subdivision (Tom and Crystal Payne), seconded by Comm Wilson and carried.

LAND PURCHASE: Comm Lindsay made a motion to adopt RESOLUTION 11-98 (see attached), whereas Montezuma County has entered into negotiations with the Dolores Medical Association P.C. Profit Sharing Trust regarding 38.91 acres and agree to a purchase price of \$309,280.00 including real estate commission and 1998 taxes. The motion was seconded by Comm Wilson and carried. Closing is scheduled today for 2:00 p.m. at the Colorado Land and Title Company.

10-19-98

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CANCELLATION OF MONTEZUMA COUNTY WARRANT: Comm Lindsay moved to cancel one warrant issued by Montezuma County to Rocky Mountain Information Network, which has not been cashed by said payee, seconded by Comm Wilson and carried.

COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) - 20 YEAR PLAN: DMJM, Inc. representatives Scott Belanger and Debby Van Orden, contractors for Southwest Transportation Planning Region (SWTPR), presented information on development of CDOT's long range plan to the Board. Also present were CDOT representative John Phillips and eight interested persons from several local entities (see attached list). DMJM,s representatives asked for any input on issues that need to be considered for the long range plan. Issues were presented.

ADJOURNED at 2:20 p.m.

Deputy Clerk                      Chairman

October 19, 1998

SEAL

Online Copy



**Minutes 10/26/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
OCTOBER 26, 1998

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 26, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, October 19, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents, noted. Clerk's report for September 1998 was received.

911 AUTHORITY BOARD: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-31-98 to the Treasurer to pay \$1,016.44 from the 911 account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman Don Yeomans reported on items discussed at their weekly meeting and department activities: (a) grading roads, (b) still working on widening CR 25, (c) new mechanic hired, (d) had meeting with gravel companies, (e) Ute Bridge (McElmo Canyon) detour built (bridge replacement), and (f) cost county vs private hauling of gravel - county hauls cheaper.

FAIRGROUNDS COMMITTEE: Carla Garrison, Dante Sena, Cindy Lichliter presented "the Montezuma County Fairgrounds Implementation Plan - 1998." The plan was reviewed and funding was discussed. American Legion members will be contacted for input on any plans to move their activities to the fairgrounds. Architect Jim Dietrich presented a proposed landscape sketch. Comm Lindsay moved to approve the plan as presented (see attached) with funding from the lottery funds, seconded by Comm Wilson and carried.

LANDOWNER Don McCartney met to discuss placement of mail boxes on county roads. He presented requests from the Mancos Post Office to move his box and photos of the present mail box locations in his neighborhood. He brought up issues in regard to accidents (liability) and personal safety. He stated he feels that the county should have regulations for mail box placement on county roads. It was suggested that he work with the post office and present his concerns and solution (fill in area around the mail boxes with gravel) at a Wednesday road foremen meeting.

COMMUNITY CORRECTIONS - JAIL FACILITY: Criminal Justice Coordinator Amy Ball presented "It's Our Problem" Montezuma County Facility fact sheet. She asked for funding to send the sheet to all the registered voters in the County. Statutes were discussed. She will continue to contact other entities for funding.

AREA AGENCY ON AGING (AAA): Comm Wilson gave an update on proposed changes in the organization and funding for the program.

10-26-98

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HEALTH DEPARTMENT Interim Director John Godbey stated he has received three applications for the position of Director. He presented the Women, Infant, and Children (WIC #99-00821) contract. Comm Lindsay moved to sign the contract, seconded by Comm Wilson and carried. Home Health Care Service, which effective October 12, 1998 was turned over to Southwest Health Systems, Inc. (SHS) dba Southwest Memorial Hospital, was discussed. A draft agreement between SHS and the Health Department for one person to be available from the Health Department for emergency situations was reviewed and changes suggested. The agreement will be revised and resubmitted.

M&M TRUCK STOP INTERSECTION PROJECT: Wilson & Company operational Manager Peter Borner and Dave Manning met to discuss proposed options on vacating a county prescriptive easement (CR G). The design presented for re-routing traffic to the gas pumps at the truck stop was reviewed. Action was tabled until the options are discussed with the Road Department foremen. Blair residence problems were mentioned to Mr. Borner - he will relay concerns. Adm Weaver will also contact CDOT about the Blair problem.

PLANNING: A planning resolution P-25-98E was presented whereas Wayne E. and Flora V. Lee, owners of 64.95 acres, would be granted an exemption to the subdivision regulations to record two exemptions - one in the amount of 10 acres and a second in the amount of 19.942 acres in Section 31, T.37N., R.16W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A planning resolution P-26-98E was presented whereas Kirby Weaver, owner of 12.66 acres, would be granted an exemption to the subdivision regulations to record an exemption for a 5.49 acre parcel in Section 6, T.35N., R.13W. The remaining 7.17 acres would adjoin Mr. Weaver's 21.4 acre parcel that lies directly to the west. This the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried.

MAPCO PROPOSED PIPELINE: Comm Lindsay made a motion to set a Public Hearing to consider MAPCO's application for a high impact permit, for Monday, November 16, 1998, at 2:00 p.m. The motion was seconded by Comm Wilson and carried. Present were Planning representative Loretta Murphy and MAPCO representative Brett D'Spain.

