

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 3, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 3, 2000, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 20, 1999, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

PAYROLL: General fund payroll in the amount of \$167,604.61, Treasurer warrant #33510 in the amount of \$122,739.10, District Attorney warrant #33511 in the amount of \$20,766.66; Road fund payroll in the amount of \$54,196.67, Treasurer warrant #13012 in the amount of \$43,030.72; and Landfill fund payroll in the amount of \$9,589.73, Treasurer warrant #1921 in the amount of \$6,304.73 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-01-00 to the Treasurer to pay \$1,047.36 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 Wilson made a motion to direct the Clerk to issue Order Number 0-02-00 to the Treasurer to transfer \$80,315.00 from the General fund to the Social Services fund - 4th quarter HCBS. The motion was seconded by Comm Lindsay and carried.

BOARD OF SOCIAL SERVICES Director **Dennis Story** presented, for review, a lease agreement for space. Comm Wilson moved to sign the Lease Agreement between Slavens, Inc. and Montezuma County Department of Social Services for January 1, 2000 through December 31, 2000, seconded by Comm Lindsay and carried.

TREASURER and CLERK reports for December 1999 were received.

NOTICE OF INTENT TO SUE received from **Catherine (Casy) M. McKenzie-Clark**, dated December 26, 1999 was noted and sent to the Insurance Company.

ROAD DEPARTMENT Foreman **Jim Becher** reported that they are blading snow. Discussed complaint about mag-chloride getting on cars.

PLANNING Manager **Karen Welch** presented the following "**Letter Permits**" -- **#40 - Scott Bell**, for a seasonal meat processing business (wild game); **#41 - Tim Cooper**, for a construction office/shop; **#42 - Ceciel Foster**, for 4 existing mobile homes (3 are rentals); **#43 - Linda Foster**, for Foster Sales & Services an existing truck and auto repair and water hauling business; **#44 - Susan and Robert Scott**, for an existing bed and breakfast business and existing cabin rental; **#45 - Melton Morrill**, for 3 existing mobile homes (2 are rentals) and 1 home; and **#46 - Tri State Generation and Transmission**, for fiber optic installation-- a High Impact Permit Application will be presented to the Planning Commission at the 1/27/00 scheduled meeting.

Presented a verbal request from **Darlene Bangs** for an exemption to the subdivision regulations to split a 3 acre parcel from 120 acres for mortgage purposes; a letter permit will be submitted for the existing welding and maintenance shop for equipment (located on the 3 acres) in the near future. Discussed the need that more information be submitted with letter permits (site sketch, septic permit verification, etc., as applicable). Noted that a new map (self zoning) will be printed out by Lyle Bilberry. Discussed upcoming LIZ meetings. Presented information about vacancies on the Planning Commission. Positions will be advertised in the newspapers requesting a letter of interest from anyone wishing to be appointed. **Loretta Murphy and Mike Preston** were present.

AREA OF CRITICAL ENVIRONMENTAL CONCERNS (ACEC): **Mike Preston** gave an update on the ACEC issues (oil and gas, etc.)

GRAVEL LEASE CONTRACT - GARDNER ADDENDUM FOR RE-NEGOTIATED PRICE/YD: Comm Wilson moved to sign the contract (see attached), seconded by Comm Lindsay and carried. It is noted that the gravel lease contract signed December 20, 1999 is invalid.

1999 CERTIFICATION OF MILL LEVIES AND REVENUES REPORT: Comm Wilson moved to sign the report by the Montezuma County Commissioners, seconded by Comm Lindsay and carried.

JAIL FACILITY: Sheriff **Joey Chavez** and Undersheriff **San Hager** presented the finalized floor plans of the new jail facility for review. Comm Lindsay moved to sign the blueprints for the floor plan, contingent on bids received, seconded by Comm Wilson and carried.

CORTEZ CEMETERY BOARD APPOINTMENT: Comm Lindsay moved to appoint **Dick Vogel**, seconded by Comm Wilson and carried.

COLORADO COURT OF APPEALS - NO 99CA 0944: Comm Lindsay made a motion to sign the "Stipulation and Motion to Dismiss" with changes noted -- **Gerald W. Stansbury vs. Board of Equalization of Montezuma County and Montezuma County Board of Commissioners and Board of Assessment Appeals** (see attached). The motion was seconded by Comm Wilson and carried.

ASSESSOR Bob Cruzan was given information, for review, from **Jack Grynberg** of Grynberg Petroleum Company.

ADJOURNED at 1:00 p.m.

Deputy Clerk
January 3, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 10, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 10, 2000, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, January 3, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ELECTION OF OFFICIALS FOR 2000: Comm Lindsay moved to elect Comm Story as Chairman of the Board of Commissioners, Comm Wilson as Vice-Chairman and Comm Lindsay as Commissioner of Deeds, seconded by Comm Wilson and carried.

APPOINTMENTS FOR 2000: Comm Lindsay moved to appoint Bob Slough as County Attorney, Thomas J. Weaver as County Administrator and Budget Officer and the following persons to the several different offices and boards, seconded by Comm Wilson and carried.

Director of Social Services: Dennis Story
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 (Cortez Journal/Mancos Times)

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) crushing gravel at Hay Camp, (b) doing road inspections, (c) checking and repairing trucks, and (d) work on Jackson Lake Road bridge is on hold. Discussed: (1) complaints on CR 22 (south of CR S) and CR 32 (south of Hwy 184) - will be checked, and (2) U.S. West permit problem (Weber Road) - meeting scheduled this month with entities.

LANDOWNERS Audrey Allmon and Dave Allmon met to discuss a recent survey which differs from the original survey of their property. Their land adjoins Bureau of Land Management (BLM) lands in McElmo Canyon (end of CR 21), and a recent survey changed the boundary line between the two. The Board will schedule a meeting with BLM personnel to review and discuss re-surveys.

HEALTH DEPARTMENT Director **Lori Cooper** presented the Probation Contract (DNA testing) between Montezuma County and the State of Colorado for review. Proposed changes were discussed. Action was tabled. Personnel and additional space were discussed.

CLERK Evie Ritthaler reported on the cost for the last election, and stated that the total average county cost for elections held in 1999 was \$4,191.14. It was noted that the new election equipment is efficient and saves time.

JAIL FACILITY: Bigelow & Co. representative **Don Diones** presented the following information in regard to bonds for the new jail facility: (1) "Draft Preliminary Official Statement," (2) Montezuma County Bond Sale "Timetable," and (3) "Draft Bond Resolution." These were discussed.

PLANNING: Adm **Tom Weaver** presented a **Letter Permit #47** from **Ray Wilkie** for a retail store and machinery repair shop. A verbal request from **Edward Morlan** for an exemption to the subdivision regulations to split a 3 acre parcel from 38 acres was tentatively approved. A verbal request from **Eugene Story** for an exemption to the subdivision regulations to split a 5 acre parcel from 60 acres was tentatively approved (Comm Story was recused because of a conflict of interest).

MUDD CREEK SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Mudd Creek Subdivision (**Pippins, Callaway, Hill**), seconded by Comm Wilson and carried.

MC ELMO EAST MINOR SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the McElmo East Minor Subdivision (**McClellan**), seconded by Comm Lindsay and carried.

LUNCH with **Mike Preston and Carla Harper** - discussed updated information on the Federal Lands Program and ACEC issue.

FAIRGROUND SPEEDWAY RACE TRACK: After discussion, it was affirmed that rates and deposits for use of the race track will be the same as the coliseum (see minutes of December 20, 1999) -- with no exclusive use and, if applicable, the users responsible for the concessions.

ADJOURNED at 3:15 p.m.

Deputy Clerk
January 10, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 17, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 17, 2000, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, January 10, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #33512 thru #33666 in the amount of \$97,557.90; Road fund warrants #13011 thru #13097 in the amount of \$54,722 .12; and, Landfill fund warrants #1928 thru #1957 in the amount of \$39,062.62 were approved for payment.

SHERIFF REPORT for December 1999 was received.

SUMMONS UNDER RULE 106(A)(4) C.R.C.P. received January 14, 2000 - District Court, Montezuma County, State of Colorado Case No. 200CU7 - Cohaco Building Specialties, Inc., an Arizona Corporation vs Board of Commissioners, Montezuma County, CO and Montezuma Count Planning Commission was noted and sent to the insurance company.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) working with the landfill to add trash guard on D8K, will purchase used D8N for road department, (b) crusher work will be done at Hay Camp gravel pit by the end of the week - will move to Ormiston gravel pit - discussed contacting Dolores County about their gravel needs, (c) will start building on A&D lanes - McElmo Canyon (Tozer gravel pit), (d) cleaning up roads - bush, etc., (e) gravelling on CR E - some problems with clearance for gravel trucks at the Port of Entry (M&M truck stop), (f) blading a few roads - still dry, and (g) will meet with U.S. West about Weber Canyon road-cut problem. Discussed signage and classification for road P.25 (Lopez/Puett Lake).

BOARD OF SOCIAL SERVICES was conducted.

HEALTH DEPARTMENT Director **Lori Cooper** presented the HIV Testing contract #00-00091 for review. Comm Wilson moved to approve the **HIV Testing** contract between the Department of Public Health and the Montezuma County Public Health Nursing Service, seconded by Comm Lindsay and carried. Presented and discussed the department's "1999 Revenue Report."

LANDFILL Manager **Deb Barton** presented "Montezuma County Landfill Profit & Loss Statement for 1998 vs 1999 (see attached) and the "Major Accomplishments and Events for 1999 and Major 2000 Goals" for review and discussion. Stated that they are re-lining the baler and gave a report on her tour of four landfills in three other states.

LANDOWNER Frankie and Beatrice Lopez met to discuss the classification of road P.25 in the Puett Lake area and problems with other users of the road. The official county map shows the road to be an unimproved county road. **Diana Velasquez and Joyce Lopez** were present. Mr. Lopez stated he will keep the Board informed of future action in regard to the road.

LOWRY RUINS: It was affirmed that, at this time, no Lowry Ruins signage will be installed by the road department on CR CC.

STATIONERY BID: One bid was submitted by Pleasant Press. Comm Lindsay moved to accept the bid from Pleasant Press, Dolores, CO for printing and stationery for 2000, seconded by Comm Wilson and carried.

HOUSING AUTHORITY BOARD: Comm Lindsay moved to certify the appointment of **Jean Basinger** to the Housing Authority 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 **Mesa Oasis Campgrounds**. The Sheriff's office reported no problems with this outlet. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried.

EMERGENCY MEDICAL SERVICES (EMS): Affirmed a support letter for an EMS grant to upgrade communications in the county.

ENERGY IMPACT GRANT APPLICATIONS: Energy impact applications for grant monies were presented by: (1) City of Cortez Manager **Hal Sheppard** --- expansion of the Colorado Welcome Center; and (2) Town of Mancos Manager **Bill Ray** --- first phase to develop a Master Sewer Plan for the Town of Mancos. Prioritization of the two requests was discussed. Comm Lindsay made a motion to recommend that the current applications for the two projects be prioritized as follows: #1 - Cortez and #2 - Mancos, with any applications in April being #1 - Mancos and #2 - Cortez. The motion was seconded by Comm Wilson and carried.

SHERIFF Joey Chavez presented a contract between the Sheriff's office and the town of Dolores, CO for review. Comm Lindsay moved to sign "Resolution #166, 2000 Services Addendum to the Law Enforcement between Montezuma County and The Town of Dolores," seconded by Comm Wilson and carried.

PLANNING: Loretta Murphy presented a verbal request from **Dudley and Ruth Riffe** for an exemption to the subdivision regulations to split a 3-4 acre parcel from 76 acres. The request was tentatively approved. A verbal request from **Al and Susan Lowrie** (Cornett) for an after-the-fact exemption to the subdivision regulations was tentatively approved, contingent on the combination of the 1 and 5 acre parcels into a 6 acre parcel.

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

FAIRGROUNDS COMMITTEE: **Carla Harper** gave an update on the committee's priority list for improvements at the fairgrounds.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented memo "Montezuma County's Role in AMP Process - Problem and Opportunity Statement" and preliminary draft for an intergovernmental agreement - master street plan. These and federal lands issues were discussed.

ADJOURNED at 4:00 p.m.

Deputy Clerk
January 17, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 24, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 24, 2000, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, January 17, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

UNALLOCATED RESERVE FUND ORDER: Comm Lindsay made a motion to transfer \$368,986.73 from the Unallocated Reserve Fund to the Landfill Fund (pay off the Baler - \$348,760.54 and the Kubota - \$20,226.19). The motion was seconded by Comm Wilson and carried.

NOTICE OF ARBITRATOR'S FINAL DECISIONS were received and noted from Arbitrator Robert W. Allen of Allen & Associates: (1) **Terrance and Carol McNulty**, Parcel #5357-022-01-009, 1999, assessed value - \$302,000.00; and (2) **Hodges Land and Cattle aka High Country Storage**, Parcel #5609-301-00-006, 1999, assessed value - \$425,000.00.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) doing catch-up work, and (b) working some on CR W. Discussed: (1) gravel available for Dolores County and (2) CR 25 - traffic count and condition.

FAIRGROUNDS SPEEDWAY RACE TRACK - President **Dennis Beaty, Marion Rodd, Steve Palinski and Dan Neely** met to discuss the rates and deposits for use of the race track (see January 10, 2000 minutes). They mentioned problems with sharing the track with entities that do not return it to a usable condition for races, the need for a water truck, and other issues. After discussion, Comm Lindsay moved to donate an old county water truck, which is in need of repair, to the Speedway Racing Association, seconded by Comm Wilson and carried. The association will meet with the manager of the fairgrounds on the other issues.

PREDATOR CONTROL funding was discussed. Adm Weaver will compile history of usage.

CLUB 20: It is noted that the Club 20 caucus appointed **Bill Bauer** to be the representative for the County, with **Jim Suckla, Sr. and Todd Starr** as alternatives.

SHERIFF Joey Chavez presented the following items for consideration: (1) A grant application for monies from the Division of Criminal Justice - "**2000 for Drug Control and System Improvement Program (DCSIP) - Neighbor Watch**" Comm Lindsay moved to support and sign the application, seconded by Comm Wilson and carried. (2) The Colorado State Forest Service "**2000 Annual Fire Operating Plan for Montezuma County.**" Comm Lindsay moved to approve the plan, seconded by Comm Wilson and carried. (3) Proposal for adoption of a "Model Traffic Code" ordinance - final draft will be submitted by Sheriff Chavez in the near future.

LIQUOR LICENSE: Deputy Clerk **Betty Davis** presented an application for renewal of a “Hotel/Restaurant Liquor License” for the **Roundup Junction Restaurant, Inc.** The Sheriff’s department reported no problems with the establishment. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried.

FAIRGROUNDS IMPROVEMENT COMMITTEE: Fairgrounds Manager **Darryl Buffington, John McHenry, Jack Niemann, George Wickstrom, Staci Hall and Jim Herrick** met to discuss the priority list of proposed improvements for 2000. After discussion, it was affirmed that the committee should proceed with the first three items listed in the memo (see attached).

BOARD OF REALTORS spokesperson **Bob Durant** and other members (see attached list) met to discuss the options available for the sign-up of property under the Landowner Initiated Zoning (LIZ) system. **Karen Welch and Loretta Murphy** were present.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** met to discuss Federal land use issues.

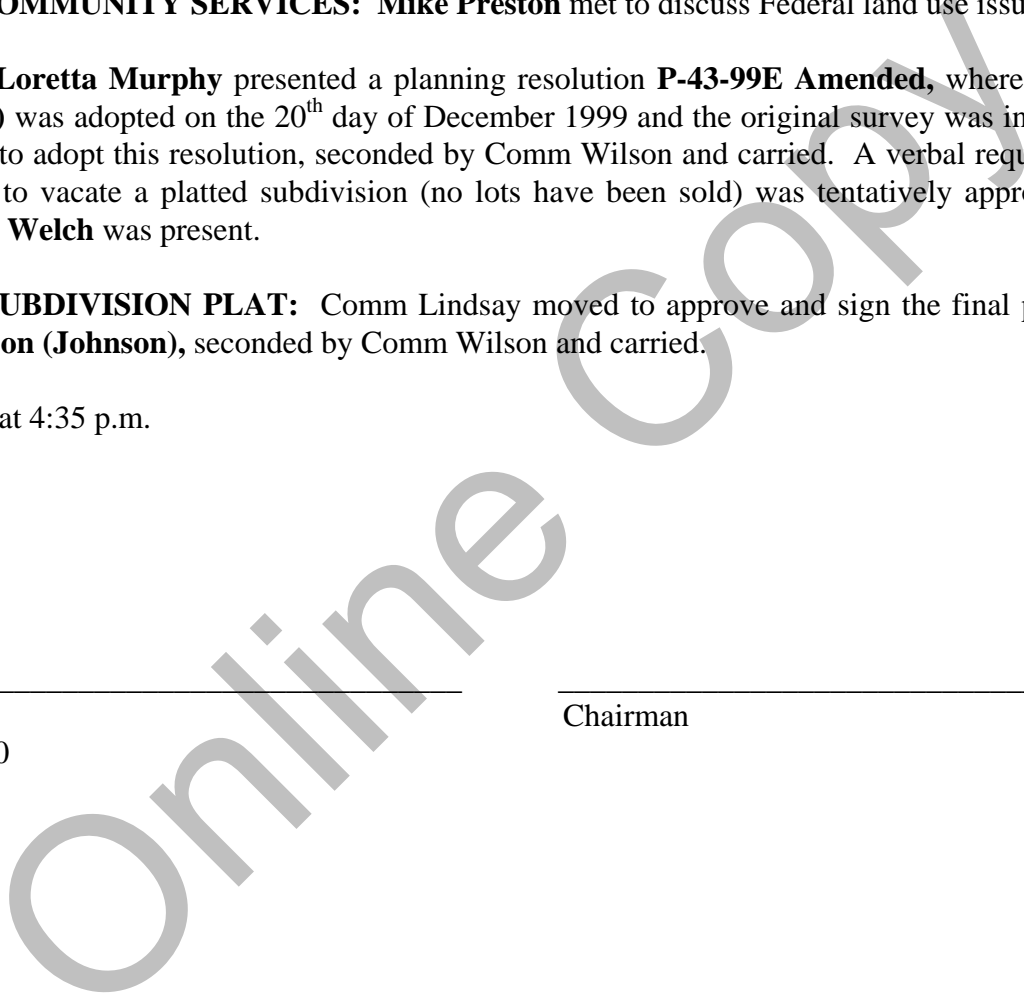
PLANNING: **Loretta Murphy** presented a planning resolution **P-43-99E Amended**, whereas resolution P-43-99E (**Moore**) was adopted on the 20th day of December 1999 and the original survey was incorrect. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from **Bruce Lightenburger** to vacate a platted subdivision (no lots have been sold) was tentatively approved. Planning Manager **Karen Welch** was present.

SON RIVER SUBDIVISION PLAT: Comm Lindsay moved to approve and sign the final plat for the **Son River Subdivision (Johnson)**, seconded by Comm Wilson and carried.

ADJOURNED at 4:35 p.m.

Deputy Clerk
January 24, 2000

Chairman



PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 31, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 31, 2000, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, January 24, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

PAYROLL: General fund payroll in the amount of \$176,078.32, District Attorney warrant #33677 in the amount of \$15,547.69, Treasurer warrant #33678 in the amount of \$125,811.87; Road fund payroll in the amount of \$54,264.43, Treasurer warrant #13102 in the amount of \$43,580.53; and, Landfill fund payroll in the amount of \$10,641.00, Treasurer warrant #1965 in the amount of \$5,961.06 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-04-00 to the Treasurer to pay \$1,047.36 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 department activities: (a) blading, (b) working bad spots on CR 25, (c) working in shops, and (d) sanders used this morning. Discussed: (1) Crowley - road F.5 - not yet up to specs, (2) CR 31 and CR 32 roughness - will check on, (3) plans for Oak street bridge area and, (4) agreement with telephone company on cutting roads. Noted two compliments received on CR P and CR 27.

ARRIOLA COMMUNITY CENTER - LOTTERY FUNDS: Representatives **Charles Newby and Duane Likes** gave an update on the progress of the community center building project. Discussed need for lottery monies. Comm Lindsay moved to give \$10,000.00 (\$5,000 for 1999 and \$5,000 for 2000) in lottery monies to help with the project, seconded by Comm Wilson and carried.

AREA OF CRITICAL ENVIRONMENTAL CONCERNS (ACEC): Southwest Landowners Association representative **Chester Tozer**, Archuleta County landowner, **Diana Luppi**, Ute Mountain Ute Tribe representative **Carl Knight, Glenna J. Harris, Gary Shaw** and others (see attached list) met to discuss designation options for Montezuma County: Status quo - National Conservation Area - National Monument. Pros and cons for the three mentioned designations were discussed, which included seeking an injunction for status quo, and working with the legislative approach. No action was taken.

MODEL TRAFFIC CODE - draft of the proposal ordinance was presented for review.

SUMMONS - COHACO BUILDING SPECIALTIES, INC.: Comm Lindsay made a motion to send a letter to their Attorney **Erin Johnson**, which states a Public Hearing with the Board is scheduled on Monday, February 28, 2000, at 10:00 a.m. The motion was seconded by Comm Wilson and carried. Planning Manager **Karen Welch** and **Mike Preston** were present.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** met to discuss ACEC issues.

LIQUOR LICENSE - Wild West Rest application for renewal of a 3.2% beer license “on and off premises” was presented. The Sheriff’s office reported no problems with this establishment. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried.

ADJOURNED at 4:15 p.m.

Deputy Clerk
January 31, 2000

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 3, 2000**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the **special** meeting of the Board of Commissioners, Montezuma County, Colorado, held on Thursday, February 3, 2000, at the courthouse in Cortez, Colorado, there were present:

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

JAIL FACILITY -- BOND PURCHASE AGREEMENT: A telephone conference call was held with Bigelow & Company authorized officer, **Tyler M. Noble**. He gave a recap of the bond sale conducted Wednesday, February 2, 2000, and stated that all the bonds were sold. Present were Sheriff **Joey Chavez**, Undersheriff **Sam Hager** and Treasurer **Bobbie Spore**. The bond sale and interest rates were discussed. Comm Lindsay made a motion to sign the **Bond Purchase Agreement** (see attached copy) --- Bigelow & Company offers to enter into with Montezuma County, Colorado (\$6,260,000.00, Sales and Use Tax Revenue Bonds, Series 2000). The motion was seconded by Comm Wilson and carried.

CLUB 20 representative for Montezuma County **Bill Bauer** met to discuss the Board's proposed National Conservation Area (NCA) legislation in regard to the ACEC issue. **Mike Preston** gave a summary of the issues and options and presented a draft of the proposed legislation.

ADJOURNED at 10:10 a.m.

Deputy Clerk
February 3, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 7, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 7, 2000, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, January 31, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried. Minutes of the special meeting held on Thursday, February 3, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

CLERK'S report for January 2000 was received.

PROPOSED LAW SUIT: Jack Grynberg called to hold a conference call about his proposed law suit on behalf of the county against BOC Group. Assessor **Bob Cruzan** was present. The Board asked Assessor Cruzan to review information on the proposed law suit. ***** Later in the day, Assessor Cruzan reported that after he receives the State Audit report (which will be sometime in June 2000) in regard to the BOC Group, he will re-examine all the information. No action was taken.

COUNTY TECHNICAL SERVICES, INC. representative **Allen Chapman** gave an update on county workmans comp insurance.

ROAD DEPARTMENT Foreman **Jim Becher** reported they are blading and gravelling roads and trying to keep CR 25 smooth. Discussed possible right-of-way encroachment on CR 27 north of CR P -- will be checked.

MOBILE HOME PARK - JOE DI GIACOMO: Engineer **Mike Hannigan** gave an update and completion data on the park's sewage system. Owner **Joe DiGiacomo** and Sanitation Manager **Mick Periman** were present. Engineer Hannigan stated that the system is now designed to accommodate 5 mobile home spaces and the commercial building. At this time the sewer permit is approved for 4 mobile home spaces and the commercial building. After discussion, it was affirmed that the old permit will be amended to allow 5 mobile home spaces and the commercial building with the sewer permit being tied to his Letter Permit.

SANITATION SYSTEMS FOR SMALL ACREAGE: Sanitation Manager **Mick Periman**, Engineer **Mike Hannigan** of KIS Engineering, Inc., and Engineer **Fred Thomas** of Thomas Engineering, Inc. were present. Manager Periman presented a draft proposal to address systems for small acreage. The proposal was discussed. Manager Periman will prepare a final proposal for review. No action was taken.

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

AMENDED HAWKS SUBDIVISION PLAT: Comm Wilson moved to approve and sign the amended plat for the Hawks Subdivision, seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** presented a planning resolution **P-01-00E**, whereas **Betty M. Tucker**, owner of 160 acres would be granted an exemption to the subdivision regulations to record an exemption for 5 acres in Section 30, T.38N., R.17W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Presented a planning resolution **P-02-00E**, whereas **G. Eugene and Janet A. Story**, owners of 67.01 acres would be granted an exemption to the subdivision regulations to record an exemption for 5 acres in Section 5, T. 36N., R.15W. Comm Story was recused because of a conflict of interest. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Presented a planning resolution **P-03-00E**, whereas **Joe D. and Mary L. McDonald and Richard J. McDonald**, owners of 41.64 acres, would be granted an exemption to the subdivision regulations to record a 21.98 acre exemption which is to be adjoined to an existing 13.22 acre tract (created by Resolution P-10-93) to create a 35.20 acre parcel in Section 14, T.36N., R.16W. This exemption does not create a separate tract for sale. The remaining McDonald acreage will be incorporated in the Amended McDonald Subdivision Plat. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A verbal request from **Dave Rucker** for an exemption to the subdivision regulations to trade .561 acres with **Nielsons, Inc.** was tentatively approved. A verbal request from **Betty Tucker** for an exemption to the subdivision regulations to split a 3 acre parcel from 160 was tentatively approved. A verbal request from **Ed Morlan** for an exemption to the subdivision regulations to split a 3 acres tract from 38 acres was tentatively approved. A verbal request from **Andrew Harris** for an exemption to the subdivision regulations to split a 34 acre separate tract (donate 9 acres to the Town of Dolores) from a landlocked 60 acre tract was denied until access is obtained. Manager Welch stated that the **Tri-State Generation and Transmission** (fiber optic installation) **High Impact Permit #46** was presented to the Planning Commission on January 31, 2000 and the Commission recommended approval. A public hearing is set for Monday, February 28, 2000 at 2:00 p.m. **** Reviewed the Jail Facility plat. **Loretta Murphy** was present.