WEED/LANDFILL Manager Ron Lanier presented information again on the CWMA Annual Conference and Trade Show agenda. He stated that six Weed Board representatives might want to attend and asked for authorization to pay their registration and lodging expenses. Comm Lindsay moved to authorize the payment of registration and lodging expenses up to \$200 per person, seconded by Comm Wilson and carried. The Weed budget was presented and reviewed.

CITY OF CORTEZ - BUILDING CODES: City of Cortez building inspector Jeff Reinhart presented a slide show and information on the Uniform Building Code (UBC), International Building Code, Fire, Mechanical and Plumbing codes. Don Etnier and Mike Preston were present. The various codes were discussed.

SAN LUIS VALLEY WATER - BALLOT INITIATIVES: Comm Wilson moved to adopt RESOLUTION #12-98 (see attached) supporting the Citizens for Colorado's Water opposition to Stockman's current ballot initiatives, seconded by Comm Lindsay and carried.

STATEBOARD OF EQUALIZATION (SBOE): It was affirmed that the SBOE 1998 order is to be appealed in the same manner as the 1997 order.

ADJOURNED at 3:30 p.m.

Deputy Clerk

October 26, 1998

SEAL

**Minutes 11/02/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 2, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of commissioners, Montezuma County, Colorado, held on Monday, November 2, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, October 26, 1998, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

PAYROLL: General fund payroll in the amount of \$168,058.01, District Attorney warrant #30814 in the amount of \$16,197.68, Treasurer warrant #3015 in the amount of \$118,964.79, Road fund payroll in the amount of \$49,349.35, Treasurer warrant #11678 in the amount of \$38,617.96 and Landfill fund payroll in the amount of \$7,765.70, Treasurer warrant #1403 in the amount of \$4,250.05 were approved for payment.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities: (a) working on equipment, (b) still working on CR 28, (c) bought pickup at auction in Montrose, CO, (d) discussed meeting about the Stone gravel pit - another meeting will be scheduled with all the neighbors in the area. Landowner Clint Schurr met to discuss a bill he received from Montezuma Water Company. The bill is for clean up work done by the County on CR AA after Mr. Schurr put in his private water line. The clean up work was requested by the Water Company. Mr. Schurr also asked for gravel to be put in a low spot on CR AA. Foreman Sattley will check on both of the problems. Discussed need for land to straighten out a blind corner CR 28. Adm Weaver will contact the owner in Arizona for acquisition.

MOSHER SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Mosher Subdivision, seconded by Comm Wilson and carried.

PLANNING: A planning resolution P-27-98E was presented whereas Herbert L. and Harriett Shull, owners of 68.01 acres, would be granted an exemption to the subdivision regulations to record an exemption for an 8.02 acre parcel in Section 15, T.36N., R.16W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from Jim and Kay Garlinghouse to split from 234 acres a 5 acre parcel was tentatively approved. A verbal request from Jack Hamilton to split from 72 acres a 28 acre parcel was tentatively approved. A verbal request from Clyde Howard, owner of 2 separate adjoining parcels (9-1/2 acre and 22-1/2 acre) to add the 2 parcels together and split off 5 acres was tabled. Planning Manager Karen Welch was asked to compile pros and cons for blending adjoining properties in regard to exemptions.

11-02-98

2

WEED BOARD: Weed Manager Ron Lanier, and Board members Bob Durant and Eddy Lewis met to discuss noxious weed issues in regard to the proposed MAPCO pipeline. Proposed mitigation, bonding vs escrow, and reclamation time limits were discussed. It was noted that MAPCO must comply with Item No. 12 of the "High Impact Permit - Special Conditions" document (see attached) in connection with any weed problem.

HEALTH DEPARTMENT Interim Director John Godbey presented "Medical Social Work (MSW) Contract agreement between Montezuma County Health Department and the Southwest Home Health (Hospital). Comm Lindsay moved to sign the agreement, seconded by Comm Wilson and carried. Also presented an amended "Nursing Contract" between the State of Colorado, Department of Public Health and the Board of County Commissioners, showing adjusted monies. Comm Lindsay moved to sign the contract, seconded by Comm Wilson and carried.

ADJOURNED for lunch with the Cortez Senior Citizens at the Annex.

FAIR BOARD President Ron Kimmi, Jack Niemann, Dave Manning and Doug Dean met to discuss Fair Board activities and plans. Fairground Manager Dante Sena was also present. President Kimmi presented the Fair Board's mission statement and a financial report on the 1998 county fair. Janitorial charges for county employees overtime during the Fair and the need to include this cost in the 1999 budget request were discussed. A request for more gravel was noted and will be considered.

FAIRGROUND Manager Dante Sena presented a bill for fairground equipment. Comm Lindsay moved to pay \$1,800.48 from the lottery funds for equipment for the fairgrounds, seconded by Comm Wilson and carried.

ADJOURNED at 3:00 p.m.

Deputy Clerk                      Chairman

November 2, 1998

SEAL

Online Copy

**Minutes 11/09/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 9, 1998

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA    )

At the regular meeting of the Board of Commissioners, Montezuma County Colorado, held on Monday, November 9, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, November 2, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer's report for October 1998 was received.

JUVENILE CRIME TASK FORCE Volunteer Nancy Johnston met to discuss the future of juvenile crime programs. She expressed a desire to purchase program items used in the past and to do the programs privately. Action was tabled until input from Sheriff Chavez is received. ADMINISTRATOR Weaver presented information on the 1999 budget. He stated he will be meeting with the department heads this week.