PLANNING COMMISSION APPOINTMENTS: Manager **Karen Welch** stated that no response was received from the public for the advertised vacancies on the Planning Commission. Receipt of applications by persons whose terms have expired were noted and recommendations were made. Comm Lindsay made a motion to appoint **Lawrence Wallington** to a 3-year term (2000-2001-2002), **Joe Arado** to a 3-year term (2000-2001-2002) and **Andy Logan** to a 1-year term (2000) to finish the remaining time for Mike Bauer, who resigned. The motion was seconded by Comm Wilson and carried.

ECONOMIC DEVELOPMENT DISTRICT OF SOUTHWEST COLORADO: Executive Director **Ed Morlan** presented Intergovernmental Agreement for Application for H.B. 99-1102 - Beanpole Implementation funding (telecommunication services) for review. This agreement will allow the counties to make application for the Beanpole grant, with Archuleta County as the lead county. Comm Lindsay moved to sign the application by Archuleta, Dolores, La Plata, Montezuma and San Juan Counties for Beanpole funding, seconded by Comm Wilson and carried. Director Morlan presented an update and summary on the Steering Committee discussions and issues.

JAIL FACILITY REVENUE BONDS - RESOLUTION 1-2000: Comm Lindsay made a motion to sign **Resolution 1-2000**, a resolution of the Montezuma County, Colorado, authorizing the issuance of the County's Sales and Use Tax Revenue Bonds, Series 2000, in the aggregate principal amount of \$6,260,000.00 for the purposes set forth in the Ballot question authorizing the bonds. Prescribing the form of the bonds, providing for the payment of the bonds from a pledge of the Sales and Use Tax revenues deposited in the Capital Improvement Fund and providing other details and approving other documents in connection with the bonds (see attached). The motion was seconded by Comm Wilson and carried. Municipal Bond Insurance Commitment was also signed.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** met to discuss the proposed National Conservancy Area (NCA). It was affirmed that a meeting with the Forest Service and other interested entities will be scheduled to discuss the NCA issue.

OLD WATER FUME - FAIRGROUNDS: Dolores Water Conservancy District representatives, **Don Schwindt and Bill Smart** presented information on a potential project for preservation and enhancement of the old water fume at the Fairgrounds which is owned by the Montezuma Valley Irrigation Company. The project was discussed and Comm Lindsay was appointed to the working committee.

SHERIFF Joey Chavez presented the final grant application for monies from the Division of Criminal Justice - **“2000 for Drug Control and System Improvement Program (DCSIP) - Neighborhood Watch.”** Comm Wilson moved to sign the application, seconded by Comm Lindsay and carried.

CLERK Evie Ritthaler presented her report for January and discussed election issues.

ADJOURNED at 3:00 p.m.

Deputy Clerk
February 7, 2000

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 14, 2000**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 14, 2000, at the courthouse in Cortez, Colorado, there were present:

E. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, February 7, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

TREASURER Bobbie Spore presented the treasurer's report for January 2000.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) sold equipment that was up for bid, (b) gravelling CR 20, (c) grading roads, (d) crusher ready to go to Ormiston gravel pit, (e) painting equipment, and (f) grading CR 24.5 today. Discussed: (1) truck drivers - change of authority, (2) change of county logo, (3) CR N - good, (4) request for a tree to be removed at CR L & 24 - will check, and (5) CR 40 guardrail request. ***** Foreman Yeomans mentioned that a group of Mancos residents have proposed to put in a High School baseball/AABC ball park. He asked if they could use county equipment to do the dirt work for the road and level the park. Tentative approval was given, contingent on more information.

JAIL FACILITY REVENUE BONDS - RESOLUTION 1-2000: "Closing of Bonds" documents were presented and signed.

PLANNING Manager **Karen Welch** presented a planning resolution **P-04-00E**, whereas **James W. and Martha L. Lawrence**, owners of 97.29 acres would be granted an exemption to the subdivision regulations to record an exemption for 4.60 acres in Section 33, T.36N., R.17W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Discussed complaint received about "The Dog Hotel" business (Overington) which has a "Letter Permit." A letter will be written to the owners.

ASSESSOR Bob Cruzan and Appraiser **Scott Davis** met to discuss the appeal before the Board of Assessment of Appeals in regard to the **Meridian Trust (c/o Ernst & Young LLP - Cortez Plaza)** offer of \$1.75 million for 1997, 1999, 2000 valuations (see 7/30/99 and 8/5/99 minutes). Suggestion was made to get a MAI appraisal. ***** Later in the day, Assessor Cruzan stated he had contacted an appraiser for a MAI appraisal, and they implied that there would not be that much to gain. Assessor Cruzan recommended acceptance of the \$1.75 million offer. After discussion, it was noted that the Assessor will counter offer with \$1.85 million for 1997, 1999, and 2000 valuations.

OFFICE OF COMMUNITY SERVICES: Mike Preston met to discuss the proposed National Conservancy Area (NCA) legislation. He stated that U.S. Congressman Scott McInnis is preparing a bill to present to Congress. If possible, a copy of the bill will be obtained for the Board's review.

HEALTH DEPARTMENT Director **Lori Cooper** presented the DNA contract for review before she signs it. It was reviewed. She gave an update on the Visiting Nurses training program.

FAIRGROUNDS Manager **Darryl Buffingotn** met to discuss letters received stating problems with use of “open riding” time in the arena. He will draft a new policy for review.

JAIL FACILITY PLANS: Archetype Design Group, Inc. representative **Mike Pollard** presented “Specifications for Montezuma Sheriff’s Office and Detention Center” and designs. These were discussed and a copy of each was left with the Board for review before the bid date is set.

SENIOR NUTRITION CENTER (ANNEX): Request for a new dishwasher will be submitted in the 2001 Budget requests.

ADJOURNED at 3:55 p.m.

Deputy Clerk
February 14, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 22, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, February 22, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, February 14, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: General fund warrants #33668 thru #33895 in the amount of \$280,845.15; Road fund warrants #13099 thru #13199 in the amount of \$183,206.22; and, Landfill fund warrants #1959 thru #2203 in the amount of \$572,834.42 were approved for payment.

SOCIAL SERVICES Director **Dennis Story** presented an invitation for the Board to attend a dinner in Grand Junction, CO to discuss the "Pilot Project -- Western Colorado Collaborative For Mental Health Services and Child Welfare."

OFFICE OF COMMUNITY SERVICES: **Mike Preston** throughout the morning brought letters, comments, etc. to the attention of the Board in regard to the legislation for the proposed National Conservation Area (NCA). Discussed the plans for an informational meeting with a panel composed of representation from all the different interested parties.

ROAD DEPARTMENT Foreman **Jim Sattley** presented the request from a resident on CR W for permission to have an electrical pole installed in the county right-of-way. Foreman Sattley will prepare a response to the request for review by the Board. Foreman Sattley reported they plowed snow last week.

FOREST SERVICE SCHEDULE "A" ROADS information was presented.

SOUTHWEST MEMORIAL HOSPITAL emergency room representative **Edward Martinez** asked about use of the National Guard Armory for alternative housing for helicopter personnel. He was told that he would need to contact the National Guard Unit.

ABATEMENT: Assessor **Bob Cruzan** being present, a telephone conference call was held with Meridian Trust Co. representative **David Brown**. Assessor Cruzan stated that Meridian Trust refused the counter offer of \$1.85 million for the 1997, 1999, and 2000 valuations (see 2-14-00 minutes). David Brown stated he has received approval from Meridian Trust to accept the \$1.75 million offer for the 1997, 1999, and 2000 valuations. Assessor Cruzan recommended acceptance of the \$1.75 million offer for the 1997, 1999, and 2000 valuations. A petition for abatement of property tax was presented for 1997 and 1998 for **Meridian Trust Co. c/o American Resurgents Mgt. Co.** (see attached). Comm Lindsay moved to accept the offer and recommendation for \$1.75 million for 1997 (abate \$13,369.17), 1999 and 2000 valuations, and to deny any abatement for 1998, seconded by Comm Wilson and carried. All proceedings were taped for the record and it was noted that the Assessor and all the Commissioners were present.

PLANNING: **Loretta Murphy** presented a planning resolution **P-05-00E**, whereas **United Indian Missions, Inc.**, owner of 45.96 acres, would be granted an exemption to the subdivision regulations to record a 4.60 acres exemption which is to be adjoined to an existing 3.25 acre tract (created by Resolution P-60-79) to create a 7.85 acre parcel in Section 22, T.36N., R.16W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Presented a planning resolution **P-06-00E**, whereas **Robert and Tara Cutler**, owners of 60.46 acres, would be granted an exemption to the subdivision regulations to record an exemption for 20.01 acres in Section 3, T.36N., R.13W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Presented a verbal request for an exemption to the subdivision regulations from **Vance Ragsdale** to split a 10 acre parcel from 75 acres, with the owner's stipulation that it be combined with an adjoining parcel that has a house on it, when and if it changes ownership. Request was tabled until paperwork is completed to tie the 10 acres to adjoining acreage which has a house on it. Presented "High Impact Permit #50" for **Triad/Truelsen**, a sand and gravel operation. The permit will be presented to the Planning Commission. Presented a verbal request from **Clay and Jean Bader** for an exemption to the subdivision regulations to sell a 1.4 acre parcel separated by a county road from a larger parcel. Action was tabled - will research for like situations.

THE DOG HOTEL owner **Tom Overington** met to discuss a complaint against his business (which has a letter permit). The neighbor has expressed displeasure about the barking dogs. The suggestion was made that Mr. Overington keep the dogs locked inside the kennels at night. He stated he would do this and continue to work on other ways to control any barking noise. **Loretta Murphy** was present.

AMERICAN CANCER FUND representative **Amy Ball** presented information on the "National Signature Event" scheduled for July to raise awareness and funding for cancer research and patients. She invited the county's participation in the first annual relay event and a one-time volunteer payroll deduction for employee contributions, with matching county funds.

CROW CANYON Director **Ricky Lightfoot** met to discuss his concerns expressed in a letter to the Board about the proposed National Conservation Area (NCA). It was noted that all letters received will be included with the Bill on the proposed NCA.

ADJOURNED at 12:30 p.m.

Deputy
February 22, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 28, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 28, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 Tuesday, February 22, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-05-00 to the Treasurer to pay \$1,047.36 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 department activities: (a) gravelling on CR 20, (b) blading and patching roads, (c) starting work on bridge in Mancos district, and (d) crusher set up at Ormiston. Discussed: (1) status of unimproved CR 24.1 - will remind users that road needs to be brought up to county specs before county can maintain it; (2) trees in CR 27 right-of-way - will contact landowner; and (3) tree limbs hanging in right-of-way of CR 24 & L intersection - will check.

HEALTH DEPARTMENT Director **Lori Cooper** presented a three-month extension to the Abstinence - Contract 99-0148 (see 3-15-99 minutes) for review. It was reviewed and affirmed.

LANDOWNER J. C. Baker, (Baker Sanitation), and Engineer **Fred Thomas** met to discuss Mr. Baker's plans to add another residence to his approximately four acre parcel (total of two). Engineer Thomas stated that he believes that a stamped engineer approved septic system is capable of handling the sanitation for the parcel. The plan was affirmed, contingent on Engineer Thomas submitting an upgraded system drawing to Sanitation Manger Mick for approval of a permit.

PUBLIC HEARING - COHACO BUILDING SPECIALTIES, INC.: It being the time set aside, a Public Hearing is conducted for the consideration of unresolved subdivision issues on property owned by Cohaco Building Specialties, Inc. Said property is located in Section 24, T.39N., R.14W., Montezuma County, CO, lying on the east side of Road 38, approximately 2.5 miles north of Hwy 145. This subdivision will consist of 2 lots on 17.15 acres. Present were Attorney **Erin Johnson** for Cohaco, Engineer **Aubrey (Bud) Roach**, Planning Manager **Karen Welch, J. T. and Joy Wilkerson, Loretta Murphy**, and Court Reporter **Kathy Richmond**. Adm **Tom Weaver** stated that the proposed subdivision has been presented to the Planning Commission, who recommended denial of the development plan as there is no commitment to make the road meet county standards (including the private bridge). Adm Weaver presented the following attached documents: (1) preliminary moderate subdivision plat, (2) Planning Commission minutes for September 23, 1999, October 28, 1999, and December 16, 1999, (3) Montezuma County, CO Road and Bridge Standard Specifications, and (4) Board of County Commissions' minutes for May 15, 1995. These were discussed. A map of the 1995 Wilkerson 3-lot subdivision was also presented and traffic use was discussed. Engineer Roach stated that the

private bridge on private property has a 16.9' out-to-out width (16' use). He presented his findings on the construction, gave his rating of the bridge, and stated that in his professional opinion the bridge was sound and in good condition at this time. He mentioned that there are no approach rails on either end and that regular maintenance needs to be done. Mr. Wilkerson said that they have an informal homeowners association that does maintenance on the road and bridge. A letter dated December 29, 1999, from the Dolores Fire Protection District (see attached) was presented and discussed. The Fire District will be informed of Engineer Roach's findings. Engineer Roach recommended approval with contingencies. Comm Wilson made a motion to approve the variance to the "Road and Bridge Standard Specifications" contingent on: (1) Signage: 20-Ton Load Limit and Single Lane Bridge, (2) periodical maintenance, (3) installation of approach guardrails, and (4) repair of sway braces. The motion was seconded by Comm Lindsay and carried. It was noted that this private bridge and road on private property will serve the Wilkerson and Cohaco Subdivisions and use of the same is the choice of the landowners. Cohaco representative Attorney Johnson was informed that the next step for final approval is to submit a final plat. The roll was called and the proceedings were taped for the record.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** gave updated information on the proposed National Conservation Area (NCA). **Loretta Murphy** presented maps and information on private in-holdings within the proposed NCA. The Board stated that mapping of access roads and information to establish historical use of these access roads to the in-holdings needs to be compiled. It was affirmed that this will be done.

BELDEN AUCTION owners **Duane and Jeannie Belden** presented an informational pamphlet on their scheduled auction for April 1 & 2, 2000. They asked for clarification on collection of the county sales/use tax for used equipment. They were referred to the State of Colorado Department of Revenue.

LANDOWNER Richard Simmons asked if the county has plans for any control of improvements made by private landowners on property in the county. He was told that nothing is being considered by the county.

PUBLIC HEARING - TRI-STATE GENERATION AND TRANSMISSION, INC. - NORTH FIBER PROJECT: It being the time set aside, a Public Hearing is conducted to consider a High Impact Permit with respect to the North Fiber Project as submitted by Tri-State Generation and Transmission, Inc. Comm Story was recused because of a conflict of interest. Present were Tri-State representatives **Mark Murray, and Monica Hansen**, Timberline Land representative **Gina Doerner**, Planning Manager **Karen Welch, Loretta Murphy**, Fiber Optics Negotiation Committee representative **Glen Humiston** - other members, and other landowners (see attached list). Adm Weaver presented a map and information from the January 27, 2000, Planning Commission meeting, at which time unresolved private property rights-of-way issues were discussed. Tri-State Land-Rights Manager Mark Murray gave an overview of the project which is a joint effort between Tri-State and rural electrical associations to run a fiber optic line from Grand Junction, CO to Albuquerque, NM. Negotiation Committee spokesperson Glen Humiston stated that his group is working with Tri-State to resolve issues on rights-of-way. Comm Lindsay asked if there was anyone in the audience that was opposed to the project. Spokesperson Humiston said "no" and no one else expressed otherwise. Several landowners did state that they feel there are still unresolved issues between themselves and Tri-State which they would like to see settled before any final approval of the permit. Comm Lindsay moved to continue the hearing to Monday, March 27, 2000, at 2:00 p.m., seconded by Comm Wilson and carried. The roll was called and the proceedings were taped for the record.

PLANNING Manager **Karen Welch** presented a planning resolution **P-07-00E**, whereas **Elbert Eugene and Barbara J. Gustafson**, owners of 23.6 acres, would be granted an exemption to the subdivision regulation to record a .57 acre exemption, which is to be adjoined to an existing 3 acre tract owned by Ronald I. And Christy G. Tucker, to create a 3.57 acre parcel. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from **Dean and Richard McClellan** to exceed traffic thresholds of Letter Permit #51 for 3-4 weeks (move dirt to proposed Safeway property) was tentatively approved. **Loretta Murphy** presented research information in connection with **Clay and Jean Bader's** verbal request for an exemption to the subdivision regulation to sell a 1.4 acre parcel separated by a county road from a larger parcel (see minutes of 2-22-00). The request was denied. Discussed scheduling of public hearing for LIZ.

LANDOWNER Don Randolph asked for approval to add another home to a 4.33 acre parcel which already has 2 home sites. The parcel is not in a subdivision. Density and septic issues were discussed. He was told that the request would probably qualify as a PUD development and if he decides to proceed with a PUD he needs to present it to the Planning Commission as such.

LARRY THOMPSON MINOR SUBDIVISION PLAT: Comm Lindsay moved to approve and sign the final plat for the Larry Thompson Minor Subdivision Plat, seconded by Comm Wilson and carried.

HINDMARSH GRAVEL PIT: Carla Harper presented a letter from the forest service in connection with the pit. The Special Use Permit application was discussed.

ADJOURNED at 3:40 p.m.

Deputy Clerk
February 28, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 6, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 6, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman - absent
Glenn E. "Kelly" Wilson, Jr., 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, February 28, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund warrants in the amount of \$175,196.22, District Attorney #33897 in the amount of \$15,767.95, Treasurer warrant #33898 in the amount of \$124,850.85; Road fund warrants in the amount of \$54,264.43, Treasurer warrant #13201 in the amount of \$43,580.53; and, Landfill fund warrants in the amount of \$9,769.98, Treasurer warrant #2005 in the amount of \$5,468.89 were approved for payment.

LANDFILL Manager **Debby Barton** presented the "Profit & Loss Statement for 1999 versus 2000 for month of January," draft "Profit & Loss Statement for 1999 versus 2000 for month of February," and monthly tonnages comparison for 1998, 1999 and 2000. These were discussed.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) attended auction - bought and sold equipment, (b) patching pot holes, (c) gravelling CR 22 and 20, (d) working on increasing size of Mancos gravel pit. Discussed: (1) plans to chip-seal Kelly Hill, (2) proposal to tear up pavement on one mile of CR 39 & H, (3) request for maintenance (Bible Camp) Road P, a "Schedule A" forest service road - no action, (3) upgrade dump trucks - compiling info on maintenance costs, etc. vs. leasing, and (4) local contractor complaint about National Guards working at fairgrounds.

ATAC/SWEMS MERGER: **Pat Wilson** (Mercy Hospital, Durango, CO) presented "Colorado Statewide Trama System Update" booklet and reported on the proposed State mandated merger between ATAC and SWEMS. She asked for a letter of support for grant monies to help with funding the system. This was affirmed.

PROPOSED DESIGNATION - "NATIONAL CONSERVANCY AREA" (NCA) opponents **Chester Tozer, Gary Shaw, Sheldon Zwicker, Naomi Zwicker, Duane Likes, Rick Keck and Robert Weiser** met to express their concerns about the proposed designation. They asked for input about the following issues: (1) date letter of support was signed by Board, (2) NCA public input, (3) inventory of roads to private property inholdings, and (4) forest service requiring special use permits for public roads. These issues were discussed. They requested some action to "buy" time for more public input. They again expressed their desire to keep the area "as is." No action was taken.

LIQUOR LICENSES: Deputy Clerk **Betty Davis** presented an application for renewal of a 3.2% beer license for **ARAMARK Sports and Entertainment Services, Inc. (Mesa Verde Point Kampark)**. The Sheriff reported no problems with the establishment. Comm Lindsay moved to approve the application, seconded by Comm Wilson and carried.

FAIRGROUNDS: Fair Board member **Jack Niemann** gave an update on clarifying the position of the National Guards in connection with their training exercise – use of big equipment to improve the fairgrounds parking lot, etc. At this time the activity has been stopped. He stated there is a need for improved parking, etc. at the fairgrounds, and asked if the road department could do it. He was advised to present a plan for improvements at the Wednesday, road department meeting. He affirmed he would do this.

PLANNING Manager **Karen Welch** presented a planning resolution **P-08-00E** whereas **Reggie L., Debra D., and Vincent K. Ragsdale**, owners of 75 acres, would be granted an exemption to the subdivision regulations to record an exemption for 10 acres. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request for an exemption to the subdivision regulations for **James Newby** to split 4 acres, with a house, from an 80 acre parcel was tentatively approved.

SHERIFF DEPARTMENT: Sheriff **Joey Chavez**, Deputy **Vici Trentman**, and District Attorney **Mike Green** met with the Board. Sheriff Chavez stated that plans are being sent to bidders for the new jail facility. He asked that Vici Trentman be appointed as the Coordinator between the Criminal Justice Department and the Community Correction Board. The need to update the appointment of members to the Correction Board was discussed. The Sheriff recommended that the Correction Board be comprised of eleven members, for two year terms with representation from different entities. Comm Lindsay made a motion to appoint Vici Trentman as coordinator and accept the recommendation for an eleven member board with two year terms, seconded by Comm Wilson and carried. The vacant appointments on the Correction Board will be advertised and Vici Trentman will keep the Board updated on the applications. Sheriff Joey Chavez and District Attorney Mike Green presented information on the proposed ordinance for a “Model Traffic Code.” The ordinance was discussed and it was affirmed that they should continue to draft a final ordinance for review by the Board.

WRIGHT WATER ENGINEERS representative **Eric Bikis** presented information on past projects - Morfield Reservoir and Mummy Lake. He asked the Board to support and sign a grant application from the Colorado Historical Society to help fund the “Navajo Reservoir” project at the Mesa Verde National Park. Comm Lindsay moved to support and sign the application, seconded by Comm Wilson and carried.

FAIR BOARD representatives **Ron Kimmi** and **Jack Niemann** gave an update on the booth rental, etc. for this year’s county fair and plans for next year. They presented and discussed with the Board their proposal to have two separate fairs - the Junior Fair at the usual date and the County Fair sometime in September. They stated they will also present the proposal, for input, at meetings with the Fair Board and other interested entities.

ADJOURNED at 3:30 p.m.

Deputy Clerk
March 6, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 13, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 13, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman - at another meeting until 11:30 a.m.
J. Kent Lindsay, Commissioner of Deeds
Bob D. Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, March 6, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

TREASURER'S OFFICE: Monthly report for February 2000 was received. Treasurer's six month report was received and it was noted that the Commissioner's warrants balanced with the Treasurer's funds.

ROAD DEPARTMENT Foreman **Jim Becher** reported that they are patching, working on pot holes, and blading roads. Discussed request for gravel for a school bus turn-around on non-county road J.6. Foreman **Jay Palmer** was present and will contact the school district to inform them that the county will supply the gravel if they provide the hauling.

ABC - RV SALES LLC representative **Cindy Hampton** stated that an area of the road by their business is in worst shape after the county bladed it about 2 weeks ago. She asked if the road is a county road and, if so, how can it be improved. Foreman **Jay Palmer** said the road is an unimproved county road, therefore, ABC will need to bring it up to county specs before the county will maintain it. If they elect to do this, the county will supply the gravel. Foreman Palmer will do an inspection and let them know what is needed.

ECHO BASIN GUEST & DUDE RANCH owner **Dan Bjorkman** met to discuss the county's proposal to tear up the remaining pavement on a section of CR M, which goes to his place of business. He stated he would like to keep the section paved and straighten one of the curves. Past repair of the road and what is needed were discussed. If he chooses to help keep the pavement the following would be his responsibility: (a) directly purchase the oil needed, and (b) obtain any right-of-way easements to straighten out the curve. The county's responsibility would be: supply the chips, hauling, and labor. Proposal to tear up the pavement on this section of road is tabled for the time being.

SHERIFF DEPARTMENT: Sheriff **Joey Chavez** and District Attorney **Mike Green** met with the Board. Sheriff Chavez reported on the jail inmate count for the past weekend - this was discussed. They presented a draft copy of the proposed "Model Traffic Code" ordinance for review. This was discussed and a change made. The proposed ordinance will be prepared for consideration next week. Sheriff Chavez presented names proposed for appointment to the Community Corrections Board. He proposed two and three year rotation term appointments. Action was tabled. ***** **Later** the Board said that they will suggest to the Sheriff that 50 percent of the members appointed to the Community Correction Board be from the community and the vacancies for these appointments be advertised in the local newspapers.

SOUTHWEST MEMORIAL HOSPITAL: Administrator **Bob Peterson** and Chief of Operations **George Brisson** met with the Board. Adm Peterson gave information on the JACO accreditation, the State Three Trama Survey, nursing home issues, and reported that the SHS and MCHD Boards are working well together. Chief Brisson presented Southwest Memorial Hospital financial documents - "Quarterly - Profit and Loss Statement," Grafts, Current Ratios, and Return on Assets. These were discussed.

COHACO BUILDING SPECIALTIES, INC. Attorney **Erin Johnson** stated that she felt that a correction should be made to the minutes on the Public Hearing held on February 28, 2000 - clarification of responsibility for costs to fulfill the contingencies for the variance. Action was tabled. ***** **Later** in the day the recorded tape was reviewed and it was determined that the minutes are correct. Attorney Johnson will be notified of that determination.

MONTEZUMA COUNTY PUBLIC FACILITIES P.U.D. - PLANNED UNIT DEVELOPMENT PLAT: Comm Lindsay made a motion to approve the final plat for the P.U.D. and that it be signed by Chairman Story. The motion was seconded by Comm Story and carried.

SKINNER MINOR SUBDIVISION FINAL PLAT: Comm Lindsay moved to approve and sign the final plat for the Skinner Minor Subdivision, seconded by Comm Story and carried.

FIRST AMENDED PLAT - MC DONALD SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the First Amended Plat - McDonald Subdivision, seconded by Comm Story and carried.