SHERIFF-ELECT Joey Chavez and Undersheriff Sam Hager met to discuss Sheriff Department issues as follows: (1) Options to consider since the proposed ½% sales tax to fund a new county jail facility did not pass; and (2) Juvenile crime programs. Sheriff Chavez stated he wants the programs to remain with the Sheriff, department. Law Enforcement Assistance Fund (LEAF) Contract Number L-34-99 and Resolution No. 13-98 - approving the term, conditions and obligations of LEAF Contract and authorizing the appropriate authority to sign the LEAF Contract on behalf of the County of Montezuma were presented. Comm Lindsay moved to sign Resolution No. 13-98 and the LEAF Contract, seconded by Comm Wilson and carried. Reports of speeding on CR N were mentioned and will be checked.

FAIR BOARD President Ron Kimmi reported that member Darline Hamilton is going to resign. After discussion it was agreed that the position will be advertised in the newspaper.

ROAD DEPARTMENT: Lloyd Everett reported that they are plowing roads. Discussed: (a) 1999 road plan in connection with available chip/seal money, and (b) work on CR 28.

BOARD OF SOCIAL SERVICES was conducted.

COMM Wilson gave an up-dated report on Regional One-Stop Career Center meeting.

DLC MINOR SUBDIVISION AMENDED PLAT: Comm Wilson moved to approve and sign the DLC Minor Subdivision Amended Plat, seconded by Comm Lindsay and carried.

PLANNING: A planning resolution P-28-98E was presented whereas James and Kathryn K. Garlinghouse, owners of 234 acres, would be granted an exemption to the subdivision regulations to record a 4.969 acre exemption in Tract 56 and Tract 68, T.37N., R.17W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A planning resolution P29-98E was presented whereas Jack Hamilton, owner of 72 acres, would be granted an exemption to the subdivision regulations to record a 23.949 acre exemption in Section 1, T.36N., R.17W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A verbal request from Don Dove to split a 6.5 acre parcel from 100 acres was tentatively approved. A verbal request from Gladys Watkins to split a 22 acre parcel from 137 acres was tentatively approved. Planning Manager presented requested information about pros and cons for blending adjoining properties in regard to exemptions. After discussion, tentative approval was given for the verbal request for an exemption by Clyde Howard to add 2 parcels together and split off 5 acres (see minutes of November 2, 1998).

COUNTY ROAI) MAP: Lyle Bilberry was asked to prepare a color-coded county road map showing road count data.

ABATEMENT: Assessor Bob Cruzan being present, a petition for abatement of property tax was presented for Chism Homes, Inc., 1996, erroneous assessment, \$1,180.68 and 1997, erroneous assessment, \$1,626.87. Assessor Cruzan recommended this petition be approved. Comm Lindsay moved to approve this petition, seconded by Comm Wilson and carried. The roll was called and the proceedings were taped for the record.

JOINT HOSPITAL EXPANSION COMMITTEE representatives Walt Henes, Susan Hatter, and John Greenemeier presented an "Open Letter to Montezuma Citizens" proposal which will be published in the newspaper. They asked for the Board's endorsement. The request was denied.

PUBLIC HEARING - PROPOSED ABANDONMENT CR G: It being the time set aside, a Public Hearing was conducted on the proposed abandonment of the part of County Road G east of Highway 666 and directly south of the property owned by Graves Oil, Inc. The roll was called and proof of publication was read. M&M Truck Stop Intersection Project - Wilson & Company operational Manager Peter Borner and Dave Manning were present. It was noted that there was no one in the audience against the abandonment. Comm Lindsay made a motion to close, vacate and abandon the section of CR G as shown on the attached map and legal description document. The motion was seconded by Comm Wilson and carried.

STATE REPRESENTATIVE-ELECT Mark Larson met to discuss Montezuma County issues.

SENIOR NUTRITION CENTER Director Sue Fletcher presented Community Service Block Grant fund information.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented Great Outdoors Colorado Trust Fund grant agreement and Resolution No. 14-98. The agreement is for the "Montezuma County for Montezuma Land Conservancy" project and Resolution No. 14-98 supports the project and authorizes Chairman Story to sign the agreement. Comm Lindsay moved to sign the Resolution No. 14-98 and the Agreement, seconded by Comm Wilson and carried.

ADJOURNED at 3:45 p.m.

Deputy Clerk Chairman

November 9, 1998

SEAL

**Minutes 11/16/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 16, 1998

STATE OF COLORADO )

) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 16, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, November 9, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Clerk's report for October 1998 was received.

ACCOUNTS PAYABLE: General fund warrants #30816 thru #30988 in the amount of \$403,297.69, Road fund warrants #11679 thru #11776 in the amount of \$70,849.46 and Landfill fund warrants #1404 thru #1437 in the amount of \$23,708.88 were approved for payment.

JUVENILE CRIME TASK FORCE Volunteer Nancy Johnston met to discuss the future of juvenile crime programs (see November 9, 1998 minutes). She was informed that the Sheriff's department wants to conduct the programs. In connection with the programs and properties (donated items, videos, etc.) the following was noted: (1) Nancy is entitled to any items used with the programs that she personally owns, (b) in regard to other items, an inventory will be done and receipt will be signed for by the Sheriff's Department, and (c) a check will be written to transfer ACT funds to the County.