PLANNING Manager **Karen Welch** presented information on two High Impact Permits: (1) Permit #53 - Richet Enterprises, Inc. for a sand and gravel operation in the Anton Pit and Koenig Pit, and (2) Permit #54 - Shell CO2 Company, Ltd. - two traffic routes (2 wells). These will be presented at the next Planning Commission meeting. **Loretta Murphy** presented a county road map which showed roads to inholdings in the proposed NCA. The map was reviewed. A letter will be written to notify property owners with inholdings that they should contact the county if they have any questions about the access roads.

UNIMPROVED COUNTY ROAD 18: Landowner **Morgan Allsup** asked about county maintenance for the unimproved county road. He was told that the section of road needs to be brought up to county specs before the county will maintain it. If he decides to do this, the county will furnish the gravel.

BOARD OF SOCIAL SERVICES was conducted.

BIDS - JAIL FACILITY: Bid was received and opened for work items comprising the construction of pre-cast concrete detention modules and related equipment and furnishings to be incorporated into the Montezuma County Sheriff's Office and Detention Center, Cortez, CO. **Don Hendricks** of Weeminuche Construction was present.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** presented additional information on the proposed NCA. **Carla Garrison** presented information on the proposed listing of the lynx as a threatened species. **Kevin Essington** was present.

ADJOURNED at 3:30 p.m.

Deputy Clerk
March 13, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 20, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 20, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman - absent
Glenn E. "Kelly" Wilson, Jr., 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, March 13, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

CLERK'S report for February 2000 was received.

ACCOUNTS PAYABLE: General fund warrants #33899 thru #34075 in the amount of \$139,562.90, Road fund warrants #13208 thru #13287 in the amount of \$229,684.13 and Landfill fund warrants #2012 thru #2038 in the amount \$24,896.46 were approved for payment.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) crushing at Ormiston gravel pit and (b) finishing up on addition to the county building - landscaping will be done. Discussed: (1) section of CR M - Echo Basin ((Bjorkman) - Board will inspect, (2) Trail of Ancients signing, (3) need for CDOT to install traffic lights at Hwys 160 - 184 intersection in Mancos, (4) request for blading of a private road to the 4-Corners Pistol Club indoor range - denied, (5) update on extending the Mancos gravel pit.

MONTEZUMA WATER COMPANY representative **Ron Valdez** presented information about their installation of a 12' line - CR 21 and on to Dove Creek, CO. He asked about county rights-of-way in connection with the BuRec canal and stated that the water company feels the BuRec application fees for a permit are too high. It was noted that the county does not own the rights-of-way - no action taken. **Don Yeomans** was present.

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

SHERIFF DEPARTMENT: Sheriff **Joey Chavez** met to discuss the proposed "Model Traffic Code" ordinance. State Statute 30-15-406 was read. Comm Lindsay made a motion to: (1) introduce the proposed **Ordinance 1-2000** (see attached) by reading the title of such ordinance, (2) note the "Model Traffic Code For Colorado Municipalities, Colorado Division of Transportation, State of Colorado, revised 1995 in compliance with State statutes, and (3) set the public hearing to consider the proposed ordinance for Monday, May 8, 2000 at 10:00 a.m. The motion was seconded by Comm Wilson and carried. The proposed ordinance will be posted in six different locations and will be published once a week for four consecutive weeks in all three newspapers. Sheriff Chavez reported on the jail inmate count for the past weekend. Mentioned there is a need to improve the Mancos intersection. Colorado State Forest Service "**1999 Annual Fire Operating Plan for Montezuma County**" was presented for review. Comm Lindsay moved to sign the plan, seconded by Comm Wilson and carried.

BIDS - JAIL FACILITY: A memorandum from Archetype Design Group (see attached) recommended to the county that they (Archetype Design Group) enter into a standard Owner/Contractor agreement with **Barbour Building Systems, Inc.** and commence construction of the detention modules, in the amount of \$424,220.00 (\$435,536.00 less sales tax in the amount of \$11,426.00). Comm Lindsay moved to accept this bid, seconded by Comm Wilson and carried.

DESIGNATION - "NATIONAL CONSERVANCY AREA" (NCA) opponent **Rick Keck** presented "An Analytical Review of the Development of the President's Roadless Area Initiative" and a letter expressing his personal comments.

PLANNING Manager **Karen Welch** presented a planning resolution **P-09-00E**, whereas **James L. Newby**, owner of 79.60 acres, would be granted an exemption to the subdivision regulations to record an exemption for 4 acres in Section 35, T.37N., R.17W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Presented a planning resolution **P-10-00E After-the-Fact**, whereas **Charles and Gail Montgomery**, owners of 8.94 acres, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 3, T.35N., R.17W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request for an exemption to the subdivision regulations for **Richard Bowlings** to split a 3 to 5 acre parcel from 52 acres was tentatively approved. Presented "**Letter Permit #55**" -**James A. Weatherford** for constructin of storage units.

ASSESSOR Bob Cruzan presented Board of Assessment Appeals, State of Colorado, Docket Number 35364 Stipulation (as to Tax Year 1999 Actual Value) -- **Thomas E. and Sharon E. Kurpius - Parcel #5359-124-00-011** (see attached). After discussion the Respondent (County) stipulate and agree that the stipulated actual value of said property shall be \$92,890.00 for 1999. Comm Lindsay moved to approve and sign the agreement, seconded by Comm Wilson and carried.

ADJOURNED at 12:00 noon.

Deputy Clerk
March 20, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 3, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 3, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, March 20, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund payroll in the amount of \$276,180.71, District Attorney warrant #34070 in the amount of \$15,373.80, Treasurer warrant #34080 in the amount of \$126,065.69; Road fund payroll in the amount of \$55,008.51, Treasurer warrant #13291 in the amount of \$43,725.64; and, Landfill fund payroll in the amount of \$9,716.687, Treasurer warrant #2040 in the amount of \$5,446.27 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-06-00 to the Treasurer to pay \$1,047.36 from the 911 Account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

ONE-STOP CAREER CENTER/JOB SERVICE: Maxine Maestas presented the 5-year Work Force Plan. The plan was signed.

LANDOWNERS Glen and Patti Elliott presented a written complaint (see attached) in connection with road work on CR 25. Road Foreman **Jim Sattley** was present. They stated that the road in front of their driveway has been raised five feet and they believe it now is a safety issue. They asked that it returned to the original level. Foreman Sattley stated that the roadway was raised to improve sight vision. An on-site inspection will be done.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) gravelling in Mancos area, (b) blading in Cahone Mesa Area, (c) working on CR M & 25, and (d) crushing at Ormiston gravel pit. Discussed: (1) complaint (request for gravel) CR 24 & F - will check, (2) pavement pulling up on CR 39 - residents want the road patched, and (3) oil date for CR 25 - plans are to schedule for June. *******Later** in the afternoon **Lloyd Everett and Randy Smith** presented information (cost, truck vs belt, reduction of traffic, etc.) on purchase of a conveyor belt to be used at the McElmo gravel pit. The Board affirmed the purchase.

MESA VERDE NATIONAL PARK representative **Erika Campos** asked the Board to support and sign a grant application for monies from the Colorado Historical Society. The monies would fund the Mesa Verde Museum Association project, "Cultural Landscape Inventory for the Front Country Historic Designed Landscape of Mesa Verde Park." Comm Wilson moved to support and sign the application, seconded by Comm Lindsay and carried.

PROPOSED "NATIONAL CONSERVANCY AREA" (NCA) DESIGNATION - WITHDRAWAL:

Several interested persons met to discuss the recent withdrawal of the proposed NCA designation and possible designation of the area as a National Monument. **Chester Tozer** and others present (see attached list) expressed that there is still a local group of people who wish the area to remain status quo - multiple use. The following was noted as support for the multiple use vs a National Monument designation: (1) a resolution from the Ute Mountain Ute Tribe, and (2) a box of signed petitions. Funding, possible cooperative management plan, and more meetings to discuss alternative options to prevent a National Monument designation were discussed. No action was taken.

REGION 9 - SOUTHWEST COMMUNITY RESOURCES (SCR) representative **Tim Nadar** gave an update on the CDBG and SCR programs. He presented information on a "Development Manager for SCR" grant and asked for monies to help as a match for the grant. Comm Wilson moved to donate \$2,000.00, seconded by Comm Lindsay and carried. Other SCR employees, **Steve Meadows, Christina Cordalis and Kim Welty**, were present and gave a brief description of their respective positions.

PLANNING Manager **Karen Welch** presented a planning resolution **P-53-92 Second Amendment** whereas the resolution was first amended on March 18, 1996 and the survey of the southeast tract containing 3.59 acres did not include a detailed survey of the centerline of Simon Draw, it becomes necessary to amend the exemption (Neal) in Section 16, T.36N., R15W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Presented a planning resolution **P-11-00E After-the-Fact**, whereas **Alvin M. and Susan M. Lowrie**, owners of two adjacent tracts totaling 6.01 acres would be granted an exemption to the subdivision regulations to record an after-the-fact in Section 22, T.36N., R.15W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. **Letter Permit #240 - Nielsons, Inc.**, temporary construction yard (June - November 2000) and **Letter Permit #257 - PATHNET**, two non-manned buildings (Hwy 184) for fiber project were presented. Manager Welch stated the following were presented to the Planning Commission and they recommended approval: (1) **High Impact #53 - Richet Enterprises, Inc. - Mountain Stone - Tibbets** (expansion of sand and gravel operation) --- public hearing is set for Monday, April 10, 2000 at 10:00 a.m. and (2) **High Impact #54 - Shell CO2 Company, Ltd** (two traffic routes - 2 wells) --- public hearing is set for Monday, April 17, 2000 at 11:00 a.m. Discussed action on LIZ map. It will be presented to the Planning Commission for certification. If certified, a public hearing will be scheduled. Discussed and affirmed that a demand letter will be written to **Redstone Land Company** (Cedar Mesa Ranches Subdivision) for payment of the "Letter of Credit" dated September 3, 1998, made in favor of Montezuma County and the Mancos Fire District.

SANITATION DEPARTMENT Manager **Mick Periman** gave a progress report on identifying small acreages and their sanitation systems. He also gave an update on systems at the **Joe DiGiacomo - Mobil Home Park** and the **Lakeside Estates Mobil Home Park**. He stated he will continue to monitor both septic systems.

HEALTH DEPARTMENT Director **Lori Cooper** presented the department's "Annual Report for 1999" for review and documents for the promotion of the "Unity in Our Community" program. The Board was invited to the kick off for the "Home Visitation by Nurses For New Mothers" program - April 10th at 1:30 p.m. Personnel was discussed.

CANYON OF THE ANCIENTS DESIGNATION - (LANDS WITHDRAWN FROM NCA DESIGNATION): An informational conference telephone call was held with Secretary of the Interior **Bruce Babbitt** and staff at 1:20 p.m. Designation of the area as a National Monument was discussed. Secretary Babbitt stated what he believes would be included (restrictive and non-restrictive land use) in a National Monument executive order proclamation. Some of the items discussed were: (a) 160,000 map size - assured Board there would be no change, (b) advisory committee - would be created and management plan would not sunset, (c) funding - under federal law CMA (cooperative management area) is not an alternative, and (d) private inholdings - no restrictions for lands held by private landowners (can continue to use and improve land as they see fit). No action was taken and the Board stated after the call, that this was a "fact finding" process and no endorsement of the proposed National Monument designation was made. Others present were **Mike Preston**, and newspaper reporters, Cortez Journal - **Gail Binkly** and Dolores Star - **Shirley Dennison**.

COLORADO COMMISSION OF AGRICULTURE: **Phyllis Snyder** invited the Board to the meeting scheduled with the commission on Thursday, April 6th.

COUNTY HEALTH-DENTAL-LIFE INSURANCE renewal with CEBT was discussed.

ASSESSOR Bob Cruzan presented Board of Assessment Appeals, State of Colorado, Docket Number 35676 Stipulation (as to Tax Year 1999 Actual Value) -- **Zetroc Development Corp. (Johnson) - Parcel #5611-342-05-003** (see attached). The Respondent (County) stipulate and agree that the stipulated actual value of said property shall be (land - \$112,500 and improvements - \$372,500) a total value of \$485,000 for 1999. Comm Wilson made a motion to ratify the stipulation with Zetroc signed March 24, 2000 by Comm Story. The motion was seconded by Comm Lindsay and carried.

BIDS - JAIL FACILITY: Adm Weaver presented information on the general construction bids for the jail facility and the Sheriff's office. These were discussed. All the bids were too high. State statutes were read. Action was tabled.

ADJOURNED at 3:30 p.m.

Deputy Clerk
April 3, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 10, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 10, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, April 3, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

GENERAL FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-07-00 to the Treasurer to transfer \$80,372.00 from the General fund to the Social Services fund - 1st quarter HCBS (see attached). The motion was seconded by Comm Wilson and carried.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number 0-08-00 to the Treasurer to pay \$9,432.47 (first quarter dispatch lease payment) from the 911 Account to the City of Cortez. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) working on CR 25 - Engr Bud Roach needs to be contacted to look at Elliot property driveway problem, (b) stockpiling gravel at fairgrounds - help with fairgrounds parking lots, etc. by the National Guard Unit has been officially withdrawn, and (c) working on Cortez shop remodeling - working with City of Cortez in regard to variances, etc. Discussed: (1) complaints on pot holes, CR G - rough, CR 39, CR M (A. Lichliter) - ditch higher than road, Echo Basin road, and dust problem at entrance into Redstone's Cedar Mesa Ranches Subdivision. Written request from the Sheriff Posse's organization for gravel for their parking lot was affirmed - they will haul and blade.

PUBLIC HEARING - HIGH IMPACT PERMIT NO. 53 - ANTON/KOENIG GRAVEL PIT (MOUNTAIN STONE, INC.): It being the time set aside, a Public Hearing is conducted to consider a High Impact Permit with respect to the Anton/Koenig Gravel Pit as submitted by Mountain Stone, Inc. The public notice was read, the roll called and the proceedings were taped for the record. Present were Mountain Stone, Inc. representatives **Richard Tibbits and Gary Tibbits**, Planning Manager **Karen Welch**, adjacent landowner **Vivian Nyquist** and daughter **Kris Asmussen, and Carol Stepe**. Manager Welch gave information on the proposal to increase the size of the existing permitted gravel pit off CR 36. The proposal was presented to the Planning Commission on March 23, 2000, and they recommended approval if concerns about traffic (ability to pass trucks) were addressed. She stated that the proposal addresses the increase in traffic and dust abatement (use of water trucks). **Gary Tibbits** stated that the road has been widened so trucks can get off CR 36 when turning into the pit area. Landowner Vivian Nyquist expressed opposition to the permit, stating she feels that the pit will be too close to her property and she did not know if they had the right to use water from the canyon. Survey plats were reviewed. Carol Stepe stated the road to a gate is in good condition, but asked about maintenance on the remainder of the road past the gate. This will be checked. The Tibbits' stated that water would not be used from the canyon and a proposed development of a wetlands area across from the property has been sent to the State of Colorado for approval. After discussion Comm Lindsay made a motion to approve the High Impact Permit No. 53, contingent on the following conditions: (1) Pit extension is developed no closer to Ms. Nyquist's property boundary than it is at the present time (extension be to the north, not south, of the existing pit on the 20 acres); and (2) Permit is subject to Mined Land and Reclamation Permit (roads be maintained and development of State approved dedicated wetlands open space across from Nyquist property). The motion was seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented a planning resolution **P-12-00E**, whereas **Catherine A. Lichliter**, owner of 292.7 acres, would be granted an exemption to the subdivision regulations to record an exemption for 4.97 acres in Section 11, T.36N., R.16W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. **Loretta Murphy** gave an update on inholdings and accesses in the Canyon of the Ancients area.

ABATEMENTS: Assessor **Bob Cruzan** being present, petition for abatement of property tax was presented for **William R. & Kathleen P. Heisler**, 1999, erroneous assessment, \$1,589.76. Assessor Cruzan recommended approval. Comm Lindsay moved to approve this petition, seconded by Comm Wilson and carried. Presented a petition for abatement of property tax for **Stephen I. Hawkins**, 1999, erroneous assessment, \$1,802.77. Assessor Cruzan recommended approval. Comm Wilson moved to approve this petition, seconded by Comm Lindsay and carried. Presented a petition for abatement of property tax for **Richard V. & Betty L. Krumholz**, 1999, erroneous assessment, \$2,273.67. Assessor Cruzan recommended approval. Comm Lindsay moved to approve this petition, seconded by Comm Wilson and carried. It is noted that all the Commissioners are present and the proceedings were taped for the record.

CANYON OF THE ANCIENTS: **Mike Preston** presented a draft letter pertaining to issues concerning this area.

BOARD OF SOCIAL SERVICES was conducted.

HEALTHY KIDS DAY PROGRAM: Social Services Director **Dennis Story** and Health Department Director **Lori Cooper** presented information on the regional program for first-time moms. San Juan Basin Health Department, Durango, CO representative **Deb Jaworsky** (supervisor for the program), Nurses involved with the program and representatives from other entities (see attached list) were present. The Board stated they support the program. Comm Lindsay moved to sign the "Agreement for Prenatal and Early Childhood Nurse Home Visitation Program/San Juan Basin Health Department," seconded by Comm Wilson and carried. Regarding the Nurse Home Visitation Program, the following is noted on how the funds are distributed under this agreement: (1) Montezuma County Department of Social Services paid San Juan Basin Health \$75,000 in TANF funds for the first year of services under this agreement. They are the fiscal agent for the program; and, (2) San Juan Basin Health will reimburse from this \$75,000 for services provided under this agreement by Montezuma County Public Health Nurses for those Montezuma County residents served.

CONTINUED PUBLIC HEARING - HIGH IMPACT PERMIT NO. 46 - TRI-STATE GENERATION AND TRANSMISSION, INC. - NORTH FIBER PROJECT: It being the time set aside, a Public Hearing is continued from Monday, February 28, 2000, to consider a High Impact Permit with respect to the North Fiber Project as submitted by Tri-State Generation and Transmission, Inc. The roll was called and the proceedings were taped for the record. Comm Story opened the hearing and then asked to be recused because of a conflict of interest. Vice-Chairman Wilson conducted the rest of the hearing. Present were Tri-State representatives **Mark Murray, Monica Hansen and Warren White**, Fiber Optics Negotiation Committee representative **Glen Humiston** - and other members, other landowners, Planning Manager **Karen Welch**, and later in the hearing REANET (formerly known as Tri-Communications) representative **Raymond Keith**. Mark Murray gave information on the preferred route for the project which is a joint effort between Tri-State and rural electrical associations to run a fiber optic line from Grand Junction, CO to Albuquerque, NM. He stated there are still issues on rights-of-way with some landowners. He gave three alternatives for the routing, if those issues cannot be resolved and stated that the company is willing to post a \$500,000 performance bond to insure landowners of protection from any damages. Glen Humiston requested more time for Tri-State and the Committee to address landowner issues. Meeting(s) between Tri-State and Fiber Optics Negotiation Committee are scheduled this week. Other landowners expressed they accepted Tri-State's negotiations and had no problem with the project going forward. It was noted that if there is a change in the route, application will have to be made for a new high impact permit. Comm Lindsay moved to continue the hearing to Monday, April 17, 2000, at 2:00 p.m., seconded by Comm Wilson and carried.

SHERIFF DEPARTMENT: Sheriff **Chavez** presented a list of citizens interested in serving on the Community Correction Board. Comm Lindsay made a motion to appoint eight from the list (see attached) to serve with the other eleven for a total of 19 persons to serve on the Board. The motion was seconded by Comm Wilson and carried. District Attorney **Mike Green** was present.

HINDMARSH GRAVEL PIT: Collection Agreement between USDA Forest Service San Juan National Forest and the Montezuma County was presented. The funds collected under this collection agreement will cover the costs of Forest Service employees to review Montezuma County's application to place crushing equipment on National Forest land and to monitor for conformance with approved plans and permits. Comm Lindsay moved to sign the agreement, seconded by Comm Wilson and carried.

SOCIAL SERVICES DIRECTOR Dennis Story presented the "Child Welfare Contract" between County Attorney Bob Slough and the State of Colorado for review. This was reviewed and signed by Chairman Story and Attorney Slough. Also presented "Child Support Enforcement Cooperative Reimbursement Agreement" between Montezuma County Administration and Montezuma County Social Services for review. Comm Wilson moved to sign the agreement, seconded by Comm Lindsay and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk
April 10, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 17, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 17, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, April 10, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #34078 thru #34294 in the amount of \$484,476.92, Road fund warrants #13292 thru #13379 in the amount of \$200,787.08 and Landfill fund warrants #2041 thru #2073 in the amount of \$13,641.97 were approved for payment.

LANDFILL: "Profit & Loss Statement for 1999 versus 2000 for Month of March" and quarterly tonnages and baled percentages comparison for 1998, 1999, and 2000 were received.

COUNTY ROAD 25: Residents on CR 25, **Lonnie Elliott, Vera Fraka, Happy Freeman and Eva Thraikill** met to discuss problems with recent repair of the road in connection with their individual properties. Problems mentioned included: removed property stakes, placement of culverts, raised driveways, sub-standard fence replacement (pictures presented). Road Department **Don Yeomans** was present and stated he will relay all the concerns to the Project Manager Jim Sattley.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) pit run will be hauled to the fairgrounds (parking lot) -- will receive help from the National Guard Unit (training exercise), (b) continuing to work with City of Cortez for permits, etc. for improvements on the County shop building, and (c) ordered pumping truck. Discussed: (1) CR M (Echo Basin) - county will tear up and chip/seal, (2) CR 43 resident will buy oil - county furnish gravel to chip/seal 600', (3) CR 37 - request for gravel for unimproved section of road - needs to be brought up to county specs, and (4) Cedar Mesa Subdivision entrance - condition of chip/seal.

COHACO BUILDING SPECIALTIES, INC. Attorney **Erin Johnson** asked the Board to approve and sign the final plat for the Cohaco Subdivision. Contingencies for approval based on recommendations by Engr Roach (see minutes of February 28, 2000) were discussed. Approach guardrails to the bridge have not been installed. The Board stated that this creates a safety issue. Subdivision roads have not been presented for final inspection to the Montezuma County Road Department. Therefore, the request, at this time, is denied. Planning Manager **Karen Welch** and **Loretta Murphy** were present. The proceedings were taped for the record.

GARRISON COURT MOBILE HOME PARK (PUD): Comm Lindsay moved to approve and sign the final plat for the Garrison Court Mobile Home Park (Lewis), seconded by Comm Wilson and carried.

SWORD SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Sword Subdivision (Robbie Wilson), seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** stated that at a special meeting with the Planning Commission the draft Landowners Initiated Zoning map was certified. A Public Hearing is scheduled for Monday, May 15, 2000, at 2:00 p.m. to consider final adoption of the map by the Board. An update on acreage sign up in the different zoning categories was presented. **Loretta Murphy** was present.

ASSESSOR Bob Cruzan introduced **Mark Vanderpool** and presented his credentials. Mr. Vanderpool has applied for the commercial appraiser position with the Assessor's office.

PUBLIC HEARING - HIGH IMPACT NUMBER 54 - SHELL CO2 COMPANY, LTD: It being the time set aside, a Public Hearing is conducted to consider a High Impact Permit #54 with respect to the Shell Project: Well Sites YA#4 and YB34 - two traffic routes, as submitted by Shell CO2 Company, Ltd. The roll was called, the public notice read and the proceedings were taped for the record. Present were Kinder Morgan/Shell representative **Jeannie Johnston**, Kinder Morgan representative **Phyllis Cutree**, Planning Manager **Karen Welch** and landowner **Wade Wilson**. Manger Welch reported that the request for the permit has been presented to the Planning Commission, who recommended approval. Manager Welch gave information on the company's plans for: dust abatement - water trucks or mag-chloride, control of speed, and traffic thresholds. Wade Wilson stated that one site previously worked on needs to be cleaned up. Kinder Morgan/Shell representative Johnston gave information on the project and stated that sites will be properly reclaimed. Comm Wilson moved to the High Impact Permit #54, seconded by Comm Lindsay and carried.

LIQUOR LICENSES: Deputy Clerk **Betty Davis** presented applications for renewal of a 3.2% beer license for the **Skyline Foodmart** and a retail liquor license for **Hilltop Liquor**. The Sheriff's department reported one DUI on owner Rodney Lloyd. The Health Department reported no problems with the Skyline Foodmart outlet. Comm Wilson moved to approve these applications, seconded by Comm Lindsay and carried. Presented an application for renewal of a Hotel/Restaurant liquor license for the **E. B. Dude and Guest Ranch LLC**, a Recreational Complex (formerly Echo Basin Ranch). The Sheriff and Health departments reported no problems with this outlet. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried.

SHERIFF DEPARTMENT - COMMUNITY CORRECTION BOARD: Sheriff **Joey Chavez**, Coordinator **Vici Trentman**, Deputy **Jim Keen** met to discuss the Community Correction Board. Sheriff Chavez reported on the first community correction board meeting. Coordinator Trentman gave an overview of the correction board. She asked whether the Commissioners wanted the correction board to be a functional or advisory board. After discussion, the Commissioners asked for a presentation on the whole program and its function. A presentation will be given next week. Action was tabled.

CONTINUED PUBLIC HEARING - HIGH IMPACT PERMIT NO. 46 - TRI-STATE GENERATION AND TRANSMISSION, INC. - NORTH FIBER PROJECT: It being the time set aside, a Public Hearing is continued from Monday, April 10, 2000, to consider a High Impact Permit with respect to the North Fiber Project as submitted by Tri-State Generation and Transmission, Inc. It was noted that all the commissioners were present and the proceedings were taped for the record. Comm Story opened the hearing and then asked to be recused because of a conflict of interest. Vice-Chairman Wilson conducted the rest of the hearing. Present were Tri-State representative **Monica Hansen**, Fiber Optics Negotiation Committee representative **Glen Humiston** and other members (see attached list) and Planning Manager **Karen Welch**. Glen Humiston stated they have reached an agreement with Tri-State on rights-of-way, compensation, and confidentiality, but still have a concern about usage and time periods. Monica Hansen was asked if the \$500,000.00 bond will be posted. She affirmed this. Clarification for the bond was discussed and it was noted that the bond would be for \$500,000.00 for private property damages (two year time limit) and be specifically for the North Fiber Project. Comm Lindsay made a motion to approve the High Impact Permit #46, contingent on a \$500,000.00 being posted with the County. The motion was seconded by Comm Wilson and carried.