ROAD DEPARTMENT Foreman Jim Becher reported on items discussed at their weekly meeting and department activities: (a) removing the old Ute Bridge (McElmo Canyon), (b) crushing at the Mancos gravel pit, (c) working on CR 25, (d) installing snow drift fences, (e) personnel going to Denver, CO to attend opacity (gravel pit) training and Mined Reclamation hearing on the McElmo gravel pit, and to Phoenix, AZ to look at water truck. Discussed: (1) proposed gravel pit by Dale Murphy, (2) Road department's proposal to use impact fee monies from MAPCO for oil, and (3) fogging equipment for crusher.

MCPHEE MARINA RECREATION COMPLEX, INC. owner Herb Heroux met to discuss the County's stand on taxing possessory interest. He stated at this time he is not paying the possessory interest tax levied against the marina and will not until a ruling by the Colorado Supreme Court. He feels that the tax is causing financial problems for the marina when he applies for credit. He requested that the tax be rescinded until a final decision is made by the Supreme Court. Appraiser Scott Davis was present. The Board assured Mr. Heroux that other entities are also being taxed and that all the points he presented will be considered. Action was tabled.

BOARD OF SOCIAL SERVICES was conducted.

COMMUNITY CONNECTION Director Lou Ervin and several other persons (see attached list) involved in the Community Connection program met with the Board. Director Ervin gave an update on the organization and asked for matching monies to help fund the program. Action was tabled until the 1999 budget is discussed.

COUNTY ROAD 21: Interested persons (see attached list) met to discuss the proposed project to chip/seal CR 21. Adm Weaver gave information on the project, which included the county's plan to crush and use chips from the Stone gravel pit located on CR 21. He stated the county will comply with State laws for dust, etc. Opacity rates, environmental issues (dust), diverted traffic from Hwy 160, and truck traffic were discussed. Contract LLGF #98-42 was reviewed and changes made. Comm Wilson made a motion to sign Contract LGGF #98-42, with changes, between the Department of Local Affairs and Montezuma County for gaming impact funds to be used on CR 21. The motion was seconded by Comm Lindsay and carried. Contract LLGF #98-43 was reviewed. Comm Wilson made a motion to sign Contract LGGF #98-43 between the Department of Local Affairs and Montezuma County for gaming impact funds to be used on CR 21. The motion was seconded by Comm Lindsay and carried. It was noted that this project needs to be included in the 1999 Road Plan.

LIQUOR LICENSE: Due to a transfer of ownership in process, Deputy Betty Davis presented an application to authorize a 60-day extension for a temporary Hotel/Restaurant Liquor License for the Roundup Junction Restaurant. Susan Hansen was present. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried.

EMERGENCY MEDICAL SYSTEM (EMS) CONTRACT: Comm Lindsay moved to sign the EMS Contract between the State of Colorado Department of Public Health, Environment, Medical Service & Prevention Division and Montezuma County, seconded by Comm Wilson and carried.

FAIRVIEW CEMETERY BOARD VACANCY will be advertised.

FAIR BOARD President Ron Kimmi stated that the ad for interested persons to apply for a Fair Board vacancy was inadvertently not run in the newspaper last week. He will take care of the ad this week. Carla Garrison discussed the fairground project.

PROPOSED HINDMARSH GRAVEL PIT: Carla Garrison gave an update on the proposed pit. A meeting will be scheduled with representatives of the Forest Service and the Town of Dolores to discuss the proposed route (public lands vs CR W).

PUBLIC HEARING: HIGH IMPACT PERMIT - MID-AMERICA PIPELINE COMPANY (MAPCO): It being the time set aside, a Public Hearing was conducted to consider a High Impact Permit with respect to the Mid-America Pipeline Company. The roll was called and the Proof of Publication was read.

MAPCO representatives, Ken Golden, West Hickam, Brett D'Spain, Ronald Hobbs, seven interested persons (see attached list), Planning Manager Karen Welch, Loretta Murphy and Carla Garrison were present. Landowner Don Gonzales asked for clarification on easement requirements.

Clarification was given by the MAPCO representatives. General comments were made by the public. A draft copy of the "High Impact Permit Mid America Pipeline Company (MAPCO) Special Conditions" document and exhibits were presented and reviewed. Changes were made. Comm Lindsay made a motion to sign the final "Letter for Commercial or Industrial Uses" Permit No. 12-98 (see attached), seconded by Comm Wilson and carried. The proceedings were taped for the record.

LOTTERY FUNDS: Chuck Melvin met with the Board to ask for lottery monies to help fund the K-9 Search and Rescue Team, Inc. program and a load of gravel for the parking area. Arriola Community Center's need for lottery funds was also discussed. Comm Lindsay moved to give \$5,000 to the K-9 program, and \$5,000 to the Center, seconded by Comm Wilson and carried.



11-16-98

3

PLANNING: A planning resolution P-30-98E was presented whereas Russell L. Masco, Sara Ann Masco and Lawrence John Masco, owners of 180.45 acres, would be granted an exemption to the subdivision regulations to record a 3 acre exemption in Section 5, T.37N., R.17W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from Christine Applin to split a 13 acre parcel from 60 acres was tentatively approved. Comm Lindsay was recused from the following, because of a conflict of interest. A verbal request for Richard and Karen Lincoln to exchange a small adjoining parcel with Reed and Nihla McCabe was tentatively approved. A verbal request for Richard and Karen Lincoln to split 7 acres from the remaining parcel was tabled.

ANIMAL DAMAGE CONTROL COOPERATIVE program proposal to fund a full-time position split between LaPlata, Montezuma, and Archuleta counties was discussed and tentatively approved.