CANYON OF THE ANCIENTS: **Mike Preston** gave an update on the issues concerning this area.

SENIOR NUTRITION - MANCOS CENTER: A personnel hearing was held. Senior Nutrition Manager **Sue Fletcher, Mary Holiday** and **Jana Rogers** were present and presented information to the Board. No action was taken, as the result of Jana Rogers' resignation effective April 17, 2000.

ADJOURNED at 4:00 p.m.

Deputy Clerk
April 17, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 24, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 24, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, April 17, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried

LANDOWNERS Glen and Patti Elliott again met with the Board to discuss work done on CR 25 (see minutes of April 3, 2000). Road Foreman **Jim Sattley, Lloyd Everett** and **Engineer Bud Roach** were present. They reiterated their concerns about the road in front of their driveway being raised five feet. Engr Roach stated that the change in the road improved sight distance and is necessary for safety. Several options to help the situation (guardrails, re-routing of driveway, level approach ramp) were discussed. It was noted that returning the road to the original height is not an option. The Board asked Foreman Sattley, Engr Roach and the Elliotts to work together and decide on a solution that is acceptable to all the parties. This was affirmed. Action was tabled until options are considered.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) working on CR 25, (b) blading, and (c) working on McElmo gravel pit - installing conveyor belt. **Lloyd Everett** stated he had received complaints about F.5 - a non-county road. It was noted that the mobile home park owner is responsible for that section of road. Discussed: (1) CR W (Hindmarsh gravel pit road) - on hold and (2) rough condition of CR 32.

HEALTH DEPARTMENT Director **Lori Cooper** presented a change order for the "Long-Term" contract #3300-1303 between the State of Colorado of Health Care Policy and Financing and the Montezuma County Health Department, July 1, 1999 thru June 30, 2000. Reported on the bike rodeo and booster seat programs.

SHERIFF DEPARTMENT - COMMUNITY CORRECTION PROGRAM: Deputy **Jim Keen** and Interim Coordinator **Vici Trentman** presented information about the responsibilities and activities of the Community Correction Board and information about the correction program. Presented an example facility report and other information. Functional independent or advisory board designation was discussed. Resolution No. 3-98 was reviewed. Questions about the Community Correction program's future line of authority - employment of personnel and connection with the Sheriff Department were discussed. Action was tabled until clarification of the line of authority is determined.

VETERAN Tony Valdez stated that there is a proposal to open a VA health clinic in the Four Corners area. He said he would like to see it located in Montezuma County. Spaces that might be available for lease in the area were discussed.

PLANNING Manager **Karen Welch** presented an update on the demand letter to **Redstone Land Company** (Cedar Mesa Ranches Subdivision) for payment of the "Letter of Credit" dated September 3, 1998, made in favor of Montezuma County and the Mancos Fire District. ***** **Later** in the day, in connection with the Letter of Credit, **Resolution No. 2-2000** was presented (see attached). Comm Wilson moved to adopt Resolution No. 2-2000, seconded by Comm Lindsay and carried. **Loretta Murphy** gave an update on contacting property owners that have inholdings and accesses in the Canyon of the Ancients area.

JAIL FACILITY BIDS: A telephone conversation was held with Archetype Design Group, Inc. representative **Mike Pollard** in regard to bids received for the construction of the facility. After discussion, it was determined that all the bids received were too high. Comm Wilson moved to reject all bids, seconded by Comm Lindsay and carried.

CORTEZ SANITATION DISTRICT representatives **Bill Smith and Stan Pierce** presented "Cortez Sanitation District Plant Replacement Data" and options for funding the project. They stated that a bond issue to fund the improvements will be voted on next week. They asked for the Board's support.

SOUTHWEST MEMORIAL HOSPITAL (SWMH): Administrator **Bob Peterson** and Chief of Operations **George Brisson** met with the Board. Adm Peterson stated that the SWMH 1999 audit is complete. Chief Brisson presented SWMH financial documents - "Quarterly - Profit and Loss Statement," Grafts, Current Ratios, and Return on Assets. These were discussed. **Shelia Wilson, Joe Reed, and Neva Kindred** were present.

COUNTY LODGERS TAX BOARD representatives **John Kocourek, Darlene LeBlanc and Dale McFarland** presented update on the Lodgers Tax Board. Distribution of funds was discussed. County Lodgers Tax Allocation statutes were reviewed. It was determined that the Dolores Tourist Center qualifies for monies to help with their proposed remodeling. Dolores Tourist Center representatives **Ed Merritt and Ruby Gonzales** were present.

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

ADJOURNED at 3:30 p.m.

Deputy Clerk
April 24, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 1, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 1, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman - absent in afternoon
Glenn E. "Kelly" Wilson, Jr., 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, April 24, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund payroll in the amount of \$174,978.28, District Attorney warrant #34296 in the amount of \$15,356.38, Treasurer warrant #34297 in the amount of \$236,340.03; Road fund payroll in the amount of \$55,514.48, Treasurer warrant #13382 in the amount of \$44,141.74; and, Landfill fund payroll in the amount of \$9,294.68, Treasurer warrant #2075 in the amount of \$5,495.90 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number **0-09-00** to the Treasurer to pay \$1,047.36 from the 911 Account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICES: **Lyle Bilberry** gave information on a satellite imaging system and presented a slide show of his "Special Analysis of Gravel Deposits in Montezuma County" study. These were discussed. Present were **Mike Preston, Lloyd Everett, Randy Smith, Loretta Murphy** and **Karen Welch**.

ROAD DEPARTMENT: **Lloyd Everett** and **Randy Smith** reported on department activities: (a) continuing to work on CR 25, and (b) gave an update on work planned to help solve the Elliott driveway problem. **Glen Elliott** was present and asked when the work is to be done. He was told that it will probably be started this week. The Board encouraged Mr. Elliott to continue to work with Road Foreman Jim Sattley about the details. Noted that the City of Cortez has approved the special permit for improvements at the county yard.

SHERIFF DEPARTMENT - COMMUNITY CORRECTION PROGRAM: Deputy **Jim Keen** and Interim Coordinator **Vici Trentman** gave information about community correction programs in other counties. Presented and discussed the draft copy of Resolution No. 2-2000. The final resolution will be prepared. Deputy Keen stated that they plan to have a preliminary budget for the program prepared by next month.

PLANNING Manager **Karen Welch** presented a verbal request for an exemption to the subdivision regulations for **Virginia Goza** to split a 3 to 4 acre parcel with a house from 72 acres. The request was tentatively approved. Manager Welch was asked to get information from Sanitation Manger Mick Periman about (a) number of septic permits issued for 1999, and (b) an update on the DiGiacomo mobile home park septic system.

REDSTONE LAND COMPANY - CEDAR MESA RANCHES SUBDIVISION'S Attorney **Kelly McCabe** met to discuss action in regard to the demand letter to Redstone by the County for payment of the "Letter of Credit." Past meetings with the Board, minutes, etc. were discussed. Attorney McCabe stated that he has been authorized by Redstone to make the following offer to the County for help with a fire station: (1) \$37,500.00, and (2) convey a 1/2 acre parcel for the building. Action was tabled. Planning Manager **Karen Welch** was present.

LIQUOR LICENSE: Deputy **Betty Davis** presented an application for renewal of a Hotel/Restaurant liquor license for **Stoner Creek**. The Sheriff Department reported no problems with the establishment. The Health Department reported no problems last year and stated this year's inspection is scheduled for later in May. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried. Discussed the alleged liquor license violation issued by the Sheriff Department to Charles Schroeder, owner of Schroeder-Colorado, Inc./Eagle Claw Trading Post Retail Liquor Store. Affirmed need for public hearing. Public hearing date will be set next week.

ABATEMENT: Assessor **Bob Cruzan** being present, petition for abatement of property tax was presented for **TCI Satellite Entertainment, Inc.**, 1997, erroneous assessment, \$5,251.29. Assessor Cruzan recommended denial. Comm Lindsay moved to deny this petition, seconded by Comm Wilson and carried. All the Commissioners were present and the proceedings were taped for the record.

E911 AUTHORITY BOARD: Chief of Police **Roy Lane** gave an update on the E911 surcharge of fifty cents per month on wireless communication users (see Resolution 2-99). He plans to have contracts with the companies completed within the next 45 days.

LOTTERY FUND request from the **Cortez Cultural Center** --- in reference to the minutes of August 30, 1999, the balance of \$1,250.00 will be paid from the lottery fund to the Center.

ADJOURNED at 2:00 p.m.

Deputy Clerk
May 1, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 8, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 8, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, May 1, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

CAPITAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue Order Number 0-10-00 to the Treasurer to transfer \$11,500.00 from the Capital fund to the Conservation Trust fund for equipment-purchase of a boomlift. Per auditor, this purchase did not qualify for use of lottery funds - see minutes of December 13, 1999. The motion was seconded by Comm Lindsay and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) working on CR G (McElmo Canyon) shoulders, (b) still working on CR 25, (c) McElmo Canyon gravel pit conveyor belt is about installed, and (d) will start mag-chloride work this month. Discussed: (1) question of source of mag-chloride for CR BB & CC, (2) condition of CR H east of CR 27, and (3) request for gravel on unimproved section of CR 22 north of CR X - needs to be brought up to county specs.

LANDFILL Manager **Debby Barton** presented the "Profit & Loss Statement for 1999 versus 2000 for month of April ." This report and other issues at the Landfill were discussed.

BOARD OF SOCIAL SERVICES was conducted.

PUBLIC HEARING - MODEL TRAFFIC CODE: It being the time set aside, a Public Hearing is conducted to consider the adoption of proposed Ordinance No. 1-2000, as the traffic ordinance for the unincorporated areas of Montezuma County. Said Ordinance provides for the adoption by reference of the 1995 edition of the "Model Traffic Code for Colorado Municipalities" and providing penalties for violation thereof. The roll was called, the public notice read and the proceedings were taped for the record. Sheriff **Joey Chavez**, Undersheriff **Sam Hager**, Patrol Lieutenant **Terry Steele** and District Attorney **Mike Green** were present. Sheriff Chavez gave a summary of the importance of adopting the code and District Attorney Green stated he feels the code would be good for the citizens and the county in general. It was affirmed that Ordinance No. 1-2000 will be voted on next Monday, May 15, 2000 at 10:00 a.m.

COMMUNITY CORRECTION BOARD: Comm Lindsay moved to adopt **Resolution No. 3-2000**, whereas, 17-27-101 et seq., C.R.S. provides for the establishment and operation of community corrections programs; and now therefore be it resolved by the Montezuma County Board of Commissioners that a Community Corrections Board is hereby established for the purpose of establishing and operating community corrections programs within Montezuma County. The motion was seconded by Comm Wilson and carried. Sheriff Chavez was present.

COLORADO DIVISION OF WILDLIFE Impact Assistance Grant application authorized by C.R.S. Section 30-25-3021 as amended was signed.

LIQUOR LICENSE - SCHROEDER COLORADO, INC. DBA EAGLE CLAW TRADING POST RETAIL LIQUOR STORE: A hearing date to determine whether 12-47-901(1)(a), C.R.S. has been violated was set for June 12, 2000 at 10:00 a.m.. Comm Lindsay moved to order the issuance of the "Notice of Hearing" to said establishment, seconded by Comm Wilson and carried. Sheriff **Chavez** was present and the notice was given to him to serve.

SANITATION DEPARTMENT Manager **Mick Periman** gave an update report on the septic system for the DiGiacomo mobile home park. He stated that he has been in contact with Engineer Mike Hannigan, who told him what they plan to do to take care of the ongoing problems. The Board set June 15, 2000, as the dead line for completion of the repairs. Manager Periman will notify owner Joe DiGiacomo and Engineer Hannigan of this date. Other sanitation department issues discussed were: (a) number of septic permits issued in the last few years, (b) septic permit fees - proposal for increase, (c) involvement with the new sanitation plants - need to know exactly how much sewage is being pumped and hauled by local pumpers - Mick will contact them for figures, (d) need for protection of the Mancos River watershed - will hire an engineer for information, etc. to write regulations, and (e) need for written policy on lagoons in the county.

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

E. B. DUDE AND GUEST RANCH, LLC (formerly Echo Basin Ranch) owner **Dan Bjorkman** and Engineer **Fred Thomas** met to discuss Mr. Bjorkman's proposal to enlarge his current RV Park and change it to a RV subdivision. Instead of renting the RV spaces they would be sold to private individuals for their RV use. Sanitation system and water supply issues were discussed. He was informed that this change will necessitate the need for a High Impact Permit and the first step is for him to meet with the Planning Commission.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** gave an update on public land issues.

ADJOURNED at 2:30 p.m.

Deputy Clerk
May 8, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 15, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 15, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, May 8, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-11-00** to the Treasurer to transfer the following monies from one account to another as per Auditor Laine Gibson on May 10, 2000, (see attached for explanation).

General Fund to Revolving Loan Fund	\$ 10,744.19
General Fund to Emergency Telephone Fund	\$ 4,616.58
Contingency Fund to Revolving Loan Fund	\$ 100.00
Unallocated Reserve Fund to Emergency Reserve Fund	\$109,616.00

The motion was seconded by Comm Lindsay and carried.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) working on Echo Basin road and CR 25 shoulders and driveways (including the Elliot's driveway), (b) bad spots on CR G (McElmo Canyon) are done - noted road needs blade patching, (c) replacing collapsed pipe on CR M & 26, and (d) still working on improvements at the county shop. Discussed complaints about condition of CR P and CR L. Noted compliment received on conveyor belt system at the McElmo gravel pit.

CIMARRON RANCH SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Cimarron Ranch Subdivision (Koudelka & Karolczyk), seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented "**Letter Permit No. 382**" for a glass installation business (Stella Rose Neeley). **Loretta Murphy** was present. Discussed the Landowners Initiated Zoning (LIZ) map.

MODEL TRAFFIC CODE: Sheriff **Joey Chavez** met to discuss the adoption of the proposed Model Traffic Code (see minutes of May 8, 2000). Comm Lindsay made a motion to adopt **Ordinance 1-2000 - Model Traffic Code**, as the traffic ordinance for the unincorporated areas of Montezuma County with attachment of the revised 1995 CDOT "Model Traffic Code for Colorado Municipalities." The motion was seconded by Comm Wilson and carried. The ordinance will be published, in its entirety, one time in all three local newspapers and will become effective 30 days from the publication date.

SHERIFF Joey Chavez presented the Local Law Enforcement Block Grant (LLEBG) -- project 2000 Patrol Computers -- for review. Comm Wilson moved to sign the grant, seconded by Comm Lindsay and carried. Sheriff Chavez stated that Montezuma County has been chosen for the pilot campaign for seat belt usage project. The Pinon Project office is the coordinator. The project was discussed and he asked if seat belt signs could be attached below county speed limit signs. This was affirmed. Fire ban for the county was discussed. No action was taken.

LIQUOR LICENSE - SCHROEDER COLORADO, INC. DBA EAGLE CLAW TRADING POST RETAIL LIQUOR STORE: Deputy **Betty Davis** was given information about the hearing date set last week (see May 8th minutes) to determine whether 12-47-901(1)(a), C.R.S. has been violated in the alleged liquor license violation issued by the Sheriff Department to Charles Schroeder. She was given a copy of the served "Notice of Hearing" for her files.

JAIL FACILITY: Comm Lindsay moved to authorize the signing-off of the revised plans from Archetype Design Group, Inc. -- Redesign Facility, Additional Services - Montezuma County Sheriff's Office and Detention Center, seconded by Comm Wilson and carried. Notice for bids will be re-advertised. Contract GGC10390 between Greeley Gas, a division of Energy Corp, and Montezuma County to install a natural gas line for the jail facility was presented and reviewed. Comm Wilson moved to sign the contract, seconded by Comm Lindsay and carried.

ADMINISTRATOR Weaver was asked about and commented on the following items: (1) Weed Control - spraying road sides, and will ask Ron Lanier to prepare weed program report for presentation to the Board; (2) traffic counts are being updated; (3) Resolution 4-2000, protection of Mancos Watershed - Public Hearing date set for Monday, June 5, 2000 at 10:00 a.m. (Sanitation Manager Periman will be notified of the hearing.); and (4) update on fairground personnel.

HEALTH DEPARTMENT Director Lori Cooper presented the "Single Entry Point Agency Contract" (long-term home care) effective July 1, 2000, for review. Comm Wilson moved to sign the contract, seconded by Comm Lindsay and carried. Director Cooper also gave an update on other planned health department activities.

LANDOWNER Bill Winkler informed the Board of his anticipated sale of approximately 40 acres (on the rim of Cross Canyon – Ansel Hall Ruin) to the Bureau of Land Management. He said he has been trying to trade or sell the acreage since the 1980's and is pleased that it may finally happen.

PUBLIC HEARING - LAND INITIATED ZONING MAP: It being the time set aside, a Public Hearing is conducted to consider the adoption of the Official Landowner Initiated Zoning Map. The roll was called, the public notice read and the proceedings were taped for the record. Planning Manager **Karen Welch, Loretta Murphy, Mike Preston, David Totman and Mac McGaughey** were present. The following documents and map were presented (see attached): (1) List: Zone-Total Acres-# parcels, (2) Minutes - Special Meeting, Montezuma County Planning Commission, April 12, 2000, 7:00 p.m., (3) Resolution No. 5-2000 - which pertains to the Official Zoning Map with attachment of Exhibit "A" and, (4) the Official Landowner Initiated Zoning Map. Concerns from Mr. Totman and Mr. McGaughey were discussed. Comm Wilson made a motion to sign **Resolution No. 5-2000** and to adopt the "**Official Landowner Initiated Zoning Map.**" The motion was seconded by Comm Lindsay and carried. The public hearing is continued to Monday, June 5, 2000, at 10:30 a.m., at which time the adoption of the Official Preference Landowner Initiated Zoning Map will be considered. It was noted that a public hearing will be scheduled for any amendment to the official maps.

REDSTONE LAND COMPANY - CEDAR MESA RANCHES SUBDIVISION'S "Letter of Credit" was discussed. **Karen Welch** was present.

ADJOURNED at 3:00 p.m.

Deputy Clerk
May 15, 2000

Chairman

NOTE: TYPED FROM COPY OF MINUTES DONE ON OTHER COMPUTER

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 22, 2000**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 22, 2000, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, May 15, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: General Fund warrants #44087 thru #44260 in the amount of \$236,815.47, Road Fund warrants #44261 to #44337 in the amount of \$193,764.79, Landfill Fund warrants #44358 thru \$44380 in the amount of \$13,471.58 and Jail Facility Fund warrants #44381 thru 44382 in the amount of \$13,353.52 were approved for payment.

ROAD DEPARTMENT: Foreman **Jay Palmer** reported Road 44 has been completed. The Dolores crew is working on Road 25, they will be ready to chip seal June 4 through June 16th. The driveway for **Glen Elliott** is completed. The roundup crew is grading, started Road H. All of Road H & G needs graded or graveled. Road P is done. They replaced a bad pipe on Road N and 25. The condition of Road L between Road 25 and Hwy 66 was discussed.

FIRE BAN: **Frank Cavalier** and Sheriff **Joey Chavez** recommended re-instatement of the fire ban due to lack of precipitation. Sheriff Chavez reported receiving several calls stating concerns from the residents as everything is so dry. Mr. Cavalier reported the Department of the Interior had a fire danger classification map that shows this area as a high fire danger risk. Federal prescribed burns are prohibited. Mesa Verde fire station reported below average precipitation reported between October and April. The Dolores and Arriola fire chiefs are in total support of a fire ban. Commissioner Lindsay moved to approve **Resolution 7-2000** canceling the suspension of the fire ban, Commissioner Wilson seconded, motion carried.

LIQUOR LICENSE: Deputy **Betty Davis** submitted a liquor license renewal for **Maverik County Store** for a 3.2% retail beer license. Also submitted was a change of corporate structure, installing **Bradley Franz Call** as vice president of the corporation. All documents were in order. The sheriff's office and the health department reported no problems with this outlet.

HEALTH DEPT: **Lori Cooper** presented a contract change order letter from the State of Colorado for EPSDT, Comm Wilson moved to accept the increase of \$1,130.00 to the current contract, seconded by Comm Lindsay, motion carried. Ms. Cooper reported there wee over 250 kids present for the Junglemobile last Thursday.

COHACO SUBDIVISION: A request to approve the Cohaco subdivision was presented. Comm Lindsay moved to approve the subdivision, subject to an adequate letter of credit or bond being provided to the county to cover subdivision road improvements and requirements as outlined in the minutes of February 28, 2000, seconded by Comm Wilson and carried.

PLANNING: **Karen Welch** presented **Planning Resolution P-13-00E After-the-fact** for Dove Creek Bank as owner of a 5.99 acre tract, more or less located in Montezuma County. Comm Lindsay moved to accept the after-the-fact resolution, seconded by Comm Wilson. Preliminary approval was given to approve **Wes Hoffman** to create a tract for eighteen acres from seventy-six acres. A verbal approval was given to amend **Resolution P-24-1979** for **Frank Dean**. Preliminary approval was given for a purchase of five acres from **Manuel Hastings** by **Nancy Romero** to add to her property. Preliminary approval was given to **David Springer** to add seven acres to his homestead from forty-three acres in Arriola, leaving thirty-five. **Mike Preston, Loretta Murphy and Karen Welch** met with the commissioners to discuss commercial and agricultural zoning. **Eagles Nest Subdivision Phase 1** plat was presented for approval. Comm Lindsay moved to approve the plan, seconded by Comm Wilson, motion carried.

GLEN HUMISTON: and **Robert DeMent** met with the commissioners to discuss a high impact permit No. 46 with respect to the **North Fiber Project** as issued to Tri-State Generation and Transmission, Inc. on April 17, 2000. Mr. Humiston and Mr. DeMent were told the public hearings on February 28, 2000, April 10, 2000 and April 17, 2000 were recorded for the record, Mr. Humiston requested a copy of the tapes, which Karen Welch offered to provide. Also discussed was the **Mapco pipeline** right of ways that were supposed to be seeded at the completion of the pipeline, and the ground is bare where there should be grass showing. Five year bond was examined between Mapco and the County.

A LETTER OF INDEMNIFICATION TO LICHFIELD FINANCIAL CORPORATION was signed by Comm Lindsay and Comm Wilson.

ADJOURNED at 2:50 p.m.

Deputy Clerk (signed by Betty Davis)
May 22, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 5, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 5, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, May 22, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ROAD DEPARTMENT: It was noted that the road department has started chip sealing CR 25 (Lebanon Road) today.

PAYROLL: General fund payroll in the amount of \$176,936.20, District Attorney warrant #34480 in the amount of \$15,934.11, Treasurer warrant #34481 in the amount of \$125,751.07; Road fund payroll in the amount of \$56,872.55, Treasurer warrant #13487 in the amount of \$43,998.66; and, Landfill fund payroll in the amount of \$9,295.77, Treasurer warrant #2106 in the amount of \$5,296.60 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number **0-12-00** to the Treasurer to pay \$1,046.30 from the 911 Account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

PLANNING: Planning Manager **Karen Welch** presented planning resolution **P-32-82 Amended**, whereas resolution P-32-82 was adopted on the 21st day of June 1982 and it becomes necessary to amend the exemption to the subdivision regulations. The landowner (Dean) wishes to adjoin an additional 8.27 acres to the 15.12 acre parcel for a total of 23.39 acres. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Discussed how to handle exemptions when acreage is zoned. It was affirmed that the exemption request will need to go through the public hearing process and be re-zoned. Mentioned request from **Jim Adams** to subdivide 35+ acres in the Merritt Subdivision.

CANYON OF THE ANCIENTS (National Monument): **Rick Keck** and **Chester Tozer** presented information and discussed the following items: (1) concurrent resolution for withdrawal of lands in any monument designation, (2) Forest Service ES - proposed roadless area initiative for the San Juan National Forest, (3) Forest Service water rights, and (4) the issue of lynx introduced into the county. They asked that an economic report be compiled by the county showing all the resources in Montezuma County. This will be considered.

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, 2000 thru December 31, 2000, was presented by Sheriff **Joey Chavez**. Comm Lindsay moved to sign the contract, seconded by Comm Wilson and carried.

SHERIFF DEPARTMENT - COMMUNITY CORRECTION PROGRAM: Coordinator **Vici Trentman** presented two contracts for review. Corrections were noted. The contracts and a copy of the old community correction agreement will be submitted at a later time. Sheriff **Chavez** was present.

PUBLIC HEARING CONTINUED - OFFICIAL PREFERENCE LANDOWNER INITIATED ZONING MAP: It being the time set aside, a Public Hearing is continued from Monday, May 15, 2000, to consider the adoption of the Official Preference Landowner Initiated Zoning Map. The roll was called and the proceedings were taped for the record. Planning Manager **Karen Welch, Loretta Murphy, Angela & Thomas Harper, Kenneth Saunders, Larry Spencer, David Fraley, Lex Hanson and Sam Barrett (Nielsons)** were present. Manager Welch presented the Official Preference Landowner Initiated Zoning Map and a list of all the parcels requesting zoning in these categories. She requested the Board grant preference zoning AR3-9 for parcels containing 6 acres or less. This was affirmed. Persons requesting specific zoning, and decisions are as follows: (1) **Larry Spencer** – commercial zoning – action tabled; (2) **Kenneth Saunders** – add residence to property with “letter permit” -- affirmed; (3) **Angela and Thomas Harper** -- no zoning – affirmed; (4) **David Fraley (Fraley & Co.)** – commercial zoning -- affirmed; (5) **Sam Barrett B (Nielsons)** – industrial zoning – affirmed; and (6) **Lex Hanson** -- urban services zoning -- affirmed. Issues pertaining to the reasons to establish commercial zoning, and the possible need to designate two separate zonings when a residence and business are located on one acreage were discussed. Guidelines will be clarified before adopting the proposed map. The public hearing is continued to Monday, June 26, 2000, at 1:30 p.m.

SOCIAL SERVICES DEPARTMENT Director **Dennis Story** presented “West Slope-Options-Colorado Health Networks, LL and County Human Service Agency Service Integration: Statement of Intent” for review. Comm Lindsay moved to sign the statement of intent, seconded by Comm Wilson and carried. **Kathy Talcott** was present.

PUBLIC HEARING - REGARDING THE MANCOS RIVER VALLEY WASTE WATER SYSTEMS: It being the time set aside, a Public Hearing is conducted to consider a resolution amending Montezuma County Resolution No. 86-1, as to individual sewage disposal systems within the 100 year flood plain to sixteen (16) feet above said flood plain along the Mancos River. The roll was called, the public notice read and the proceedings were taped for the record. Sanitation Manager **Mick Periman** was present. Resolution No. 4-2000 was presented. Comm Lindsay moved to adopt **Resolution No. 4-2000**, seconded by Comm Wilson and carried.

ABATEMENT: Assessor **Bob Cruzan** being present, a petition for abatement of property tax on possessory interests was presented for **Mesa Verde Company**, 1997, erroneous assessment, \$19,634.19. The roll was called and the proceedings were taped for the record. Assessor Cruzan recommended denial. A conference call was held with **Stephanie Tuthill**, representative for Mesa Verde Company. Comm Lindsay moved to **deny** this petition, seconded by Comm Wilson and carried.

REGION 9 - ECONOMIC DEVELOPMENT DISTRICT OF SW COLORADO Director **Ed Morlan** and representative **Marsha Porter-Norton**, MCEDEC Director **Bill Argo** and **Jim Dietrich** met with the Board. Presented were “Economic Trends, Components and Issues, Comprehensive Economic Development Strategy (CEDS) program June 2000” and Draft Community Development Action Plan - 2000, dated April 27, 2000.” These were discussed. It was noted that Region 9 representatives feel that these documents help with obtaining funds and reflect what the county wants to do (quality jobs and income). The Board was asked to prioritize each category in the community plan. This was affirmed.

REGION 9 - ATAC/RETAC representative **Nancy Falleur** and **SWEMS** representative **Scott Anderson** gave an update on the merger between ATAC/RETAC and SWEMS. They asked for support with funding to hire a coordinator until other funding is available (October 2000). Comm Lindsay moved to donate \$1,200.00 from the Revenue Sharing fund to the Southwest Emergency Medical Services (SWEMS), seconded by Comm Wilson and carried.

JAIL FACILITY - COOPERATION BETWEEN MONTEZUMA COUNTY & CITY OF CORTEZ: Comm Lindsay moved to adopt **Resolution No. 6-2000**, whereas it is in the best interest of Montezuma County to cooperate with the City of Cortez for the construction of said street and utility improvements, seconded by Comm Wilson and carried.

REDSTONE LAND COMPANY - CEDAR MESA RANCHES SUBDIVISION'S Attorney **Kelly McCabe** met to discuss Redstone Land Company issues. A meeting is scheduled for Monday, June 12, 2000, at 11:00 a.m. with all the interested entities (Mancos Fire District and Redstone Attorney and representatives). **Karen Welch** was present.

ADJOURNED at 4:20 p.m.

Deputy Clerk
June 5, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 12, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 12, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 Monday, June 5, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Story and carried.

TREASURER'S report for the month of May 2000 was received.

CANYONS OF THE ANCIENTS - NATIONAL MONUMENT: Throughout the day, **Mike Preston** met to discuss the designation of the monument and funding. A letter (see attached) was written to Congressman McInnis about several issues which were a concern to the Board in connection with these issues.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) late on applying mag-chloride - plan to start on Wednesday, (b) CR 25 - first coat done and plan to do second coat this week - gave update on condition of road, (c) moving crusher to McElmo gravel pit, and (d) next chip seal jobs planned for Mancos, Kelly Hill and CR J. Discussed: Paint stripping and request for stripping on CR 27 south.

LANDFILL Manager **Debby Barton** presented the "Profit & Loss Statement for 1999 versus 2000 for the month of May" (draft as of June 10th) for review and discussion. The policy for covered loads was discussed.

LIQUOR LICENSE ADMINISTRATIVE SHOW CAUSE 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 7, 2000, 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**, Deputy **Betty Davis**, and Montezuma County Sheriff Patrol Deputy **Jason Spruell** were present. Deputy Spruell and Charles Schroeder gave sworn testimony. Attorney Slough noted statutes on penalties - CRS 12-47-601. Comm Lindsay made a motion that: (1) The Board finds Schroeder-Colorado, Inc. in violation of CRS 12-47-601 (second offense) and said licensee did commit the violation of sale to a person under twenty-one (21) years; (2) The penalty assessed is that said licensee's license be suspended for fifteen (15) days beginning June 13, 2000 at 12:01 a.m. through June 27, 2000 at 11:59 p.m.; and (3) The licensee shall be on probation for one year from date hereof and if another violation occurs within that time, said licensee's license shall be revoked. The motion was seconded by Comm Story and carried. See attached Order. It was noted that "Notice of Suspension" signs will be posted inside facing out in the establishment. The Board will consider renewal of the liquor license on July 10, 2000.

LIQUOR LICENSES: Deputy **Betty Davis** presented an application for renewal for 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 Story and carried. Presented an application for renewal for a retail liquor store license for **G.Whil Liquors**. The Sheriff Department reported no problems with the establishment. Comm Lindsay moved to approve the application, seconded by Comm Story and carried.

TERM LIMITS: Republican representative **Todd Starr**, Democratic representative **Earl Rohrbaugh** and others (see attached list) presented a resolution supported by 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.

DOLORES/MANCOS SOIL CONSERVATION DISTRICT representative **Gayel Alexander** presented information and the agenda for a meeting "Discussion of Emerging Conservation Issues and Solutions, July 20, 2000, at the Cortez Conference Center." She invited the Board to attend.

REDSTONE LAND COMPANY - CEDAR MESA RANCHES SUBDIVISION'S Attorney **Kelly McCabe** met with the Board. No one from the Mancos Fire District was present. Receipt of a letter from the Fire District was noted (see attached). Options were discussed in regard to "Letter of Credit" monies received. **** **Later** in the day, Attorney McCabe served a Summons and Complaint, District Court, County of Montezuma, State of Colorado, Case No. 2000 CV 100, Waiver and Acceptance of Service – Redstone Company, Inc., Plaintiff, v. Montezuma County by and through the Montezuma County Board of Commissioners, Defendant (see attached). After discussion, Comm Lindsay moved to interplead the money to the 22nd Judicial District Court (see Order Number 0-13-00 below), seconded by Comm Story and carried. A copy of the "Summons and Complaint" will be forward to the Insurance Company. **Karen Welch** was present.

GENERAL FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-13-00** to the Treasurer to transfer \$75,000.00 from the General Fund to the 22nd Judicial District Court (see attached explanation - Redstone Land Company). The motion was seconded by Comm Story and carried.

FAIR BOARD representatives **Ron Kimmi, Jack Niemann and Dave Manning** gave an update on fair board activities and plans. Presented rodeo bull riding brochure. Discussed: (a) parking at the fairgrounds, (b) proposal to have two fairs (general and 4-H county) and other issues relating to this proposal. An informational meeting with interested entities was affirmed for Tuesday, June 20, 2000, at 7:00 p.m. at the courthouse. The Commissioners were invited to attend. The Fair Board will notify the different entities of the scheduled meeting.

PLANNING Manager **Karen Welch** presented planning resolution **P-14-00E**, whereas **Wesley Hoffman**, owner of 54.87 acres, would be granted an exemption to the subdivision regulations to record an exemption for 17.78 acres in Section 10, T.36N., R.16W. Comm Lindsay moved to adopt this resolution, seconded by Comm Story and carried. Presented **High Impact #385** for **Four Corners Aggregate (Aryol Brumley)** - commercial gravel pit. The permit will be presented at the next Planning Commission meeting. Presented and discussed results of the workshop held on June 7th about zoning issues, affirming that the creation of any tract under 35 acres needs to be zoned.

APPLE'S WAY SUBDIVISION: Comm Lindsay moved to approve and sign the Apple's Way Subdivision final plat, seconded by Comm Story and carried.

CONTRACT BETWEEN CITY OF CORTEZ AND MONTEZUMA COUNTY: Comm Lindsay made a motion to sign the contract entered into the 6th day of June 2000, by and between the City of Cortez and Montezuma County, relating to part of the Montezuma Public Facilities P.U.D. approved by the City February 8, 2000, (see attached). The motion was seconded by Comm Story and carried.

AMENDED HOLIDAY LIST: It was affirmed that Monday, July 3, 2000, will be added to the 2000 holiday list and all county offices will be closed on July 3 and July 4, 2000. Finance Officer **Mary Ann Sanders** was present.

ADJOURNED at 4:45 p.m.

Deputy Clerk
June 12, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 19, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 19, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 regular meeting held on Monday, June 12, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

CLERK'S report for the month of May 2000 was received.

ACCOUNTS PAYABLE: General fund warrants #34479 thru #34657 in the amount of \$128,525.55; Road fund warrants #13486 thru #13571 in the amount of \$67,840.57; Landfill #2113 thru #2141 in the amount of \$10,498.53; and Correction Facility fund warrants #12 thru #13 in the amount of \$3,929.65 were approved for payment.

ROAD DEPARTMENT: **Lloyd Everett** and Road Foreman **Jim Becher** reported on department activities: (a) mag-chloriding, and (b) CR 25 - two chip-seal coats have been put on – the third one is scheduled for July 5, 2000. Discussed: (1) Projects: Chip-seal - Kelly Hill (CR 42), Chip-seal - McElmo Canyon (CR G) from this side of McElmo gravel pit to Utah State line, and Guardrail - McElmo Canyon (CR G); (2) possible cut this year of 4th quarter gaming monies (3) need for energy grant for Hovenweep Road, (4) update on CR W - probably start in the fall, (4) Dolores/Norwood Road complaints - needs gravel, and (5) CR W west of Hwy 666 - complaint about pot holes - have done twice this year. The Board asked if data and trends on road counts are still being done. It was affirmed that this is still being done quarterly. It was noted that other roads may need to be included in the future.

SANITATION DEPARTMENT Manager **Mick Periman** gave updated information on the following Mobile Home Park sanitation systems: (1) **Joe DiGiacomo:** not in compliance - noted Health Official Public Hearing is scheduled Thursday, June 22, 2000 at 8:30 a.m. (2) **Vista Verde:** still in compliance, and (3) **Lakeside:** discussed what the County can do to bring the State regulated park into compliance. The Board and Manager Periman will do an on-site inspection at Lakeside this afternoon. Manager Periman stated he is still testing samples from McElmo Creek. Planning representative **Loretta Murphy** presented information on a complaint that two landowners, each with parcels less than three acres in the Aladdin/McLaughlin Mobile Home Park, have multiple mobile homes using their two septic systems. ***** **Later in the day, Sharon Palmer,** who has property outside the Aladdin Park and one lot within the park, stated her concern about the multiple use of the septic systems. Manager **Mick Periman** and **Loretta Murphy** were present. Manager Periman stated he will send a certified request for Paul and Susan Hollingshead and Donald Allen to meet with the Board, Monday, June 26, 2000, at 10:30 a.m. to address the issue.

BOARD OF SOCIAL SERVICES was conducted.

CANYONS OF THE ANCIENTS - NATIONAL MONUMENT: Concerned citizens, **Rick Keck, Chester Tozer, Glenna Harris, M. Allison,** and **Ed Latham** met to discuss the need for an economic assessment of resources, especially agriculture, from private in-holdings within the designated monument. Discussed grazing allotments, use of off-roads, and private lands at risk. Landowner **Bud Poe** and **Mike Preston** were also present. The concerned citizens asked if the Board would support their proposal to fight and overturn the monument designation. The Board stated they would need more information. The citizens will meet with Mike Preston to work on a resource economic assessment report. *** Chester Tozer mentioned a problem with a road closure. It was noted that the road is a private road, therefore the county does not have any jurisdiction on its use.

HEALTH DEPARTMENT Manager **Lori Cooper** presented an amended long-term home health care contract (see minutes of May 15, 2000). The amended contract was signed. Presented the Tuberculosis and Nursing contracts for review and renewal. Comm Wilson moved to sign the Tuberculosis contract, seconded by Comm Lindsay and carried. Comm Wilson moved to sign the Public Health Nursing Contract, seconded by Comm Lindsay and carried.

DEVELOPERS **Pat Blackmer** and **True Kirk** presented their proposed project for a RV Designation Resort on approximately 300 acres. Planning Manager **Karen Welch, Loretta Murphy** and Sanitation Manger **Mick Periman** were present. The developers were informed that the project will need a High Impact Permit and that they will need to meet with the Planning Commission.

LIQUOR LICENSE: Deputy **Betty Davis** presented an application for a temporary 3.2% beer license for “**Go West, Inc.**” (formerly **McPhee Marina Recreation Complex, Inc.**). Co-owner **Roseanne Guire** and First National Bank representative **M. Kevin Mullikin** were present. Comm Wilson moved to approve the temporary 3.2% beer license, dated June 19, 2000, thru October 25, 2000, contingent on the timely receipt of fingerprints and other required paper work, seconded by Comm Lindsay and carried.

ORMISTON MEDICAL TRUST ORDER: **Nila Tortoriello** presented two requests for funds from the Clara Ormiston medical trust. Comm Lindsay moved to pay a total of **\$3,000.00** from the Ormiston medical fund to providers listed on **Order Number 0-14-00** for **Lorrie Sellers**, seconded by Comm Wilson and carried. Comm Wilson moved to pay a total of **\$1,000.00** from the Ormiston medical fund to providers listed on **Order Number 0-14-00** for **Debra Smith**, seconded by Comm Lindsay and carried.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** throughout the day met with the Board about the monument designation and the proposed roadless areas in the national forests.

ADJOURNED at 4:30 p.m.

Deputy Clerk
June 19, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 26, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 26, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, June 19, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

NOTICE OF CLAIM C.R.S. 24-10-109, **Lesley Dunn vs Montezuma Sheriff Office** (Sheriff Chavez, Undersheriff Hager and Lt. Boggs) was received and has been sent to the insurance company.

ROAD DEPARTMENT Foreman **Jim Becher** reported on department activities: (a) mag-chloriding CR 31 and CR 32, (b) gravelling Hay Camp road, (c) working on fairground parking lot, and (d) crusher - at McElmo gravel pit - maintenance is scheduled. Discussed request for gravel for unimproved CR 24 between CR S and P. Noted that the county will supply gravel if they haul - need to fix drain pipe.

PLANNING Manager **Karen Welch and Loretta Murphy** presented Planning Commission recommendations for the following (see attached Planning Commission minutes): **(1) Robert and Frances Jordan, 102 acres** - approve AR 3-9 zoning for 23 acres: Comm Lindsay moved to approve AR 3-9 zoning for 23 acres with attached development plan, seconded by Comm Wilson and carried. **(2) O. E. "Buck" and Betty Morris, 74.48 acres** - approve zoning change from AR 10-34 to AR 35+: Comm Lindsay moved to approve zoning change from AR 10-34 to AR 35+ for 18 acres, seconded by Comm Wilson and carried. **(3) Randall Spencer, 16 acres** - approve AR 3-9 zoning on 16 acres in Phase 1 of Clampett Estates: Comm Lindsay moved to approve AR 3-9 zoning in Phase 1 of Clampett Estates, seconded by Comm Wilson and carried. **(4) Christopher and Elizabeth Foran, 40.10 acres** - approve AR 35+ zoning for 40.10 acres: Comm Lindsay moved to approve AR 35+ zoning on 40.10 acres, seconded by Comm Wilson and carried. **(5) John and Daalbaaleah Hutchison, 40 acres** - approve AR 3-9 zoning on 3 acre exemption: Comm Lindsay moved to approve AR 3-9 zoning on the 3 acre exemption, seconded by Comm Wilson and carried. Presented planning resolution **P-15-00E**, whereas **John and Daalbaaleah Hutchison**, owners of 40 acres, would be granted an exemption to the subdivision regulations to record an exemption for 3 acres in Section 15, T.37N., R.16W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Presented information on Planning Commission meeting remarks in regard to the **High Impact Permit #385 for "Four Corners Aggregate, LLC (Aryol Brumley on Duvall Truelsen's property)**. A Public Hearing with the Board of County Commissioners is set for Monday, July 17, 2000, at 1:30 p.m. It was noted that all the requirements will be adhered to that were requested by the Planning Commission. Mentioned planned workshop with the Planning Commission, scheduled for Monday, July 10, 2000, at 5:30 p.m. Discussed **Don McCartney's** concern about two old parked buses that may be being used without septic systems (CR P & CR 32). Sanitation Department Manager Periman will be notified of the situation. ****** Planning continued later in the day --** Discussed **Jim Craighead's** request for a zoning change from AR 3-9 to AR 35+ on 60 acres. A verbal request for an exemption to the subdivision regulations for the **Cannon** family to split 12 to 15 acres from a 77 acre parcel was tentatively approved. Proposed **Cohaco Subdivision**: Reviewed draft "Letter of Credit." Changes were made and, it was affirmed that before acceptance, the county needs the original letter of credit.

GENERAL LIABILITY INSURANCE BIDS: Two bids were presented from Wolcott Insurance Services, Inc. (Penco and St. Paul) by representative **Bentley Colbert**. Attorney Slough was recused because of a conflict of interest. The bids were discussed and changes suggested. Action was tabled.

LAKESIDE ESTATES MOBILE HOME PARK new owner **Drew Cleland** met with the Board about water and sewer line problems. Also present were Sanitation Manager **Mick Periman**, Colorado Department of Health (Durango) representative **Greg Brand**, Montezuma Rural Water Company representative **Mike Bauer**, several residents of the park (see attached list), **Karen Welch** and **Loretta Murphy**. Manager Periman recommended no new hookups and that a public hearing be scheduled with Dr. Griebel, the County Health Officer. He stated that he is very concerned about a possible health hazard in the park. Mr. Brand stated that the park at this time is not permitted and the State has issued a "Notice of Violation - Cease and Desist" order. Mr. Cleland gave an update on what he plans to do in the near future to correct the problems. Manager Bauer stated that he feels that Mr. Cleland intends to follow through with correcting the problems and has done some work already. The Board asked that Mr. Cleland submit to them (1) a timetable showing the scheduled work, and (2) a copy of the proposed work between the owner and his engineer, and that Manager Periman proceed to schedule a public hearing with Dr. Griebel. **Bruce Boller**, a lot/homeowner within the park, stated that he feels the park should not have rentals - park use has increased from 28 homes to 65 homes. He asked that the Board apply regulations in connection with the county Land Use Plan. The Board stated that they will look at the past history of the Park. A meeting was scheduled to re-address all the concerns for Monday, July 10, 2000, at 10:30 a.m.

SANITATION DEPARTMENT Manager **Mick Periman**, Aladdin Subdivision residents, **Susan Hollingshead** and **Don Allen** met to discuss the problem with multiple dwellings on less than three acres. After discussion, the Board asked that the following be done: (1) Ms. Hollingshead: (a) obtain proof that the original septic system was designed for 3 homes, (b) submit a statement from a certified engineer showing that the system is still adequate, and (c) submit a statement that the three homes will continue to be used by family members and never be rented. (2) Mr. Allen: (a) remove the one rental within 60 days, and (b) submit a certified engineer stamped designed system for two mobiles and a commercial building. **Sharon Palmer** was present.

SHERIFF DEPARTMENT - COMMUNITY CORRECTION PROGRAM: Interim Coordinator **Vici Trentman**, Undersheriff **Sam Hager**, Deputy **Jim Keen**, Judge **Sharon Hanson** and Department of Probation representative **Lynn Williams** met to discuss budget and placement of monies in connection with the Community Corrections program. Resolution No. 3-2000's effective date was discussed (see May 8th minutes). Comm Wilson moved to amend the effective date of May 8, 2000, to July 1, 2000, seconded by Comm Lindsay and carried. An "Allocation Letter #10-22 FY 2000-2001 and clarification letter and Contract Amendment #1 to the original Contract Number DCJ-00-04-22, dated July 1, 1999, were presented for review. Comm Lindsay moved to sign the Contract Amendment #1, seconded by Comm Wilson and carried. Comm Lindsay moved to sign the Allocation Letter #10-22 FY 2000-2001 with attachment of the clarification letter, seconded by Comm Wilson and carried. Sheriff **Joey Chavez** was present.

SHERIFF Joey Chavez presented concerns about shooting of firecrackers in connection with the imposed county fire ban. It was affirmed that no firecrackers can be shot off in the county.

PUBLIC HEARING CONTINUED - OFFICIAL PREFERENCE LANDOWNER INITIATED ZONING MAP: It being the time set aside, a Public Hearing is continued from Monday, June 5, 2000, to consider the adoption of the Official Preference Landowner Initiated Zoning Map. The roll was called and the proceedings were taped for the record. Planning Manager **Karen Welch**, **Loretta Murphy** and **Larry Spencer** were present. Mr. Spencer asked for a decision on his request for commercial zoning. Comm Story stated that at this time the criteria for how zones can be applied and parcels zoned have not been developed. A meeting is scheduled July 10th with the Planning Commission to address this issue. Mr. Spencer's request was tabled. Comm Lindsay made a motion to acknowledge the Official Preference Landowner Initiated Zoning Map as presented today, June 26, 2000, and close the public hearing. The motion was seconded by Comm Wilson and carried.

REDSTONE LAND COMPANY - CEDAR MESA RANCHES SUBDIVISION LAWSUIT: The Commissioners decided to make a **counter** offer for settlement purposes and advised the Attorney to contact Redstone Attorney Kelly McCabe regarding same.

ADJOURNED at 3:30 p.m.

Deputy Clerk
June 26, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 10, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 10, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, June 26, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried. **MINUTES** of the special meeting held on Wednesday, July 5, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

CANYONS OF THE ANCIENTS - NATIONAL MONUMENT: Mike Preston met to discuss funding issues.

TREASURER'S report for June 2000 was received.

PAYROLL: General fund payroll in the amount of \$183,220.70, District Attorney warrant #34659 in the amount of \$15,505.17, Treasurer warrant #34660 in the amount of \$129,847.89; Road fund payroll in the amount of \$58,140.25, Treasurer warrant #13578 in the amount of \$44,717.27; and, Landfill fund payroll in the amount of \$12,452.49, Treasurer warrant #2143 in the amount of \$6,116.77 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number **0-15-00** to the Treasurer to pay \$1,046.30 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 Wilson made a motion to direct the Clerk to issue Order Number **0-16-00** to the Treasurer to transfer \$77,011.00 from the General fund to the Social Services fund - quarterly HCBS (see attached). The motion was seconded by Comm Lindsay and carried.

ROAD DEPARTMENT Foreman **DonYeomans** reported on department activities: (a) doing some grading, (b) gravelling CR H, (c) mowing weeds, (d) used water truck on a section of CR BB - graded, (e) still working on county shop re-model, (f) setting crusher at McElmo gravel pit, (g) re-screening chips at Mancos gravel pit, and (h) bought Ford pickup at auction. Discussed: (1) mag-chloride for CR P and road to Goodman Point Cemetery, (2) condition of roads - speed is a factor, (3) CR 25 - rescheduled last lift for July 26, 27, and 28 - noted lower end seems rough - will check, (4) chip/seal scheduled for courthouse, annex and Vo-Tech parking lots, (5) CR 24.2 - approach rough - will check, (6) CR N - weeds - will check,

SOCIAL SERVICES Director **Dennis Story** presented an application grant letter to the Substance Abuse and Mental Health Services Administration for "Coalitions for Prevention Grants." The letter was signed.

PLANNING Manager **Karen Welch** presented planning resolution **P-2-85 Third Amendment**, whereas **Anthony L. and Nancy W. and Annie Romero** were granted Resolution P-2-85 on the 28th day of January 1985 with two subsequent amendments for correcting the legal description and to correct a boundary line. It becomes necessary to amend this resolution a third time to adjoin an additional 1.60 acres to the existing 2.57 acre tract to create one parcel consisting of 4.17 acres. Manual C. Hastings, landowner to the west of the above mentioned property, is selling the 1.60 acres to the Romero family in Section 21, T.36N., R.13W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Two **Letter Permits** were presented: **No. 386** - physicians office building - Dr. Robert Heyl and **No. 387** - McDonald Subdivision, Lot 8 - two office buildings (Dirk Johnson). Action was tabled. **Loretta Murphy** was present.

BOB JORDAN SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the **Bob Jordan Subdivision**, seconded by Comm Wilson and carried.

SKINNY COYOTE RANCH - MODERATE SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the **Skinny Coyote Ranch - Moderate Subdivision**, seconded by Comm Wilson and carried.

K. TODD SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the **K. Todd Subdivision**, seconded by Comm Wilson and carried.

SOUTHWEST OUTDOOR VOLUNTEERS representative **Brad Finch** and San Juan Mountains Association/Durango representative **B.J. Boucher** gave an update on information and funding for the regional "Southwest Colorado Volunteer Cultural Site Stewardship Program" project. The project was discussed. Mr. Finch presented information on the "2000-2001 Learn and Serve America: K-12 School-Based Programs-Proposal Submitted to Colorado Department of Education, Adopt-A-Weed Pilot Project, and SW Outdoor Volunteers 2000 Summer Projects."

LAKESIDE ESTATES MOBILE HOME PARK: **Bruce and Marla Boller**, lot/homeowners in the park, met again about sanitation, etc. concerns (see minutes of June 26, 2000). Platted maps, letter from owner Drew Cleland, 1998 letter from State Health Department, and State Statutes were discussed. Attorney Slough reported on the hearing held by Montezuma County Health Officer, Dr. Griebel, on July 7, 2000. Attending this hearing were Attorney Slough, Sanitation Manger Mick Periman, and owner Drew Cleland. The hearing addressed the issue, that there is no sanitation permit for a system capable of handling all the homes in the park. The hearing was continued to August 8, 2000. The Bollers stated they will keep in contact with the Board about any action on their concerns. **Karen Welch** was present.

SHERIFF OFFICE - RECORDS SYSTEM: Sheriff **Joey Chavez** and Undersheriff **Sam Hager** presented a proposal to separate the Sheriff's county records system from the City of Cortez's records system. The intergovernmental contract with the City was discussed. Action was tabled. Also present from the Sheriff's department were Deputy **Jim Keen, Terry Steele, and Tandi Stroud**.