COUNTY ROAD MAP: Lyle Bilberry presented a draft color-coded county road map showing road count data.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

November 16, 1998

SEAL

Online Copy

**Minutes 11/23/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
NOVEMBER 23, 1998

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 23, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, November 16, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ROAD DEPARTMENT: Lloyd Everett reported that they are still working on CR 23 and the Ute Bridge (McElmo Canyon), Lloyd gave a report on the opacity rating training he and Randy Smith attended. They both received certification. He also reported on the hearing for the proposed Tozer gravel pit that they also attended.

FAIR BOARD President Ron Kimmi presented applications from Donny Johnson, Kay Dean, Jana Belcher and Faron Reed to fill a vacancy on the Board. Comm Lindsay moved to appoint Donny Johnson to complete Darileen Hamilton's term, seconded by Comm Wilson and carried.

ARRIOLA COMMUNITY CENTER representatives Chan Chaffin and Peggy ClayComb met to ask for lottery funds to help with the Arriola Community Center's building. He was referred to minutes of November 16, 1998, in which the Board gave \$5,000 to the Center.

UNITED SEARCH & RESCUE: Sheriff Sherman Kennell, Sheriff-elect Joey Chavez, Lyle Bilberry and Jerry Ayers asked for monies to help fund the search and rescue program. Action was tabled until the 1999 budget is discussed.

DRUG TASK FORCE GRANT: District Attorney Mike Green met to discuss the awarded grant monies. It was noted that the monies will be deposited with the Treasurer and a warrant for the total amount will then be issued to the District Attorney's account for Drug Task Force use.

SOUTHWEST COLORADO LANDOWNERS ASSOCIATION representative Marvin Smith presented "Proposed Prescription San Juan Skyway Corridor Amendment" information.

BUDGET MEETING - DEPARTMENT HEADS: Attending were Finance officer Mary Ann Sanders, Clerk Evie Ritthaler, Sheriff Sherman Kennell, Sheriff-elect Joey Chavez, Assessor Bob Cruzan, Russell Holt (computer programmer), District Attorney Mike Green, Treasurer Bobbie Spore, Social Services Director Dennis Story and Kathy Talcott, Senior Nutrition Director Sue Fletcher, and Fairgrounds Manager Dante Sena and Ron Ebberts. Adm Weaver gave an income and expense report and stated that the budget for 1999 is the same as it was in 1992. He commended the departments for continuation of cost control. The proposed budget was discussed with each department head. The 1999 Budget Hearing was tentatively scheduled for Monday, December 14th.

MOUNTAIN VIEW SUBDIVISION: Landowner in the subdivision, Larry Fury and Planning Manager Karen Welch met with the Board. Mr. Fury stated that a surveyor's pin had inadvertently been placed in the wrong place when the original survey for the subdivision was approved. He asked that the Board approve and sign a plat correcting the boundary line between lots 6 and 7. Darlyn Frye, owner of the other lot, has signed off on the plat. The plat was presented and after discussion, Comm Lindsay made a motion to sign the "Corrected and Amended Plat." The motion was seconded by Comm Wilson and carried.

PLANNING Manager Karen Welch met with the Board about the following items. Planning resolution P-31-98E was presented whereas Gladys Watkins, owner of 137 acres, would be granted an exemption to the subdivision regulations to record a 22.98 acre exemption in Section 1, T.34N., R.17W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Planning resolution P-32-98E was presented whereas Donald Dove, owner of 100 acres, would be granted an exemption to the subdivision regulations to record a 7.05 acre exemption in Section 3, T.35N., R.16W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Richard Lincoln and Nihla McCabe met to discuss their proposed plans for their adjoining properties. Because of a conflict of interest, Comm Lindsay was recused. After discussion, it was agreed (a) to amend P-16-95 to adjoin approximately 6 acres to an existing 4.389 acre parcel and (b) to give tentative approval for an exemption to show the exchange of two small parcels between the Lincolns and McCabes and split 7 to 8 acres from the remaining Lincoln parcel that is created by the driveway. A verbal request from David Hancock to split a 4 acre parcel from 182 acres was tentatively approved. A verbal request from Edward Weatherly who owns two adjoining separate commercial parcels (Redburn Tire and Antique Mall) to change the property line between the two was discussed. The situation is being created by CDOT who acquired part of the one parcel for access. The request is to amend a P-41-81 variance which created the two separate parcels. One parcel will be a little less than the required 3 acres and the other will be over 3 acres. Tentative approval was given with septic and commercial usage "only" restrictions on the smaller lot.

TRAILS END SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Trails End Subdivision, seconded by Comm Wilson and carried.

ROAD DEPARTMENT BIDS: Randy Smith and Lloyd Everett stated that bids for a loader were rejected. A plan, after advertising for the bids, to purchase a larger loader did not materialize. They asked if they could accept the low bid on the original bids or should they readvertise. It was affirmed that they should readvertise for bids.

STATE STATUTES concerning trademarks were discussed.

DISTRICT COURT (DENVER) ORDER CASE #97-CV 6806: In regard to possessory interests, the District Court of Denver, Co has ruled against Montezuma County in favor of the State Board of Equalization Order. The Board authorized the filing of appropriate action to appeal the decision.

ONE-STOP CENTER/JOB SERVICE proposed program was discussed.

ADJOURNED.

Deputy Clerk Chairman

November 23, 1998

SEAL

**Minutes 12/07/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 7, 1998

STATE OF COLORADO     )  
  ) ss.

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 7, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator - absent  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, November 23, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Clerk's report for November 1998 was received.

PAYROLL: General fund payroll in the amount of \$163,440.46, Treasurer warrant #30990 in the amount of \$116,930.07, District Attorney warrant #30991 in the amount of \$15,729.78, Road fund payroll in the amount of \$49,560.23, Treasurer warrant #11779 in the amount of \$38,601.34, and Landfill fund payroll in the amount of \$7,862.99, Treasurer warrant #1438 in the amount of \$4,375.49 were approved for payment.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities: (a) working on Ute Bridge (concrete), (b) request from Forest Service for more sealing of cracks on Norwood road. Discussed: (1) widening on CR 25 looks good, and (2) CR 28 residents (Lee Mobile Home Park area) have been contacted by Rich Lee to help with chip/seal. A problem exists with a small tract of property needed to straighten out a curve.

PROPOSED BAUMGARTNER GRAVEL PIT: Road Department representatives Jim Becher and Randy Smith and Planning Manager Karen Welch met to discuss the application for a High Impact Permit for the proposed sandstone pit on CR 10.

ONE-STOP CENTER/JOB SERVICE: Maxine Maestas and Joyce Scharnhorst met to discuss the need for new or additional office space due to the required combination of the Job Service and JTPA offices. They were asked to meet with Adm Weaver about the space request. The "Work Force Development Board" appointment was discussed. Comm Wilson will coordinate a meeting between employers and agencies interested in the One Stop Center.

HEALTH DEPARTMENT: John Godbey introduced the new Health Department Director Lori Cooper to the Board.

LIQUOR LICENSE: Deputy Clerk Tammy Neely presented an application for a "Change of Premises" for Smitty's Liquor. Comm Lindsay moved to approve the application, seconded by Comm Wilson and carried.

PLANNING Manager Karen Welch met with the Board about the following items. Planning resolution P-30-98E Amend was presented whereas resolution P-30-98 was adopted on November 16, 1998, and it becomes necessary to amend the description of the easement at the owner's (Russell Masco and Sara Ann Lawrence) request in Section 5, T.37N., R.17W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Planning resolution P-33-98E was presented whereas Clarence Williams, owner of 133.9 acres, would be granted an exemption to the subdivision regulations to record a 20 acre exemption in Section 3, T.35N., R.16W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Planning resolution P-16-95E Amend was presented whereas resolution P-16-95E was adopted on May 8, 1995 and it becomes necessary to amend the exemption at the owners, (Richard and Karen Lincoln) request. The owners would like to adjoin 6.104 acres to the existing 4.389 acres to create a 10.49 acre tract in Section 30, T.37N., R.15W. Comm Lindsay was recused. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-34-98E was presented whereas Richard and Karen Lincoln, owners of 48.49 acres, would be granted an exemption to the subdivision regulations -- to record a 7.771 acre exemption in Section 30, T.37N., R.15W. and whereas Reed and Nihla McCabe are adjacent landowners and desire to trade 5.686 acres to the Lincolns' to adjoin their existing parcel and create a 40.541 acre tract and the Lincolns, desire to trade 5.133 acres with the McCabes' to adjoin their existing parcel to create a 42.888 acre tract in Section Section 30, T.37N., R.15W. This is the only exemption that will be granted this property. Comm Lindsay was recused. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Planning resolution P-35-98E was presented whereas David and Joy Hancock, owners of 170 acres, would be granted an exemption to the subdivision regulations to record a 4 acre exemption in Tract 62, T.37N., R.17W. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Planning resolution P-36-98E was presented whereas Charlie A. and Landis Porter, owners of 116 acres, would be granted an exemption to the subdivision regulations to record a 5.24 acre tract in Section 31, T.35N., R.16W. This tract is to be adjoined to the Sanders' 9.347-acre tract and does not create a separate tract for sale. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Planning resolution P-37-98E was presented whereas Charlie A. and Landis Porter, owners of 110 acres, would be granted an exemption to the subdivision regulations to record a 6.16 acre exemption in Section 31, T.35N., R.16W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from Doug Akin to split a 9 acre parcel from 126 acres was tentatively approved. A verbal request from Walter Henes III to amend a boundary line was tentatively approve.

WEED CONTROL/LANDFILL Manager Ron Lanier reported that the Soil Conservation grant for the weed program has been approved. The weed control program and the Weed Board Seminar attended last week were discussed. Reported on landfill activities.

ADJOURNED FOR LUNCH with MCEDC and Glenn Leighton.

OFFICE OF COMMUNITY SERVICES: Mike Preston and Lyle Bilberry met to discuss information requested by CDOT in regard to the 20 year transportation plan.

LAW SUIT: Received Case No. 98 CV 161 law suit by John G. Mathias against the Montezuma Board of County Commissioner and Sherman Kennell as Montezuma County Sheriff. The law suit was sent to the insurance company.