HEALTH DEPARTMENT Director **Lori Cooper** presented the **EPSDT** and the **Environmental Health Contracts** for review. Comm Lindsay moved to sign the EPSDT (medicaid) contract, between the State of Colorado, Department of Health and the Board of Montezuma County Commissioners, seconded by Comm Wilson and carried. Comm Lindsay moved to sign the Environmental Health (restaurant inspection) contract, between the State of Colorado, Department of Health and the Board of Montezuma County Commissioners, seconded by Comm Wilson and carried.

TERM LIMITS: Democratic representative **Earl Rohrbaugh** and others (see attached list) presented a list of reasons (see attached) for the proposal to remove term limits for Montezuma County elected officials. He stated that both party County assemblies support removal of term limits, and that they will seek public support for the proposal. He asked for the Board's support. Action was tabled.

PROPOSED FOUR CORNERS AGGREGATE GRAVEL PIT: An on-site inspection was done of the proposed gravel pit area after lunch.

LIQUOR LICENSE: Deputy **Betty Davis** presented an application for renewal for a **3.2% beer** license for **Schroeder-Colorado, Inc./Eagle Claw Trading Post**. The Sheriff's department reported no problems with this establishment. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried. An application for renewal of a **retail liquor** license for the **Schroeder-Colorado, Inc./Eagle Claw Trading Post Retail Liquor Store** was presented. Comm Lindsay made a motion to approve the application, contingent on the conditions stated in the Liquor License Administrative Show Cause Hearing held June 12, 2000 – "that the licensee shall be on probation for one year from date hereof and if another violation occurs within that time, said licensee's license shall be revoked." The motion was seconded by Comm Wilson and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk
July 10, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 17, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 17, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, July 10, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

JAIL FACILITY groundbreaking ceremony was attended by the Board and Adm Weaver.

TERM LIMITS: Comm Lindsay made a motion to adopt **Resolution No. 8-2000** - elimination of term limits, and that said be put on the November 7, 2000, general election ballot under the following title: "Shall The Term Limits Imposed By State Law On Elected Officials Of Montezuma County Be Eliminated Pursuant To Article XVIII, Section 11(2), Of The Colorado Constitution, So That Said Elected officials May Continue To Serve Without Limitation As To Number Of Terms For So Long As The Voters Of Montezuma County Choose To Re-Elect Them To Office?" The motion was seconded by Comm Wilson. Comm Story voted "nay," Comm Lindsay voted "aye," and Comm Wilson voted "aye." The motion carried.

MONTEZUMA COUNTY SHERIFF'S OFFICE AND DETENTION CENTER PROJECT: Comm Lindsay moved to accept and sign the Agreement Between Owner, Montezuma County Commission, and Contractor, Weeminuche Construction Authority, seconded by Comm Wilson and carried. Comm Wilson moved to accept and sign the Agreement Between Owner, Montezuma County Commission, and Contractor, Barbour Building Systems, L.L.C., seconded by Comm Lindsay and carried.

REDSTONE LAND COMPANY - CEDAR MESA RANCHES SUBDIVISION LAWSUIT: Comm Lindsay moved to accept the offer submitted by Redstone's Attorney Kelly McCabe, seconded by Comm Wilson. Offer was discussed. Motion was rescinded. The Commissioners decided to make a counter offer for settlement purposes and advised Attorney Slough to contact Redstone's Attorney McCabe regarding same.

BOARD OF SOCIAL SERVICES was conducted.

CLERK Evie Ritthaler presented her report for June 2000. She gave an update on new computer equipment for licensing motor vehicles. Reported on upcoming election activities. The "Notice of Election" will be run the last of July in all three local newspapers.

COHACO BUILDING SPECIALTIES, INC., COHACO SUBDIVISION: Comm Wilson made a motion to acknowledge receipt of a "Letter of Credit," and to approve and sign the final draft of the Cohaco Subdivision plat. The motion was seconded by Comm Lindsay and carried. Planning Manager **Karen Welch** was present.

PLANNING Manager **Karen Welch** presented planning resolution **P-32-82 Second Amendment**, whereas an exemption to the subdivision regulations would be granted to **Frank W. and Carolyn J. Dean**, owners who created the original split of 35 acres, allowing for a 19.71 acre tract and a 15.12 acre tract on the 21st day of June 1982, and whereas the exemption was amended the first time on the 5th day of June 2000 to adjoin an additional 8.27 acres to the 15.12 acre tract for a total of 23.39 acres, and whereas the legal description on the amended survey omitted a portion of the metes and bounds description and it becomes necessary to amend Resolution P-32-82 for a second time to correct the legal description of the 23.39 acre parcel in Section 30, T.35N., 16W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Presented planning resolution **P-16-00E**, whereas an exemption to the subdivision regulations would be granted to **David L. and Cynthia K. Sprenger**, owners of 42.97 acres, who would like to record an exemption for 7.43 acres in Section 30, T.37N., R.16W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried.

SENIOR NUTRITION CENTER Manager **Sue Fletcher** and **Mary Holaday** presented a proposal for the purchase of a newer van for use by the Center. They stated they have received some funds from the Title III program which they feel could be applied toward the purchase. After discussion, it was determined that transportation issues will be addressed at the next AAA advisory meeting.

LANDFILL Manager **Debby Barton** presented the "Profit & Loss Statement for 1999 versus 2000 for the month of June for review and discussion. Landfill brochure and complementary letter were presented and discussed.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) grading, (b) putting mag-chloride on Hay Camp road, and (c) finishing CR 25. Foreman Sattley presented Sheriff Posse's request for the County to haul supplied gravel to their parking lot. The request was denied - the county will supply the gravel but they need to haul it.

PUBLIC HEARING - PROPOSED HIGH IMPACT PERMIT - FOUR STATES AGGREGATE, LLC: It being the time set aside, a Public Hearing is conducted to consider a High Impact Permit with respect to a gravel mining operation, as submitted by Four States Aggregate, LLC. Said property is owned by Duvall (Val) Truelsen and the physical address is 22374 Hwy. 145, Dolores, Colorado in Sections 22 and 27, T.38N., R.14W. on the east side of Hwy. 145. The roll was called and the public notice was read. Present were Four States Aggregate, LLC owners, **Aryol Brumley and Terry R. Gorsuch**, property owner, **Val Truelsen**, Planning Manager **Karen Welch** and approximately 50 other **interested persons** (see attached list). Manger Karen Welch stated that the application has been presented to the Planning Commission. Adm Weaver reported that the Planning Commission recommended **High Impact No. 385** (see attached) proceed to the Board of County Commissioners to set for public hearing, with the following conditions that all existing regulations that apply to this permit be adhered to with amendment regarding landscaping and natural shoreline on ponds for aesthetic value and hours of operation cease between 6 p.m. and 7 a.m. A **letter** dated June 24, 2000, to the Planning Commission from Pete and Cheri Robinson was noted (see attached).

Comm Story invited Four States Aggregate representative Aryol Brumley and owner Val Truelsen to present their proposed project. **Aryol Brumley** presented an overhead program - map of the area, plan of operation and impact mitigation measures for the "Line Camp Gravel Pit" project, which he stated will be constructed on an 18 acre (total of 50 acres overall) of a 152 acre parcel, owned by Mr. Truelsen. He stated that: (a) the closest resident is approximately 1,000 feet from the proposed pit (above Line Camp), (b) they have not applied to CDOT for highway access, and (c) that the pit would be 150' to 200' from the Dolores River banks. **Val Truelsen** stated that he owns 152 acres and all the mineral rights to this acreage. He said he plans to increase recreational use (RV park and perhaps mobile home park) around the pit as the project is completed, and tie it to his present Line Camp business. Following is the Board's request for more information on several issues and a brief answer from Mr. Brumley or Mr. Truelsen. (1) Water use and how the State addresses this issue: Mr. Truelsen stated that water use will be transferred from agriculture use to other use and water for the ponds will be provided from irrigation water and under-flow waters. He has not checked with water officials on use changes. (2) Traffic - safety issues: They have not submitted application for CDOT approval, (3) Reclamation - bond is needed for assurance that landowner maintains operation as set forth in the permit: They have not applied to the State yet. (4) Operation time: Hauling will be year round -- mining from spring to fall. (5) Length of operation: Five (5) years on the 18 acres. (6) Noise protection: Eight to ten foot high berm will

be constructed on the south end from top soil. (7) Schematic plans - need to submit: They stated they would.

Comm Story asked for any **public** comment. Following are concerns and notations from the public **against** the proposed gravel pit. **Carol Stepe:** noise, unsightly for tourist traffic on "San Juan Skyline Drive," berm does not work, control of weeds on berm, sanitation at present RV Park, water well permits, use of irrigation water, wildlife, zoning (un-zoned area), removal of gravel creating chance of more stones coming off, future RV Park sanitation development, lack of surveyed plat with correct designation of pit location from the highway and river bank, and safety issues. **Donal Lindsey:** truck traffic, noise, dust, trailer park - larger RV park, wildlife and moral issue - destroying neighborhood. **Cheri Robinson:** property in the 100 year flood plain (change in her resident flood plain status after pit is dug), land use compatibility, too many gravel pits - hear crushers, noise, read portions of "Takings Law," landowner responsibility - past does not show he has sufficient insurance coverage for present properties, increase of trash and waste in Dolores river, and belief that Fours States Aggregates is part of a larger company - Triad Western Constructors. **Sue Bieber:** residence 1/2 mile from pit not 1 mile, noise, wildlife, and decrease in property values. **Ed Bieber:** OSHA and EPA regulations application? **Noma Russell:** need for personnel to enforce conditions of permit and weed control, protection for Dolores river, and land use issues. **Pete Robinson:** distance of pit from the river, time of operation of the pit - 3? 5? or 10 years?, enforcement for covered loads - gravel trucks, noise, beepers, decrease in property values. **Rollie Cundiff:** (resident close to another gravel project) noted its problems - noise, dust, no restoration of vegetation, no enforcement for problems (under State jurisdiction), taxpayers paying to correct mistakes on other pits in the area. **Jerry Brown:** approval level, mitigation options, Dolores River Valley issue, land use, gravel pit plan, not enough information on proposal, benefit only for small group, FEMA removal of gravel pits in other area of country, how many developments can river withstand - pits, and sanitation concern if larger RV park. **Pat Kantor:** (resident one mile from another gravel pit in area) noted its problems - beepers, noise, fumes, impact of gravel trucks on highway (traffic and unsightly) and pollution. **Tom Cole:** (resident close to another gravel pit in area) asked proposed start up date, noted a decrease in property values, reclamation, and whether concerns will be addressed from neighboring residents who express they do not want the pit in the area. **Sheila Brown:** destruction of beauty of area, and read the State "Motto" of Colorado. **Lynn Knox:** loads not covered by other gravel operations - paint chips and broken windshields. **Alonda Armstrong:** future proposed development, wildlife, and decrease of property values if development allowed for mobile home park or pit. **Buddy Rogers:** possible development of other pits on the entire property - no plans presented or assurances that there will be no future development, safety - ponds too close to highway, windshield damage, and truck traffic - speed. **Boyce Russell:** consideration for people in area, destruction of beauty, truck traffic, windshields and paint chips and dents, need to listen to persons living along Hwy 145. ---- **Petition**, against the proposed gravel pit, signed by approximately 84 person was submitted and noted (see attached). ***** In **favor** of the proposed project: **Bill Nielson:** need for gravel (concrete and asphalt), no doubt about integrity of owners and developers, encouraged both parties to work together. **** In answer to a question about responsibility to enforce mitigation (if the permit is approved), Attorney Slough specifically stated he could not bind the county to pay any of the costs, that would be a decision for the County Commissioners.

No action was taken. The public hearing is continued to Monday, August 14, 2000, at 1:30 p.m. These proceedings were taped for the record.

CANYONS OF THE ANCIENTS - NATIONAL MONUMENT: **Mike Preston** met to discuss advisory board issues.

ADJOURNED at 4:00 p.m.

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 24, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 24, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, July 17, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #34661 thru #34810 in the amount of \$141,235.08; Road fund warrants #13573 thru #13673 in the amount of \$296,321.15; Landfill fund warrants #2151 thru #2177 in the amount of \$30,924.64; and, Correction Facility fund warrants #14 thru #15 the amount of \$54,795.23 were approved for payment.

JAIL BOND INTEREST ORDER: Comm Wilson moved to direct the Clerk to issue **Order Number 0-17-00** to the Treasurer to pay \$113,222.50 from the Jail Bond Interest account for Bonds to the Bank of Cherry Creek. The motion was seconded by Comm Lindsay and carried.

BIRCHER - MESA VERDE AND HOVENWEEP WILDFIRES: The following persons met with the Board to discuss the two wildfires: Sheriff **Joey Chavez**, City of Cortez Mayor **Joe Keck**, City Manager **Hal Sheppard**, MCEDC Director **Bill Argo**, Umbrella Tourism Coordinator for Southwest Colorado **Lynn Dyer**, Road Department representative **Randy Smith**, Fair Board representative **Jack Niemann**, and **Loretta Murphy**. **Karen Welch** was also present. Sheriff Chavez gave a report on all the local and governmental agencies involved in containing the fires. He asked that the Board declare a state of emergency so help from the National Guards might be employed and more Federal and State resources (small business loans, etc.) can be made available to the county. Comm Lindsay made a motion to submit to Governor Bill Owens, an emergency declaration for the entire county (request State and Federal resources for wildfire suppression and dry land agriculture). The motion was seconded by Comm Wilson and carried. Other concerns discussed were: (a) effect on tourism - meetings are being scheduled by Lynn Dyer, (b) move county fair scheduled for next week to the American Legion grounds, since 1,000+ firefighters are now using the fairgrounds for their base camp - need for large tents affirmed, and (c) health issues - people should contact their own physician or go to the emergency room at the hospital. *** **LATER** in the day, Comm Wilson made a motion to sign **Resolution 9-2000**, whereas The Board of County Commissions of Montezuma County hereby declares a wildfire disaster emergency and request State and Federal resources because the suppression of said wildfires is beyond the resources of Montezuma County and all local governments and agencies and individuals. The motion was seconded by Comm Lindsay and carried.

ASSESSOR Bob Cruzan and staff - **Scott Davis, Darrell Mott and Mark Vanderpool** and **Treasurer Bobbie Spore** presented information and cost figures for the proposed purchase of a new intergraded computer system between the Assessor and Treasurer offices. The request will be considered.

FIBER OPTICS: REANET representatives **Larry Martin, Michael Brinks and Gail Shea** and Empire Electric Association Manger **Neal Stephens** met to discuss REANET's proposal for fiber optic installation in the county. Mr. Martin gave an update on the company. Mr. Brinks gave a report on future plans and stated they would like to incorporate the Beanpole Plan (Region 9) with service to the area. He stated they would commit service to people outside the City. Manager Stephens reported on a current study about needs for fiber optics in the area. A map showing proposed fiber loop areas was presented and discussed. After discussion, it was decided that Manager Stephens will schedule a workshop with County, City, Towns, School Districts and Region 9 representatives to determine the use and needs for each entity. **Mike Preston, Loretta Murphy and Karen Welch** were present.

BOARD OF REALTORS representatives **Terry McCabe, Ted Saunders, Leroy Ellenberg, Mac McGaughhey, Ellie Courtney and Bob Durant** met with concerns about State Ballot Initiative #256. Terry McCabe gave a summary of the initiative, which, if passed, would instigate State building requirements and regulations. They asked if the Board opposes the initiative. This was affirmed, but the Board reiterated that they can not use tax dollars to promote their opposition. League of Women Voters representative **Rita Burke** asked for a copy for the league and invited the group to one of their meetings to promote their stand against the initiative.

PLANNING Manager **Karen Welch** presented a verbal request for **M.F. McGechie**, owner of 3.5 acres to create a 2-lot major subdivision (split the 3.5 acres divided by a road). The request was affirmed, contingent on the two lots being connected to the Cortez sanitation system. Presented a high impact permit for **Arthur Neskahi** (owner of 23 acres) - Native American ceremony site. The permit will be presented at the next Planning Commission meeting. Discussed classification status, in connection with land use regulations, for a split of 7 acres from a 77 acre parcel without creating a subdivision. This request would be denied since the LIZ process is to return to a PUD, cluster incentive for creation of small tracts.

THE DOG HOTEL: Neighbor **Rudy Baeumel** complained about dogs barking at night in the kennels owned by Tom Overington. Meeting with Mr. Overington to address these concerns (see minutes of February, 2000) was noted. Mr. Overington will be contacted.

FOREST SERVICE representative **Mike Znerold** gave an update on the two wildfires. He stated that a new command will be in place tomorrow and Public Information personnel will be issuing information about the extent of the Mesa Verde fire. **Mike Preston, Loretta Murphy, Carla Harper, Karen Welch and Rob Peterka** were present.

BOARD OF EQUALIZATION: It being 2:00 p.m., the time set aside, the Montezuma County Commissioners convened on Monday, July 24, 2000, to sit as the Board of Equalization. The roll was called, the Public Notice was read and proceedings were taped for the record. Assessor **Bob Cruzan**, Appraisers **Scott Davis, Darrell Mott and Mark Vanderpool** were in attendance.

WILLIAM AND JUDY EGGERS appeared for the Board's decision concerning their appeal on the "Notice of Valuation" for 2000 by the Assessor's office on Parcel #5609-152-00-093. Comm Wilson moved to **dent** an adjustment on the valuation for assessment on the property, seconded by Comm Lindsay and carried.

CRESTON O. GARNER (Cula Garner) appeared for the Board's decision concerning their appeal on the "Notice of Valuation" for 2000 by the Assessor's office on Parcel #5611-243-20-007. Comm Lindsay moved to **adjust** the valuation for assessment to \$68,240.00 (house - decreased by \$2,980.00), seconded by Comm Wilson and carried.

The Board of Equalization recessed until Monday, August 7, 2000, at 2:00 p.m.

REDSTONE LAND COMPANY - CEDAR MESA RANCHES SUBDIVISION LAWSUIT: Attorney **Kelly McCabe**, representing Redstone, and the Board discussed the rough draft -- “District Court, County of Montezuma, State of Colorado, Case No. 2000 CV 100, Stipulated Motion to Dismiss With Prejudice and Settlement Agreement” -- Redstone Land Company, Inc., Plaintiff, v. Montezuma County by and through the Montezuma County board of Commissioners, Defendant. Changes for the final draft were discussed and approved.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: **Mike Preston** presented a letter to Bureau of Land Management State Director Ann Morgan, for review by the Board and the Dolores County Commissioners. The letter (see attached) addresses the issue of establishing an advisory council for the monument. Comm Wilson moved to sign the letter, seconded by Comm Lindsay and carried.

ADJOURNED at 3:45 p.m.

Deputy Clerk
July 24, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 7, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 7, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman - absent
Glenn E. "Kelly" Wilson, Jr., 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, July 24, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue Order Number **0-18-00** to the Treasurer to pay \$1,046.30 from the 911 Account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

PAYROLL: General fund payroll in the amount of \$181,294.60, District Attorney warrant #34814 in the amount of \$16,194.00, Treasurer warrant #34815 in the amount of \$134,393.03; Road fund payroll in the amount of \$55,281.88, Treasurer warrant #13681 in the amount of \$4,371.05; and, Landfill fund payroll in the amount of \$11,188.01, Treasurer warrant #2180 in the amount of \$6,801.73 were approved for payment.

ACCOUNTS PAYABLE: Correction Facility fund warrant #16 in the amount of \$16,492.50 and warrant #17 in the amount of \$94,366.12 were approved for payment.

REDSTONE LAND COMPANY - CEDAR MESA RANCHES SUBDIVISION LAWSUIT: District Court Case No. 2000 CV 100 - Order approving settlement agreement and dismissing with prejudice - plaintiff, Redstone Land Company, Inc., v. defendant, Montezuma County by and through the Montezuma County Board of Commissioners was received and noted (see attached).

CANYONS OF THE ANCIENTS - NATIONAL MONUMENT: **Mike Preston** stated the advisory committee letters (Montezuma and Dolores County) have been signed and mailed. A suggestion was made to schedule a workshop with other county commissioners involved with newly created monuments. This will be considered.

LODGERS TAX FUNDS: A request from the Lodgers Tax Board for \$10,000.00 to help fund an emergency ad campaign because of reduced tourism, due to the recent fires, was received. Comm Lindsay moved to disperse the funds from the Lodgers Tax account to the Umbrella Tourism Committee, seconded by Comm Wilson and carried.

SOUTHWEST COLORADO LANDOWNERS ASSOCIATION (Coalition of Concerned Citizens of Montezuma and Dolores Counties) letter requesting information in regard to the total economic impact this land designation could have in this area was received and noted.

PLANNING Manager **Karen Welch** presented “**Letter Permit**” No. 390 for **PATH-NET**’s proposal for fiber optic installation in county highway rights-of-way. Path-Net representative **Gary Rippetoe** and **Don Barber** were present and stated they have made an application to waive the High Impact permit, since the project will not involve any private rights-of-way. The letter permit and application for a waiver will be submitted at the next Planning Commission meeting on August 24th. Presented planning resolution **P-17-00E After-the-Fact**, whereas an exemption to the subdivision regulations would be granted to **Joyce E. Periman**, owner of a 7.24 acre tract, to record an after-the-fact exemption in Section 15, T.35N., R.16W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Discussed an issue regarding a septic permit for an additional mobile home on a three acre lot in the Jacques Mobil Home park. The lot already has a mobile home and an older septic system. No action was taken. **Loretta Murphy** was present. ***** Later in the day Sanitation Manager **Mick Periman** met with the Board about the permit. He stated that it was inferred to him that this was a request for a “granny” permit. A meeting will be scheduled with the Jacques and Manager Periman. The Board requested that Manager Periman submit a list of all the “granny” septic permits and a list of all “multiple” septic permits on 3 acres or less in the county. Manager **Karen Welch** and **Loretta Murphy** were present.

DEER MEADOWS SUBDIVISION: Comm Lindsay moved to approve and sign the Deer Meadows Subdivision’s (Morlan) final plat, seconded by Comm Wilson and carried.

SUN WEST ESTATES SUBDIVISION: Comm Lindsay moved to approve and sign the Sun West Estates Subdivision (formerly Manuel C. Hastings Subdivision) final plat, seconded by Comm Wilson and carried.

JAIL FACILITY: Local architect **Charles Hubbard**, who has a contract with Archetype Design Group, Inc., stated he will be inspecting daily the work on the new facility. Other personnel from the company will be checking on the project at least once a month. He stated he is not associated with Weeminuche Construction Authority in any way. The Board asked Mr. Hubbard to present an update on the project on the first Monday of each month. This was affirmed.

LIQUOR LICENSE: Deputy **Betty Davis** presented an application from **E.B. Dude and Guest Ranch LLC (Echo Basin)** for a “Change to Modify the Premises” for the re-classified Recreational Resort. Comm Lindsay moved to approve the “Change to Modify the Premises,” and issue a temporary facility permit, seconded by Comm Wilson and carried. Echo Basin representative **Dan Bjorkman** was present. Deputy Davis presented information on an alleged liquor license violation (first offense) issued by the Sheriff Department to **Tim Lawrence**, personnel at the **Log Cabin Liquor** establishment. Deputy Davis will check on the status of the court date, before a “show cause” hearing is scheduled.

KUENZLER, BOYSEN & GIBSON, PC - Auditor **Laine Gibson** presented “Montezuma County, CO, General Purpose Financial Statements, For the Year Ended December 31, 1999” and “Montezuma County, CO, Consolidated Cost Allocation Plan & Indirect Cost Rate Proposal, For the Year Ended December 31, 1999” for review. The two reports were discussed.

NOXIOUS WEED CONTROL PROGRAM: Weed advisory committee member **Gayel Alexander** met to discuss weed management funding. She gave an update on the program and explained the availability again this year for Soil Conservation (State) grant monies for the control of noxious weeds. She asked for matching funds from the County in the amount of \$20,000.00. After discussion, Comm Lindsay made a motion to approve \$20,000.00 of matching funds for the year 2001 weed program. The motion was seconded by Comm Wilson and carried.

BOARD OF EQUALIZATION: It being 2:00 p.m., the time set aside, the Montezuma County Commissioners re-convened on Monday, August 7, 2000, to sit as the Board of Equalization. The roll was called and the proceedings were taped for the record. Assessor **Bob Cruzan**, Appraisers **Mark Vanderpool** and **Scott Davis** were in attendance.

LOUIS AND KAREN GARON appeared for the Board's decision concerning their appeal on the "Notice of Valuation" for 2000 by the Assessor's office on Parcel #5611-262-48-006. Comm Lindsay moved to **adjust** the valuation for assessment to the 1999 assessment of \$128,880.00 (building), seconded by Comm Wilson and carried.

GERALD STANSBURY - FRONT ROW SEAT representative Attorney **Jon Kelly** appeared for the Board's decision concerning his appeal on the "Notice of Valuation" for 2000 by the Assessor's office on Parcel #5611-261-00-030. Also present was appraiser for Mr. Stansbury, **Wayne Denny**. Comm Lindsay moved to **deny** an adjustment, seconded by Comm Wilson and carried.

The Board of Equalization for 2000 adjourned at 2:45 p.m.

SHERIFF Joey Chavez presented an application for the Colorado Rural Law Enforcement (formerly Local Enforcement Block) grant monies. Comm Lindsay moved to sign the application, seconded by Comm Wilson and carried.

E911 AUTHORITY BOARD: Chief of Police **Roy Lane** presented the U.S. West Enhanced 911 Service Agreement between Montezuma and Dolores Counties and U.S. West Communication for review. Arbitration issues were discussed. Action was tabled until next week.

GREAT WEST TOURS owner **Richard Sandlin** met to discuss his problem with obtaining a permit from BLM to conduct his tours in the newly designated Canyons of the Ancients National Monument area. He was advised to visit with Federal Lands coordinator Mike Preston.

ADJOURNED at 4:00 p.m.

Deputy Clerk
August 7, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 14, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 14, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 Monday, August 7, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Story and carried.

TREASURER'S report for July 2000 and six-month report were received. Finance Officer **Mary Ann Sanders** stated that the Commissioner's warrants balance with the Treasurer's fund.

MONTEZUMA COUNTY PUBLIC TRUSTEE: Received from Public Trustee, Bobbie Spore the summary of Public Trustee fees (see attached) for the months of April, May, and June 2000.

CLERK'S report for July 2000 was received.

JAIL BOND INTEREST ACCOUNT ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-19-00** to the Treasurer to pay Jail Bonds as they come due (see attached) on the Montezuma County Jail facility from the Jail Bond Interest Account for Bonds to the Bank of Cherry Creek. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) finished chip/seal on: Kelly Hill, CR 25 (need to stripe), County parking lot, and CR J - Mancos area; (b) plan to chip/seal Annex parking lot in the near future; (c) blading roads; (d) gravelling CR 33 (will mag-chloride); and (e) touch-up work on Norwood road - discussed need for gravel on this forest service Schedule "A" road - will prepare costs for work and contact Forest Service for gravel and compensation for work. Discussed: (1) CR 38-5/10's (Rogers) need for gravel - will work into schedule; (2) reported trash dumping on CR T.5 - will check; (3) complaint about trash on CR P off of CR 33 - will check; (3) CR P.5 (drained & graded road), resident Sandy Combe's request for gravel -- county will furnish gravel if road is 24' wide (they haul), if road is only 18' they will need to buy gravel and do hauling; and, (4) continuing to work on CR W (Hindmarsh gravel pit).

LANDFILL Manager **Debby Barton** presented the "Profit & Loss Statement for 1999 versus 2000 for the month of July" for review and discussion and gave an update on the landfill.

BOARD OF SOCIAL SERVICES was conducted.

PREDATOR CONTROL: Comm Lindsay made a motion to sign the “Intergovernmental Cooperative Agreement” between Montezuma County and the Colorado Department of Agriculture, Animal Industry Division, Predator Control. The motion was seconded by Comm Story and carried.

PLANNING Manager **Karen Welch** presented throughout the day several items for discussion: **(1)** purchase of land by John Sutcliffe and another party from Gregory Brown, owner of 23 acres adjoining the Sutcliffe property on CR G - will take to the Planning Commission for recommendation (Loretta Murphy and Mike Preston were present.); **(2)** letter received from The Dog Hotel owner, Thomas Overington - another letter will be written with the recommendation to lock the dogs up at night; **(3)** receipt of a \$500,000 bond from Tri-State Generation and Transmission, Inc. (High Impact #46 - North Fiber Project) - action tabled until next Monday; **(4)** letter to release \$250,000 bond from TransColorado Gas Transmission Company (maintenance of county roads) - Comm Lindsay moved to sign the letter, seconded by Comm Story and carried; **(5)** Merritt Subdivision - letter from James Shaner, attorney for landowner, James Adams - in regard to a request to split a lot within the subdivision - - unable to obtain sign off signatures from all the landowners in the subdivision - no action; **(6)** commercial/industrial type buildings being erected within the county without proper clearance through county procedures - articles will be run in the local papers as a reminder that procedures need to be complied with. **Loretta Murphy** was present.

CLERK’S OFFICE: Deputy **Betty Davis** presented the clerk’s report, and a copy of Amendment 21 (Bruce) which will be on the November ballot, for review by the Board.

LIQUOR LICENSES: Deputy **Betty Davis** reported on the status of the court date in connection with the alleged liquor violation issued by the Sheriff Department to **Tim Lawrence**, personnel at the **Log Cabin Liquor** establishment. A “show cause” hearing date was set for Monday, September 18, 2000, at 10:00 a.m. Comm Lindsay moved to authorize the County Clerk to issue a “Notice of Hearing” to Ted Lawrence, owner/lessee of Log Cabin Liquor, seconded by Comm Story and carried. ******* Later** in the day Deputy Davis reported on an alleged liquor license violation issued by the State Liquor License department to an employee of the **E. B. Dude and Guest Ranch LLC (Echo Basin)** in connection with a temporary recreational facility permit. She stated that the “show cause” public hearing may be held at the State or local level. It was affirmed that it will be done at the local level. It was noted that this alleged violation does not affect the liquor license for the Echo Basin Lodge, just the temporary recreational facility permit. Discussed the need to know about alleged violations as soon as possible. Deputy Davis will contact the appropriate offices about this need.

HEALTH DEPARTMENT Director **Lori Cooper** presented the Women, Infants and Children (WIC contract for review. Comm Lindsay moved to sign the WIC contract, seconded by Comm Story and carried. Update was given on former Home Health Care program cost-study report.

PLANNING - GIS MAPPING: **Rob Peterka and Loretta Murphy** presented information on options for procuring aerial mapping of the county - U.S.G.S. maps and samples from Image Scans. **Mike Preston and Karen Welch** were present.

ADJOURNED at 3:20 p.m.

Deputy Clerk
August 14, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 21, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 21, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, August 14, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #34812 thru #35042 in the amount of \$139,598.47; Road fund warrants #13680 thru #13779 in the amount of \$262,177.21; Landfill fund warrants #2179 thru #2215 in the amount of \$17,199.84; and, Correctional Facility fund warrants #16 thru #17 in the amount of \$110,858.62 were approved for payment.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: **Mike Preston** gave an update on the advisory committee and discussed the sharing of data with other entities.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) finished chip/seal on CR 33 and CR J; (b) catching up on regular work; (c) grading some roads (water truck), and (d) working on CR H (east). Discussed: (1) report on Forest Service schedule for improvement of "Schedule A" Dolores/Norwood road (2001 or 2002) - Adm Weaver will contact other FS personnel for input; (2) CR 38-5/10 (Rogers); (3) plans to chip/seal CR G (McElmo Canyon) in September; and (4) fencing - county shop. Noted a compliment received about CRs 33 and 34.

RECESSED for tour of new jail facility grounds and inspection of the old jail.

LIQUOR LICENSE: Deputy Clerk **Betty Davis** reported the receipt of two alleged liquor license violations: (1) **Dawson Lake Liquors** and (2) **Smitty's Liquor**. "Show cause" hearing dates were set as follows: Dawson Lake Liquors - for Monday, September 18, 2000, at 10:30 a.m. and Smitty's Liquor - for Monday, September 18, 2000, at 11:00 a.m. Comm Lindsay moved to authorize the County clerk to issue the "Notice of Hearing" to Dawson Lake Liquors owners Donald and Siglindee Dorenkamp and Smitty's Liquor owners, Gary A. and Gloria D. Schmidlin, seconded by Comm Wilson and carried. Clerk Davis stated that the District Attorney and Sheriff offices will now send paper work to her as soon as an alleged violation happens.

FAIRGROUNDS Manager **Darryl Buffington** gave an update on the fairgrounds and race track facilities. Bids for roofing were received from Top Line Installers, Inc. - \$105,990.00 and T&L Roofing, Inc. - \$96,800.00. Top Line representative, **Jim Herrick** requested that more information for the specs be obtained before awarding the bid. Architect Charles Hubbard will be contacted. Action was tabled until next week. Manager Buffington reported on work done in exchange for the use of the Legion grounds for the Montezuma Fair (because of the Mesa Verde fires). Discussed other requests by the Legion. It was affirmed that the county will, for the areas requested by the Legion, re-seed and spray for weeds.

RECESSED for lunch with local realtors and the planning department to discuss State Initiative 256.

PLANNING Manager **Karen Welch** presented Bob Durant's request for information on options to divide an 80 acre parcel. **Bob Durant** was present. Options were discussed. Noted receipt of District Court Decision Case No. 99-CV148, **James O. Spencer**, plaintiff vs. Board of County Commissioners, defendant. Discussed in connection with the decision, whether to appeal the case and amend the Land Use Code. Subdivision statutes were noted. No action was taken. A verbal request from **Lorna Butler** to amend **P-59-95E After-the-Fact** exemption was tentatively approved. Presented planning resolution **P-38-99E Amended**, whereas an exemption to the subdivision regulations would be granted to **Ted and Connie Neergaard**, owners of 10.718 acres, to record an amendment to correct the legal description for the metes and bounds in Section 3, T.35N., R14W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Manager Welch presented **Letter Permit No. 391 - WWG, LCC (Matthews)** for a building on the corner of CR L and Mildred Road. The letter permit will be submitted at the September Planning Commission meeting. **Loretta Murphy** was present.

TRI-STATE GENERATION & TRANSMISSION, INC., NORTH FIBER PROJECT - HIGH IMPACT PERMIT NO. 46: High Impact No. 46 was presented for signature. Comm Story was recused because of a conflict of interest. Comm Lindsay moved to sign High Impact Permit No. 46, seconded by Comm Wilson and carried.

2000 ABSTRACT OF ASSESSMENT: Assessor **Bob Cruzan** presented the assessment from the Colorado Department of Local Affairs - Division of Property Taxation. The Abstract of Assessment for Montezuma County taxable valuation was signed.

PROPOSED COMPUTER SYSTEM - ASSESSOR, TREASURER, CLERK AND PLANNING OFFICES: Assessor **Bob Cruzan** and Clerk **Evie Ritthaler** presented additional information on a proposed computer system which would link information to the offices by one server. A bid from Eagle Computer System was discussed. A representative for the company is scheduled to meet with the Board next week. Action was tabled. Present were **Loretta Murphy, Karen Welch, Rob Peterka, Kim Wayman, Carol Tullis, Scott Davis, Mark Vanderpool, and Darrel Mott.**

SOUTHWEST MEMORIAL HOSPITAL: Administrator **Bob Peterson** and Chief of Operations **George Brisson** met with the Board. Adm Peterson gave an update on activities at the Hospital. Chief Brisson presented Southwest Memorial Hospital financial documents - "Quarterly - Profit and Loss Statement, Current Ratios, and Return on Assets." These were discussed.

FARM SERVICE AGENCY representative **Paul White** thanked the Board for their commitment to drought assistance. He stated that the application for help available for the Non-Insurable Agriculture Program (NAP) has been sent in. He asked that they continue to support the need for drought assistance by contacting appropriate legislators. This was affirmed.

ADJOURNED at 3:10 p.m. to the Sheriff's Office for a review of the Bircher Fire (Mesa Verde) information, etc.

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 28, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 28, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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, August 21, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-20-00** to the Treasurer to pay \$1,046.44 from the 911 Account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried.

LANDOWNER Lorraine Taylor met to discuss a fence on their property that was torn down by an adjoining landowner. Discussed the county easement and looked at the official county map to determine the end of CR 41. She was advised to seek legal counsel since this is a civil matter between two neighbors.

BUSINESSMAN Len Hartley said that he felt everyone did a good job at the County Fair. He owns the barbecue business that served food at the fair. He asked what are the future plans for the fair. The Board stated they hope it continues to grow, but have no way of predicting whether it will or not. The Board noted applications are being sought for four vacancies on the Fair Board.

ROAD DEPARTMENT Foreman Jay Palmer reported on department activities: (a) blading roads, including CR S; (b) getting roads ready for new gravel (water truck); (c) reshaping CR P.5 for mag-chloride; (d) graveled CR G (McElmo Canyon) - ready for chip/seal; (e) finishing mag-chloride on CR H (east); (f) have completed work on CR 25; and (g) blading Forest Service Schedule "A" roads. Discussed: (1) CR 18 - will blade, (2) use of water trucks, and (3) need for the main artery roads to be kept in as good a condition as possible.

SHERIFF OFFICE - PROPOSED RECORDS SYSTEM: Sheriff **Joey Chavez** presented "Montezuma County Sheriff Office Records Division Proposal." The proposal, which Sheriff Chavez would like to be approved as soon as possible for the present jail facility, was discussed. At Last (PC Services) representative, **Jim McClain** explained the installation of the computer system and the procedure of moving the system from the old facility to the new one. Discussed link to Community Corrections and record sharing link between the City of Cortez and the Sheriff's office. Action was tabled, until the Board meets with the City of Cortez to discuss the intergovernmental contact between the City and the County. The Board asked that the Sheriff compile information showing the projected cost for each record at the total yearly cost of \$88,000 vs the present system cost, with a spread over five years. Present were Montezuma County Sheriff office personnel - **Sam Hager, Kalvin Boggs, and Terry Steele.**

SHERIFF Chavez presented the application for the Law Enforcement Assistance Fund (LEAF) contract for 2001. The application was signed.

JAIL FACILITY: Archetype Design Corporation representative **Mike Pollard** and **Don Flaugh** met to discuss the jail facility project. Mr. Pollard stated that everything was on schedule. He noted that there is an unresolved issue with the Cortez Sanitation Department. This was discussed. A meeting will be scheduled between the Board and the Sanitation Department. The Board recessed for a tour of the new jail facility grounds with Mike Pollard and Don Flaugh.

PROPOSED COMPUTER SYSTEM - ASSESSOR, TREASURER, CLERK AND PLANNING OFFICES: Assessor **Bob Cruzan** introduced Eagle Computer Systems representatives, **Brock Taylor, Jim Pollitt and Dave Hawker**. Three purchase choices were presented for obtaining the new system. These were discussed. Assessor Cruzan, in answer to whether this should be bid out, stated that he has had demonstrations from other competitors and this system has more to offer. A verbal commitment was affirmed. It was noted that the individual offices will make a determination for their option needs. **Rob Peterka, Mark Vanderpool, Karen Welch, Loretta Murphy, Scott Davis, and Darrel Mott** were present.

ABATEMENT: Appraiser **Mark Vanderpool** being present, petition for abatement of property tax was presented for **C.W. Properties (William Russell)**, 1999, erroneous assessment, \$1,139.19. Assessor Bob Cruzan recommends approval. 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.

NOXIOUS WEED CONTROL PROGRAM: Weed advisory committee member **Gayel Alexander** presented "Memorandum of Understanding" (MOU) between Montezuma County Board of County Commissioners, CSU Extension Services, Mancos Soil Conservation and Dolores Soil Conservation for signature. The MOU was signed.

CLAMPITT ESTATES SUBDIVISION - PHASE 1: Comm Wilson moved to approve and sign the final plat for the Clampitt Estates Subdivision - Phase 1 (Spencer), seconded by Comm Wilson and carried.

HIDEAWAY ESTATES SUBDIVISION: Comm Lindsay moved to approve and sign the final plat for the Hideaway Estates Subdivision (Hughes), seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented Planning Commission recommendations for the following (see attached Planning Commission minutes): (1) **Thomas and Sylvia Hema and Linda Casey, 50 acres** -- approve AR 10-34 zoning for the 50 acres. ~~ Comm Lindsay moved to approve AR 10-34 zoning, seconded by Comm Wilson and carried. (2) **Everett Ranches, Inc., Phase 111 of Oakview Subdivision, Larry Everett, agent, 32.7 acres** -- approve AR 3-9 zoning for 32.7 acres. ~~ Comm Wilson moved to approve AR 3-9 zoning for 32.7 acres, seconded by Comm Lindsay and carried. (3) **High Impact Permit No. 386 (professional office building) - Dr. Robert Heyl** -- approve High Impact Permit No. 386. ~~ Comm Lindsay moved to approve High Impact Permit No. 386 (see attached), seconded by Comm Wilson and carried. (4) **High Impact Permit No. 388 - Phase 1 of a three-phase development plan for commercial property at the corner of CR L & 25, Lot 8 of the McDonald Subdivision - Dirk Johnson** -- approve High Impact Permit No. 388. ~~ Comm Lindsay moved to approve High Impact Permit No. 388 (see attached), seconded by Comm Wilson and carried. (5) **High Impact Permit No. 389 - All Nations Medicine Lodge - Arthur Neskahi** -- approve High Impact Permit No. 389. ~~ Comm Wilson moved to approve High Impact Permit No. 389 (see attached), seconded by Comm Lindsay and carried. (6) **Eva Belle Hooten - Don Etnier - Urban Services Zone on Phase 1 - development consisting of 8 lots on 2 acres** -- continue Planning Commission public hearing to September 28, 2000 in order to obtain more information from the developer to make an informed recommendation to the BOCC. (7) **Letter Permit No. 390 - PATHNET (fiber optic installation)** -- accept Letter Permit No. 390. ~~ Letter Permit No. 390 affirmed. (8) **Cheryl Dean - 23.39 acres** -- approve AR 10-34 zoning on 23.39 acres. ~~ Comm Lindsay moved to approve AR 10-34 zoning on 23.39 acres, seconded by Comm Wilson and carried. Manager Karen Welch noted receipt of a resignation letter to the Planning Commission from Darrell Veach.

LAWSUIT - U.S. GOVERNMENT AND CO2 CLAIMS COALITION LLCORTEZ PIPELINE:
Discussed letter from Cogswell Law Offices in regard to Case No. 96-2-2451 (United States Government and CO2 Claims Coalition, LLC v. Shell Oil Company, et al). It was affirmed that a letter to withdraw Montezuma County from the lawsuit will be sent to Cogswell Law Offices.

ADJOURNED at 4:00 p.m.

Deputy Clerk
August 28, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 5, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, September 5, 2000, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, August 28, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund payroll in the amount of \$193,135.38, District Attorney warrant #35044 in the amount of \$16,097.38, Treasurer warrant #35045 in the amount of \$141,281.28; Road fund payroll in the amount of \$56,623.36, Treasurer warrant #13782 in the amount of \$45,518.36; and, Landfill fund payroll in the amount of \$11,323.94, Treasurer warrant #2217 in the amount of \$6,852.67 were approved for payment.

ROAD DEPARTMENT: Foreman **Jim Becher** reported on department activities: (a) blading Forest Service Schedule "A" roads; (b) working on shoulders CR G (McElmo Canyon) - plan to chip/seal next week; (c) gravelling roads; and, (d) blading. Discussed: (1) CR S very rough - have bladed; (2) all chip/seal done except CR G; (3) CR L and CR M - next year proposal for chip/seal; (4) shortage of gravel (no gravel to gravel road to Sheriff shooting range at this time); and, (5) patrolling of roads by Sheriff department. **Lloyd Everett** presented for review and signature an "Memorandum of Understanding (MOU) between USDOJ Bureau of Indian Affairs and Montezuma Board of Commission, Montezuma, County" (agreement for BIA matching funds to replace the McElmo Bridge). Comm Lindsay moved to sign the MOU, seconded by Comm Wilson and carried.

DE-BRUCE (TABOR) AMENDMENT I: Democratic representative **Earl Rohrbaugh** presented information (sample ballots from two other counties) to place an initiative to de-Bruce the county on the November ballot. He stated that the local republican party also supports this initiative. Action was tabled. Adm Weaver will compile figures on pros and cons for the county.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc., **Charles Hubbard** gave an update on construction of the jail facility. He stated that it is on schedule. Discussed verbal affirmation from Cortez Sanitation Department that they will work with Archetype for sewer line and sanitation system design. A confirmation letter will be written to the sanitation department verifying this information.

FAIRGROUND ROOFING BIDS: Architect **Charles Hubbard** gave information on his requested recommendation for bids. He stated that his recommendation is that the county accept the low bid. ***** **Later** in the day, Comm Lindsay moved to accept the bid from T & L Roofing, Inc. for the amount of \$96,800.00, seconded by Comm Wilson and carried.

EXEMPTION to Amendment No. 24 ballot initiative (growth control) was discussed.

SOCIAL SERVICES Director **Dennis Story** discussed scheduling a meeting for a conference call in regard to the Social Services audit. Presented information for re-appointment and appointment of members to the Southwest Colorado Workforce Board. Comm Wilson made a motion - for the one year terms - to re-appoint Gary Slavens, Virginia Howey and Dennis Story and appoint Kristin Squires-Conner, Larry Sturdevant and Bill Argo to the Southwest Colorado Workforce Board. The motion was seconded by Comm Lindsay and carried.

AMERICAN LEGION UTE MOUNTAIN POST NO. 75 representative **Tony Valdez** asked that there be a gate purchased and installed and grass re-seeded, as part of the trade for use of the legion grounds for the county fair. This was affirmed.

PLANNING - VERBAL REQUEST: Planning Manager **Karen Welch** presented a verbal request for an exemption to the subdivision regulations for Jim Antholz to split a 20 acre parcel from 100 acres. **James Antholz** was present. The request was tentatively approved.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** introduced Forest Service representative **Phil Kemp**. "Briefing on Progress and Strategies for the Future Ponderosa Pine Forest Partnership Ecological Restoration and Wildfire and Bug Risk Reduction, Montezuma County Federal Lands Program, September 5, 2000" was presented and discussed. The Board stated they have an interest in continuing and going beyond the present programs, especially in the area of increased acreage. **Rob Peterka** was present.

DOLL CLUB AND QUILT GUILD representatives **Eleanore Larson, Darlein Bauer, Carolyn Hemphill, and Deanna Truelsen** met to express their thanks for the help received from Fairgrounds Manager **Darryl Buffington** for their doll and quilt show at the fairgrounds. Discussed need for better tables and chairs. It was affirmed that this will be taken care of before next year's show. **Karen Welch and Loretta Murphy** were present.

PLANNING Manager **Karen Welch** presented planning resolution **P-18-00E**, whereas an exemption to the subdivision regulations would be granted to **Henry James Antholz and Roberta Lee Antholz**, owners of 100 acres, to record an exemption for 20.01 acres in Section 7, T.36N., R. 15W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. A verbal request from **Dean Wolcott** to amend a 1986 variance was tentatively approved, contingent on the remaining parcel being adjoined to a larger tract and not being a separate tract. Attorney Slough was recused because of a conflict of interest. A verbal request from **Mary Turtle** for an exemption to the subdivision regulations to split three acres from 38 acres was tentatively approved, contingent on the three acres being adjoined to a larger tract and not being a separate tract. Discussed procedures to adopt amendments to Land Use Code -- certification by the Planning Commission and scheduling of BOCC Public Hearing (tentative date October 16th). **Loretta Murphy** gave information on gravel pits approval/disapproval in surrounding counties. Discussed enforcement for restoration.

WEED CONTROL PROGRAM Manager **Ron Lanier** presented invitation information on the upcoming CSU Cooperative Extension and Montezuma County Weed Program's tour of noxious weed infestations, both before and after treatment. "2000 Montezuma County Weed Cost-Share Program Financial Report" was presented and discussed. Manager Lanier gave an update on other weed program activities.

ASSESSORS OFFICE: Commissioners refused to waive service of process re Gerald Stansbury's (Front Row Seat) appeal to District Court. Assessor **Bob Cruzan** presented Eagle Computer Systems, Inc. "No More Worries" Rental Agreement" for review. Comm Wilson moved to sign the contract between Eagle Computer Systems, Inc. and Montezuma County, seconded by Comm Lindsay and carried. **Mark Vanderpool and Rob Peterka** were present.

ADJOURNED at 4:00 p.m.

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 11, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 11, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 Tuesday, September 5, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

CITY OF CORTEZ representative **Chris Burkett** met to ask for a letter of support for GOCO grant monies. This was affirmed.

TREASURER'S report for August 2000 was received.

OFFICE OF COMMUNITY SERVICE: **Mike Preston** presented "Standards for the Urban Services Area Agreement" for review. A meeting with the City to discuss the agreement will be scheduled.

LANDFILL Manager **Debby Barton** presented the "Profit & Loss Statement for 1999 versus 2000 for the month of August" for review and discussion. She gave an update on other activities and stated that the landfill received a good annual report from the State inspector.

PUEBLO COMMUNITY COLLEGE (PCC) - SOUTHWEST CENTER: PCC Foundation representative **Tom Thielemier**, PCC representative from Canon City, CO **Mary Griffith** and PCC Cortez Site Director **Kathy Rousset** met with the Board. Mr. Thielemier presented an academic information guide for 2000-2001 and information about the PCC scholarship program. He presented a \$500.00 "Local Area Government Scholarship" gift certificate to be given to a resident selected by the Board. He asked for their support and that a matching scholarship be considered in next year's budget process. He was told that the request will be considered. Mary Griffith stated that the PCC operates in connection with the Cortez San Juan VoTech school and discussed the need for awareness of flexible scheduling and financial needs. Kathy Rousset gave information about the various PCC programs.

GROWTH BALLOT INITIATIVE NUMBER 256 (AMENDMENT 24): Comm Lindsay made a motion to adopt **Resolution No. 10-2000** --- "Shall Montezuma County and All Local Governments Within Said County Be Exempt For a Maximum Period of Four (4) Years From All Requirements Of Growth Ballot Initiative Number 256, Also Known As Amendment 24?" The motion was seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

PLANNING Manager **Karen Welch** presented planning resolution **P-19-00E**, whereas an exemption to the subdivision regulations would be granted to **Allen L. Cannon, Jr., Joan Cannon, John L. and Wanda J. Cannon**, owners of 64.94 acres, to record an exemption for 14.04 acres in Tract 37, T.38N., R.12W. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Discussed: (1) Verbal request for land addition and division by **Doug K. and Beverly Capelin** (Deer Hill) – Public Hearing will be scheduled; and, (2) Acceptance of basic applications (\$100/lot) for development plans (growth initiative deadline) -- affirmed with post mark of midnight Wednesday, September 13, 2000. Reviewed and discussed list of amendments for the Land Use Plan. **Loretta Murphy** was present.

COLORADO RURAL WORKFORCE CONSORTIUM: **Joyce Scharnhorst** presented a letter for consideration designating Bill Downey of Archuleta County to act on the Board's behalf as the Chief Local Elected Official for the SW Colorado sub-region, and to serve as this sub-region's representative on the Board of Local Elected Officials for the Colorado Rural Workforce Consortium. Comm Wilson moved to sign the letter, seconded by Comm Lindsay and carried.

CONTINUED PUBLIC HEARING - PROPOSED HIGH IMPACT PERMIT NO. 385 - FOUR STATES AGGREGATE, LLC - LINE CAMP SAND AND GRAVEL PIT: It being the time set aside, a Public Hearing is continued (see minutes of July 17, 2000) to consider a High Impact Permit with respect to a gravel mining operation, as submitted by Four States Aggregate, LLC. The roll was called. Adm Weaver was absent most of the hearing. Present were Four States Aggregate, LLC owners, **Aryol Brumley and Terry R. Gorsuch**, professional Engineer for Four States, **Nathan Barton**, property owner, **Val Truelsen**, Planning Manager **Karen Welch** and approximately **36 other interested persons** (see attached list).