12-07-98

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PROPOSED INTER-GOVERNMENTAL AGREEMENT (IGA): Department of Local Affairs representative Ken Charles, City of Cortez Mayor Joe Keck, Town of Dolores Mayor Shirley Powell, Town of Mancos Mayor Ed Hallam, Richard Grice, and Mike Preston met to discuss a proposed IGA. Also present were Lyle Bilberry, Karen Welch and Loretta Murphy. Department of Local Affairs representative Ken Charles facilitated the discussion. Issues were discussed in regard to Urban Services Zone. An IGA adopted September 8, 1998, between the City of Montrose, CO and the County of Montrose was discussed. It was affirmed that a road trip will be scheduled to Montrose, CO to discuss their IGA and do an on-site inspection of the physical areas that it covers. The group making the trip will include the Board of County Commissioners, the Mayors, members of the Town Boards, members of the City Council and other interested persons. Facilitator Ken Charles will arrange the trip which is tentatively planned for January 1999.

ADJOURNED at 4:30 p.m.

Deputy Clerk    Chairman

December 7, 1998

SEAL

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**Minutes 12/14/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 14, 1998

STATE OF COLORADO )

) ss.

DEC 22 1998

COUNTY OF MONTEZUMA )

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 14, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman  
Glenn E. "Kelly" Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, December 7, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted. Treasurer's report for November 1998 was received.

PROPOSED HINDMARSH GRAVEL PIT: Forest Service representatives Mike Znerold, Gary Ferdinando and Laura Kochanski, Dolores Town Clerk Debbie Rantz, Carla Garrison and Road Department representative Randy Smith met to discuss an alternative route to the pit. The alternative route (old May Canyon road) is a forest service road. The County will submit an application to the Forest Service for an easement, which will be subject to the results of a National Environmental Protection Action (NEPA) process. Other forest service issues - logging, pipelines and impacts on resources by the reintroduction of the Lynx were also discussed with the Forest Service personnel.

BIDS FOR 1998 COUNTY AUDIT: Three bids were received: (1) Hutchison, Hugins, Fredrick, LLC, \$15,125.00; (2) Kuenzler, Boysen & Gibson, P.C., \$13,000.00; and, (3) Gail W. Greenlee, Inc., \$15,000.00. Kuenzler, Boysen & Gibson representative Laine Gibson was present. Comm Lindsay moved to accept the bid from Kuenzler, Boysen & Gibson, P.C. in the amount of \$13,000.00, seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman Jim Sattley reported on items discussed at their weekly meeting and department activities: (a) still working on the Ute Bridge and (b) Engineer Bud Roach will be overseeing work on CR 21 and CR 25. Discussed replacement of culvert on CR P & CR 33. Randy Smith presented five bids for the purchase of a loader ---- Wagoner Equipment, \$134,650; Case, \$143,350; Faris Machinery Co., \$194,845; Power Motive, \$143,570 and Century Equipment Co, Inc., \$143,350. Comm Lindsay moved to accept the bid from Wagoner Equipment in the amount of \$134,650, seconded by Comm Wilson and carried.

PLANNING Manager Karen Welch and Loretta Murphy met with the Board on planning items. Charles Gist was present to request an exemption to the subdivision regulations to split a 5.3 acre parcel into two parcels (3 acre and 2.3 acre). His belief that he had purchased 6.98 acres was discussed. The request was denied, since one parcel would be less than 3 acres. A planning resolution P-38-98E was presented whereas Helen Dolores Knight, owner of 158 acres, would be granted an exemption to the

subdivision regulations to record a 21.59 acre tract in Section 11, T.36N., R.13W. This tract is to be adjoined to the Hoch property and does not create a separate tract for sale. This is the only exemption that will be granted this property. Comm Wilson moved to adopt this resolution, seconded by Comm Wilson and carried. A planning resolution P-39-98E was presented whereas Helen Dolores Knight, owner of 136 acres, would be granted an exemption to the subdivision regulations to record a 21.65 acre tract in Section 11, T.36N., R. 13W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from John Blandford to amend P-24-73 to adjoin two small parcels (left outstanding when a subdivision was created) to a large tract was tentatively approved.

PUBLIC HEARING - 1999 BUDGET: It being the time set aside, a Public Hearing was held in regard to the proposed 1999 budget. The roll was called and the proof of publication was read. The proposed budget was presented by Budget Officer Tom Weaver. Finance Officer Mary Ann Sanders, Sheriff-Elect Joey Chavez and Undersheriff Hager were present. No protest was made against the proposed budget. Comm Lindsay made a motion to adopt Resolution 15-98, To Set Mill Levies. The mill levy is set at 14.804, which is less than the 15.271 milllevy set in 1998. The motion was seconded by Comm Wilson and carried. Comm Lindsay made a motion to adopt Resolution 16-98, To Appropriate Sums of Money (\$10,859,422.00) in accordance with Local Government Budget Law on December 14, 1998. The motion was seconded by Comm Wilson and carried. Comm Lindsay made a motion to adopt Resolution 17-98, To Adopt a Budget for Montezuma County, Colorado For the Calendar Year Beginning on the First Day of January 1999 and Ending on the Last Day of December 1999. The motion was seconded by Comm Wilson and carried. These proceedings were taped for the record.

ONE-STOP CENTER/JOB SERVICE: Maxine Maestas and Joyce Scharnhorst met to discuss their request last week for extra space. Options for additional space was discussed. No action was taken. One-Stop issues were discussed.

BOARD OF SOCIAL SERVICES was conducted.

E-911 AUTHORITY BOARD: Chief of Police Roy Lane asked if E-911 funds could be used to pay for use of the department's cellular phones. Adm Secretary Debbie Cline reported that she contacted one company and they stated they are not set up to receive payment from E-911 funds at this time. Chief Lane feels that an E-911 coordinator needs to be appointed and volunteered to be that person. Comm Lindsay moved to appoint Roy Lane as the E-911 coordinator, seconded by Comm Wilson and carried. Chief Lane stated he would present a progress report on the program in January 1999.

FAIRGROUNDS COMMITTEE: Bob Whitcomb gave an update on the committee's activities. Carla Garrison was present. He stated that planned improvements for the fairgrounds need three permits from the Colorado Department of Transportation (CDOT). The permits are for access, right-of-way fencing and construction (landscape). He presented the ROW fencing and construction contracts between CDOT and the County for review. Comm Wilson moved to sign the Montezuma County Fairgrounds Landscaping Authorization construction contract, seconded by Comm Wilson and carried. Comm Wilson moved to sign the Right-Of-Way Fence Agreement, seconded by Comm Lindsay and carried.

ADJOURNED at 12:15 p.m.

MERRY CHRISTMAS open house 2:00 p.m. till 5:00 p.m.

Deputy Clerk     Chairman

December 14, 1998

SEAL



**Minutes 12/21/1998 Regular**

PROCEEDINGS OF THE BOARD OF COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO  
DECEMBER 21, 1998

STATE OF COLORADO     )  
                                  ) ss.

COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 21, 1998, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman – absent  
Glenn E. “Kelly” Wilson, Vice-Chairman  
J. Kent Lindsay, Commissioner of Deeds  
Bob D. Slough, County Attorney  
Thomas J. Weaver, Administrator  
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, December 14, 1998, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

MISCELLANEOUS CORRESPONDENCE was read and contents noted.

ACCOUNTS PAYABLE: General fund warrants #30992 thru #31235 in the amount of \$113,808.93, Road fund warrants #11778 thru #11877 in the amount of \$91,555.93 and Landfill fund warrants #1445 thru #1478 in the amount of \$32,529.14 were approved for payment.

NOTICE OF CLAIM C.R.S. #24-10-109 was received from the Evers Family against The State of Colorado and Various Subdivisions and Agencies. The claim has been sent to the insurance company.

ROAD DEPARTMENT Foreman Jim Becher reported on items discussed at their weekly meeting and department activities: (a) complaint from Susan Goff about speeding on CR 22 (requested speed bumps), and (b) plowing snow. Foreman Becher presented an Inter-office memo from the Montezuma County Sheriff’s office in regard to the Stop sign Placement in the Yellow Jacket area (see attached). It was noted that any complaints from residents should be addressed to the Sheriff’s department.

MONTEZUMA LANDOWNER’S ASSOCIATION representative Marvin Smith presented more information on the “Skyway and Heritage” and “Clean Water” proposals. These were discussed. It was noted that objection letters to the proposals should be submitted by January 19, 1999.

FEDERAL LANDS PROGRAM Field Coordinator Carla Garrison reported that a archeologist has been hired to survey (when the weather permits) the May Canyon road in connection with the proposed Hindmarsh Gravel Pit.

PUBLIC HEARING – AMENDED BUDGET 1998: It being the time set aside, a Public Hearing was conducted regarding the amended budget for 1998. The roll was called and the proof of publication was read. Budget Officer Tom 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 Lindsay to adopt Resolution 18-98, authorizing the Supplemental Budget and Appropriation. The motion was seconded by Comm Wilson and carried. These proceedings were taped for the record.

GENERAL FUND ORDER-Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-33-98 to the Treasurer to create a Landfill Closure fund and transfer from the General Fund the following to the specific accounts. The motion was seconded by Comm Wilson and carried.

Contingency Fund	\$ 500,000.00
Emergency Reserve Fund	\$ 500,000.00
Unallocated Reserve Fund	\$1,200,000.00
Landfill Closure Fund	\$ 250,000.00

LOTTERY FUNDS: AABC Youth Baseball (formerly Motelores Babe Ruth) representatives Regina Williams and Kellie Dennison made a request for lottery funds. Comm Lindsay made a motion to give \$2,500.00 to the AABC Youth Baseball program for 1999. The motion was seconded by Comm Wilson and carried. It was noted that no funds were given to the program in 1998.

PLANNING Manager Karen Welch and Loretta Murphy met with the Board. A planning resolution P-40-98E was presented whereas Laurance Worth, owner of 60 acres, would be granted an exemption to the subdivision regulations to record a 24.49 acre exemption, leaving a separate 35.01 acre tract in Section 12, T.37N., R.16W. This is the only exemption that will be granted this property. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from Gip, Riley and Nora Hudson to split a 5-10 acre parcel from 215 acres was tentatively approved. Discussed planning resolution P-39-98E was presented (with different wording) whereas Helen Dolores Knight, owner of 136 acres, would be granted an exemption to the subdivision regulations to record a 21.65 acre exemption in Section 11, T.36N., R.13W. This is the only exemption that will be granted this property. Comm Lindsay moved to rescind planning resolution P-39-98E adopted on December 14, 1998 and adopt P-39-98E seconded by Comm Wilson and carried.

1998 CERTIFICATION OF MILL LEVIES AND REVENUES REPORT: Montezuma Landowner's Association representative Gary Shaw met with the Board to point out that the mill levy cap is outlined in Article 10, Section 11 of the Colorado State constitution. Com Lindsay moved to sign the report by the Montezuma County Commissioners, seconded by Comm Wilson and carried.

ADJOURNED at 3:45 p.m.

Deputy Clerk    Chairman  
December 21, 1998    SEAL

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