Comm Story invited Engineer **Barton** to present Four States mining and reclamation development plan. Engineer Barton presented an overhead program and gave the following information about the project: (1) The operation would be 200 feet from the Dolores River on 19 acres of land, and would remove approximately 130,000 to 150,000 tons of sand and gravel each year for a period of five to six years. (2) It would be done in two phases (surface and lower) in compliance with Federal and State agencies. (2) Potential impacts (minor, major, none) include -- economic, visual, structural, traffic (safety), noise and vibration, air quality, water (rights), wells (none), and wildlife and livestock. (3) Documents required for a mining permit are (a) Mined Land Reclamation permit, (b) Colorado Department of Transportation access permit, (c) Colorado Discharge Permit (reviewed by the Corp of Engineers), (d) Water permits, and (e) Fuel permits. He summarized the proposal by stating conditions for permits from all the agencies are enforceable by State law.

Comm Story asked for any **public** comments. Following are the concerns and notations from public comments in regard to the proposed gravel pit (approximately 15 spoke against and 1 for). **Carol Stepe:** read LIZ threshold standards, noted newspaper pictures showing her residence when photos in the papers - but house deleted from overhead program schematic plans, stated residences are on three sides of proposed project, stated there would be a decrease in property values (realtors could not sell property) and there is a need when selling property to let prospective buyers know about neighborhoods - ag or business, conflict of interest since Four States owns the Hay Camp gravel pit and the county buys gravel from them and mentioned violation of property rights. (It is noted that after the hearing Ms. Stepe presented a petition signed by approximately 40 persons and 8 letters against the proposal - see attached.) Later Ms. Stepe presented pictures showing deterioration of the road (Sunnyside pits) from heavy trucks pulling off before turning - discussed use of tax money for road repairs. **Robert Womack:** expressed to the audience that from his experience with the county gravel pit in McElmo Canyon (dust, no EIS, visual and noise pollution, and traffic dangers - BLM land) that they should be against this proposal. **Joel Kantor:** read a prepared letter (see attached) which included remarks about beauty of the scenic byway, numerous unsightly gravel pits along Hwy 145, responsibility of the Board to represent constituents' interests, and future precedent will be established. **Donal Lindsey:** presented combined articles on situations in the county - good and bad in regard to land uses, stated he feels county should carry out residents wishes. **Galen Larson:** stated he supports the scenic byway program and does not feel tourists come here to see gravel pits, feels it can be reclaimed but will look artificial. **Robert Knox:** (lives one mile from proposed pit), feels this is inappropriate for a national scenic byway, stated there are four gravel pits within a four mile stretch of Hwy 145, has concerns about life, environment, property values and safety issues - gravel companies never assume responsibility for cracked windshields, etc. - and if this one is approved there will be more to follow, asked for a ban on permitting gravel pits in the Dolores River Valley - reclamation is not an

issue, just do not want, asked if an EIS will be required and made comments about standards being exceeded in regard to LIZ. **Susan Loalio:** concerns about the proposed location, presented several tourist publications that had articles about the beauty of the San Juan Scenic Skyline Drive (Dolores economy is 1/3 tourist), and concerns about short term profit - landowner has right to do what he wants with property but expressed a wish that he would leave it as it is. **Rollie Cundiff:** lives by one of the other gravel pits - feels that the people have a legitimate concern (most concerns they had about the one by them has happened), mentioned migration of elk and deer and feels this will be affected, stated hunting is one of the big businesses in the Dolores Valley, and asked the Board not to approve the permit. **Pat Kantor:** mentioned the traffic generated by the proposal - 30 trucks per round trip plus other personal vehicles - danger for residents and tourists when trucks slow down to turn into the pit area, concerns about noise and diesel fumes, asked the county to have higher standards than the state and feels that LIZ should be used as control, mentioned the signed petitions against the gravel pits. **Pete Robinson:** made reference to LIZ, played tape which was recorded 200 feet from a present gravel pit, mentioned the time proposed for working (7:00 am to 7:00 pm), asked how anyone could expect people to listen to beeping and truck noise for six years, noted state regulation of 55 decibels are deafening, feels the landowner is not a responsible land manager - stated reasons why, how can gravel pit be justified when there are 20 in the county, ask Board to protect their property rights, asked why his should exceed the majority of the people, presented pictures showing skid marks and noted accidents and damage to guard rails due to present gravel truck traffic, and noted that state rules have not helped other people with problems at other pits. **Lynn Knox:** five to six years is a long time for people who are retired and in their homes most of the time. **Cheri Robinson:** concern about channeling of water. **Mary Ann Findley:** expressed that the old timers need to make a living (gravel pit) and hates to see the attitude (newcomers?) to shut the door, stated that she feels that there is a need to address growth with making a living. **Lynn Knox:** noise from jack brakes is awful. **Marjorie Akin:** retirees do come to the area which is a good addition to economy, please keep the area nice. The Board was asked if there will be an environment impact statement required? The answer was no - its county not federal lands. **Madelyn Cundiff:** asked if evaluations go down with property values. **Jack Akin:** water discharge will affect me. **Mike Van Hemeluck:** asked if all gravel is being used in Montezuma County - the answer was no - some is taken to San Miguel county. Mr. Truelsen was asked how he can do this? **Van Truelsen** stated, "eliminate gravel and R3 subdivisions."

Comm Story recommended, that in order for all the information to be considered, that the hearing be continued until Monday, September 18, 2000, at 3:00 p.m. Comm Wilson asked that two questions be considered and options discussed before the decision is made: (1) If flood washes out 200' berm, what happens? And (2) What alternatives are available to replace gravel - cement for foundations, roads, etc.? Comm Lindsay moved to continue the hearing until Monday, September 18, 2000, at 3:00 p.m., seconded by Comm Wilson and carried. The proceedings were taped for the record.

FAIR BOARD APPOINTMENTS: Comm Lindsay moved to appoint the following to the Fair Board: Lanea Donahoo, Don Bain, Robert Weitzel, and Gary Apple, seconded by Comm Wilson and carried.

ADJOURNED at 5:30 p.m.

Deputy Clerk
September 11, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 18, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 18, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
J. Kent Lindsay, Commissioner of Deeds
Bob D. Slough, County Attorney - absent till 9:40 a.m.
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, September 11, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

NOTICE OF INTENT, Case No. 00-CV-162, plaintiff, **James Adams and Juanita Adams (Merritt Properties Subdivision)**, vs defendant, **Montezuma County Board of Commissioners** was presented. It will be sent to the Insurance Company.

ACCOUNTS PAYABLE: General fund warrants #35046 thru #35261 in the amount of \$129,478.68; Road fund warrants #13781 thru #13883 in the amount of \$219,126.35; Landfill fund warrants #2224 thru #2246 in the amount of \$8,028.21; and, Correction Facility fund warrants #18 thru #21 in the amount of \$128,397.19 were approved for payment.

SOCIAL SERVICES Director **Dennis Story** presented "Child Care Quality Expansion" contracts between Department of Social Services and the Board of County Commissioners for review. Comm Lindsay moved to sign the contracts, seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) finished with scheduled CR G (McElmo Canyon) work, (b) have checked CR T, (c) courthouse parking lot oiled, and (d) road department employees attending safety class - gravel pits. Discussed: CR 27.8 - need for chip/seal and CR L between CR 25 and Hwy 666.

SHERIFF OFFICE - PROPOSED RECORDS SYSTEM: Undersheriff **Sam Hager** met to discuss two record system proposals - continue the intergovernmental agreement with the City of Cortez or install a new system in the Sheriff's office (moving it to the new jail facility when it is finished). He presented the reasons why they feel it will be better to have their own computer system and softwear for the Sheriff's office. The Board stated that there needs to be continued coordination between the City and Sheriff records systems. Undersheriff Hager assured them that the City Police and the Sheriff offices will continue to work together. After discussion, Comm Wilson moved to authorize the Sheriff office to proceed with the installation of computers and softwear in the Records Division Office, seconded by Comm Lindsay and carried.

LIQUOR LICENSE SHOW CAUSE HEARING – LOG CABIN LIQUOR: It being the time set aside, a hearing was conducted for an alleged violation of selling liquor to a minor on July 10, 2000. The roll was called and the proceedings were taped for the record. Comm Lindsay was recused because of a conflict of interest. **Ted Lawrence**, Log Cabin Liquor owner, **Tim Lawrence**, employee charged, and their counsel Attorney **Kelly McCabe**, Deputy Clerk **Betty Davis**, District Attorney **Mike Green**, Sheriff Office representatives, **Steve Harmon and Hugh Richards**, **Jeremy Morgan** and **Chuck Schroeder** were present. Attorney McCabe reviewed information on the citation and stated his client admits to his employee unintentionally selling liquor

to a person under 21 years of age. Statutes were reviewed. "Notice of Hearing" and "Uniform Summons & Complaint or Penalty Assessment" (see attached) were affirmed. Comm Wilson made a motion that the Board finds Log Cabin Liquor in violation of CRS 12-47-901 (1) (a) -- first offense for sale of alcohol to a person under 21 years, and that there be a penalty of a fifteen (15) day suspension -- 1 day actually served and 14 days in abeyance for one year pursuant to CRS 12-47-601. The motion was seconded by Comm Story and carried. The one day closure date is Tuesday, September 26, 2000. Discussed renewal for a retail liquor license for Log Cabin Liquors. District Attorney Green, as representative of the Sheriff's office, stated he had no opposition to renewal of the license. He also stated that they have plans to charge juveniles for trying to purchase liquor and charge any adults that are buying for juveniles.

LIQUOR LICENSE SHOW CAUSE HEARING - DAWSON LAKE STORE: It being the time set aside, a hearing was conducted for an alleged violation of selling liquor to a minor on July 10, 2000. The roll was called and the proceedings were taped for the record. Dawson Lake Store owners **Don and Siglinde Dorenkamp**, their counsel Attorney **Cameron Secrist**, Deputy Clerk **Betty Davis**, District Attorney **Mike Green**, Sheriff Office representatives, **Steve Harmon and Hugh Richards, Jeremy Morgan and Chuck Schroeder** were present. Attorney Secrist reviewed information on the citation and stated that his client admits that through human error of an employee, with no intent to circumvent the law, that liquor was sold to a person under 21 years of age. Statutes were noted. "Notice of Hearing" and "Uniform Summons & Complaint or Penalty Assessment" (see attached) were affirmed. District Attorney stated action taken by the court. Comm Wilson made a motion that the Board finds Dawson Lake Store in violation of CRS 12-47-901 (1) (a) -- first offense for sale of alcohol to a person under 21 years of age, and that there be a penalty of a fifteen (15) day suspension -- 1 day actually served and 14 days in abeyance for one year pursuant to CRS 12-47-601. The one day closure date is Tuesday, September 26, 2000. The motion was seconded by Comm Lindsay and carried.

LOCAL EMERGENCY PLAN coordinator **Kay Garlinghouse** presented information on the program. She stated that the "Emergency Preparedness Plan for Montezuma County" needs to be updated. The plan is a federal mandated program and there are available grants for it. She was advised to contact the Sheriff since he is the designated "emergency manager" to contact if there is an emergency in the county. Also mentioned that they will be applying for a mineral energy grant.

RESIDENT Cheryl Robinson presented the Board with a letter and "Complaint For Damages" (see attached) in regard to the proposed Line Camp Gravel Pit. Hearing is scheduled for later in the day.

LIQUOR LICENSE SHOW CAUSE HEARING - SMITTY'S LIQUOR: It being the time set aside, a hearing was conducted for an alleged violation of selling liquor to a minor on July 10, 2000. The roll was called and the proceedings were taped for the record. Smitty's Liquor owner **Gary Schmidlin**, his counsel Attorney **Kelly McCabe**, Deputy Clerk **Betty Davis**, District Attorney **Mike Green**, Sheriff office representatives, **Steve Harmon and Hugh Richards, Jeremy Morgan and Chuck Schroeder** were present. Attorney McCabe reviewed information on the citation and stated his client admits that an employee unintentionally sold liquor to a person under 21 years of age. Mr. Schmidlin summarized what happened and presented signs displayed in his establishment stating no liquor will be sold to anyone who is not 21. Statutes were noted. "Notice of Hearing" and "Uniform Summons & Complaint or Penalty Assessment" (see attached) were affirmed. District Attorney Green had no comment. Comm Lindsay made a motion that the Board finds Smitty's Liquor in violation of CRS 12-47-901 (1) (a) -- first offense for sale of alcohol to a person under 21 years of age, and that there be a penalty of a fifteen (15) day suspension -- 1 day actually served and 14 days in abeyance for one year pursuant to CRS 12-47-601. The motion was seconded by Comm Wilson and carried. The one day closure date is Monday, September 25, 2000. **Deputy Clerk Davis** stated she will contact State liquor enforcement officers to propose and coordinate a seminar with the County and City of Cortez. The seminar would be scheduled to help city and county liquor license holders to be aware of ways to improve their security and comply with regulations.

PLANNING Manager **Karen Welch** presented plat to vacate the **Cohaco Subdivision** plat. Comm Lindsay moved to vacate the **COHACO SUBDIVISION FINAL PLAT**, seconded by Comm Wilson and carried. Noted "Order Dismissing Action With Prejudice," Case No. 2000 CV 7 - Cohaco Building Specialties, Inc. (see attached).

CLERK Evie Ritthaler presented her report for August 2000.

OFFICE OF COMMUNITY SERVICE: **Mike Preston** gave an update on the advisory group for the Canyons of the Ancients National Monument. "BLM, State of Colorado, Canyons of the Ancients Monument Advisory Committee Charter" draft copy was presented.

RECESSED for lunch and a tour at the Landfill.

CONTINUED PUBLIC HEARING - PROPOSED HIGH IMPACT PERMIT NO. 385 - FOUR STATES AGGREGATE, LLC - LINE CAMP SAND AND GRAVEL PIT: It being the time set aside, a Public Hearing is continued (see minutes of July 17, 2000 and September 11, 2000) to consider a High Impact Permit with respect to a gravel mining operation, as submitted by Four States Aggregate, LLC. The roll was called and the proceedings were taped for the record. Present were Four States Aggregate, LLC owner **Aryol Brumley**, property owner **Val Truelsen**, Planning Manger **Karen Welch** and approximately **37 other interested persons** (see attached list).

Comm Story stated the procedures for this third hearing: (1) public comments - not previously presented at the other hearings, (2) Board deliberations, and (3) decision. Following are the concerns and notations from public comments in regard to the proposed gravel pit. **Sue Localio:** submitted letter (see attached), concerned about tone of previous meetings and quoted portions of Land Use Code. **Attorney Tim Tuthill** (representing Carol Stepe): stated pictures shown at the July 17th hearing did not show the close proximity of the gravel pit to the Stepe residence, presented overhead show of several pictures with residence in view of proposed site, concern about environmental issues not being addressed, read from the County Land Use Code signed February 2, 1998, concerns about - threshold standards, property values, high impact permit, conformation with code, significantly adverse use in regard to other properties of the area, visual impact, tourism, drastic affect on people's property rights, requestd that the permit be denied. **Cheryl Robinson:** presented truck traffic calculation compiled by Pat Kantor, trees dying in other gravel pit area, monetary values of property (property not selling around other pits), replacement for gravel - submitted report (see attached), recommended that other counties not be able to buy from gravel pits within the county, mentioned that "Montezuma Code of the West" is good document for newcomers. **Peter Robinson:** questioned Engr Barton's statement that the State Code addresses all the needs for the project - feels the state is under funded, and under managed and rules may not be enforced. **Jack Robbins:** mentioned signed petitions submitted and opposition to the pit, all will be impacted, no EA filed (was told this is not required by the county), asked to meet with others for legal action if the pit is approved. **Carol Stepe:** presented information on alternative properties that Val Truelsen owns that are not in residential areas that would be good for gravel pits, asked that it not be done in the middle of residential homes, presented one more signed petition (see attached) against project, berm will not help since pit will be so close to her residence. Some one asked if the Board had examined the site (noise) and other pits in the area. This was affirmed. **Attorney Tuthill:** noted that the statement made that last week that San Miguel has a moratorium on gravel pits is not true.

Comm Story asked owner **Aryol Brumley** if he had any comment - he answered no. Comm Story then gave a brief comment about how the Land Use Plan was prepared and approved. Reviewed purpose of High Impact Permit - proposals over threshold standards. Planning Manager **Karen Welch** read threshold standards and these were discussed. Planning Commission recommendation, with conditions, was read by Manager Welch. Discussed verbal information from different sources that state property values are not affected by proximity of gravel pits. The Board deliberated on all the issues with input from the property owner **Val Truelsen** and Four States owner **Aryol Brumley, Larrie Rule** (noise issues) on mitigation points.

Comm Wilson moved to approve the **High Impact Permit No. 385** (see attached) to Four States Aggregate LLC and landowner Duvall (Val) Truelsen for the **Line Camp Gravel Pit** with the following conditions, seconded by Comm Lindsay and carried:

- (1) The permit shall be based on a five (5) year operational period starting at the time a State recognized permit is issued by the State Mined Land Reclamation Board.
- (2) Time of operation shall be as follows:
 - o Operation of crusher and back-up alarm equipment between the hours of 8 a.m. and 5 p.m., Monday through Friday, only.
 - o There shall be no violation of said hours without prior approval by the Board of County Commissioners.
- (3) Four States Aggregates, LLC shall be responsible for its drivers to comply with all traffic laws and regulations.
- (4) Montezuma County shall recommend to the Colorado Department of Highways that at a minimum, a left turn acceleration lane accessing Hwy. 145 from the proposed pit will be constructed.
- (5) A three member advisory group made up of Dolores River Valley landowners shall be appointed by the Board of County Commissioners to advise and oversee all reclamation and post-reclamation activities. In the event the advisory group, Four States Aggregates, LLC and Landowner Duvall Truelsen, cannot reach agreement on issues related to reclamation, the Board of County Commissioners shall intervene as the mediator or the final decision making board. The advisory group shall sunset at the conclusion of the 5-year post reclamation period.
- (6) A post-reclamation deposit of \$10,000.00 shall be deposited with the Montezuma County Treasurer by Four States Aggregates, LLC and Landowner Duvall Truelsen.
- (7) Four States Aggregates, LLC and Landowner Duvall Truelsen, shall control all weeds.
- (8) This permit shall be subject to suspension or revocation pursuant to Section 2205.5 (E) and shall be subject to review pursuant to Section 2205.6 of the Montezuma County Land Use Code.
- (9) This permit shall be subject to all other federal and state permits required for this gravel mining operation.

ADJOURNED at 5:30 p.m.

Deputy Clerk
September 18, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 25, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 25, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 18, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

SUMMONS TO RESPOND TO PETITION IN APPEAL OF A DECISION OF THE MONTEZUMA COUNTY BOARD OF EQUALIZATION, Jerry Stansbury, plaintiff vs. Montezuma County Board of County Commissioners, sitting as the Montezuma County Board of Equalization, and **Robert N. Cruzan,** in his capacity as the Montezuma County Assessor, defendants, was received.

UNALLOCATED RESERVE FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-21-00** to the Treasurer to transfer \$60,000.00 from the Unallocated Reserve fund to the General Fund (for monthly payments for computer service to Eagle Computer Service for 2000). The motion was seconded by Comm Wilson and carried.

WINGSPREAD SUBDIVISION: Landowners **Bob Dils** and **Dennis Garron** presented a letter (see attached) requesting that two tenths of a mile - section of CR U.6 between CR 27 and the cul-de-sac - be designated as a county maintained road. Minutes of November 2, 9 and December 14, 1992 were read and past information discussed about this section of road. Based on the agreement at that time, Comm Lindsay moved that the road department maintain this section of road, seconded by Comm Wilson and carried. It was reiterated that at this time the county is not accepting any new roads for maintenance.

ANASAZI HERITAGE CENTER Director **Lou Ann Jacobson** asked the Board to support and sign an application for grant monies from the Colorado Historical Society. The grant would fund the "Save America's Treasures/Southwest Colorado Collections Project." Comm Lindsay moved to support and sign the application, seconded by Comm Wilson and carried.

FINANCE OFFICER Mary Ann Sanders presented proposal to increase vacation days for longtime employees. After discussion, Comm Wilson moved to increase vacation days for personnel who have completed 20 years of service to 1-3/4 days per month, effective January 1, 2001, seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** presented a verbal request for an exemption to the subdivision regulations for heirs of **Cora Adair** to split a 3 - 10 acre parcel from 155 acres. The request was tentatively denied.

PLANNING/MAPPING: Rob Peterka asked if the Board wants to have the Commissioner's Board Room wired into the new computer system. This was affirmed.

MESA VERDE MUSEUM ASSOCIATION, INC. representatives **Rovilla Ellis** and **Tracey Hobson** asked the Board to support and sign the three following applications for grant monies from the Colorado Historical Society: (1) Publish Step House Site Report, (2) Interpretation of Tree-Ring Samples from Long House, and (3) Mesa Verde Centennial Project. Comm Lindsay moved to support and sign the applications, seconded by Comm Wilson and carried.

SHERIFF OFFICE - PROPOSED RECORDS SYSTEM: City of Cortez Manager **Hal Shepherd**, City of Cortez Council member **Joe Keck**, Sheriff **Joey Chavez**, Chief of Police **Roy Lane**, other City employees, council members and Sheriff employees (see attached list) met to discuss the Sheriff department's proposal that the Sheriff and City have separate records systems. Pros and cons for both entities and the present contract termination date/notice were discussed. A desire to work together for the benefit of all was expressed. No action was taken.

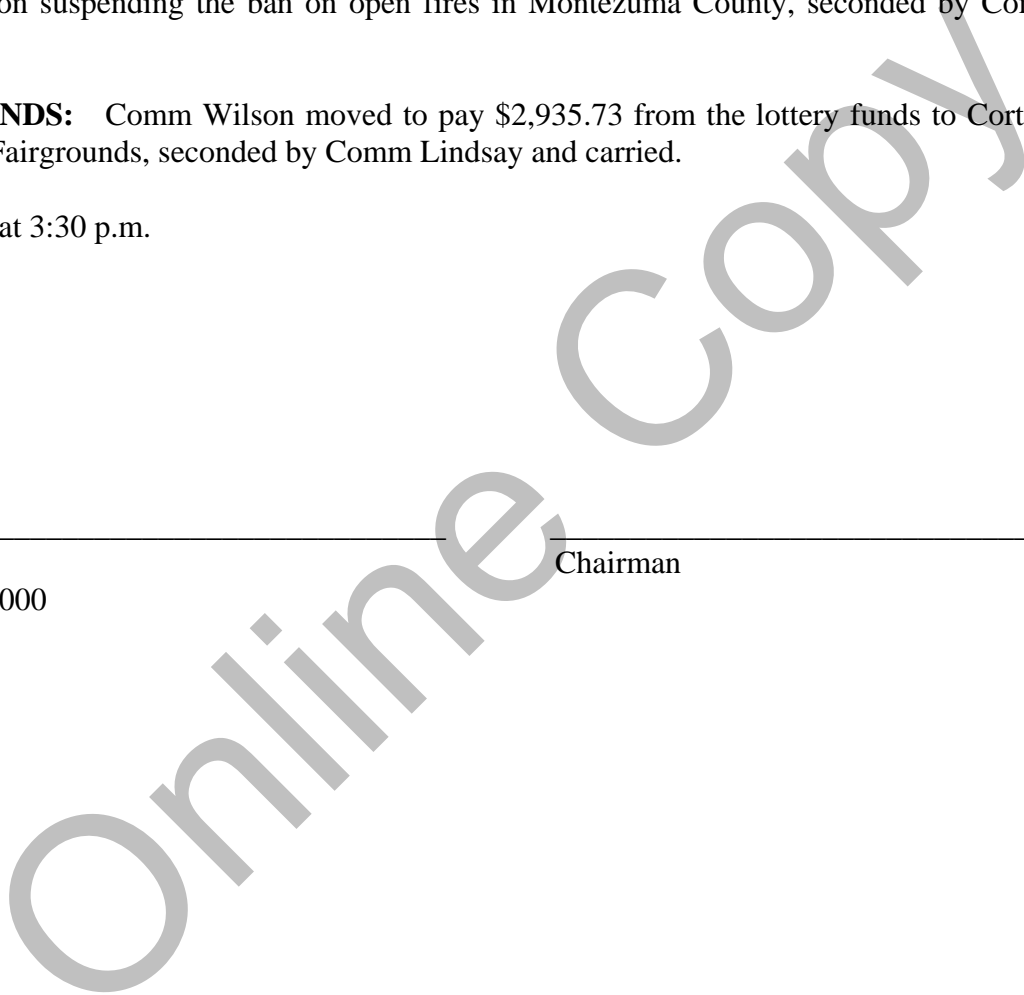
ORDINANCE NO. 1-96 - OPEN FIRE BAN: Sheriff **Joey Chavez** asked that the Board suspend the fire ban (see May 22, 2000 minutes - Resolution No. 7-2000). Comm Lindsay moved to adopt **Resolution No. 11-2000**, a resolution suspending the ban on open fires in Montezuma County, seconded by Comm Wilson and carried.

LOTTERY FUNDS: Comm Wilson moved to pay \$2,935.73 from the lottery funds to Cortez Electric, Inc. for work at the Fairgrounds, seconded by Comm Lindsay and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk
September 25, 2000

Chairman



PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 2, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 2, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 25, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

COUNTERCLAIM affirmed for Case No. 00-CV-162, plaintiff, Adams, vs defendant Montezuma County Board of Commissioners.

PAYROLL: General fund payroll in the amount of \$184,525.62, District Attorney warrant #35265 in the amount of \$16,982.11, Treasurer warrant #35266 in the amount of \$135,686.84; Road fund payroll in the amount of \$55,576.56, Treasurer warrant #13887 in the amount of \$44,275.62; and, Landfill fund payroll in the amount of \$11,219.56, Treasurer warrant #2247 in the amount of \$6,802.28 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-22-00** to the Treasurer to pay \$1,046.44 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 0-23-00** to the Treasurer to transfer \$71,359.00 from the General fund to the Social Services fund - quarterly HCBS (see attached). The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) worked on Dolores-Norwood road - needs gravel, FS will be contacted, (b) working on CR W, (c) gravelling CR 18, (d) working on CR H & CR 27 - heavy truck traffic, (e) County Shop - painted, cleaning up yard, fencing still needs to be done, and (f) working at McElmo gravel pit - discussed residents concerns. Discussed: CR P - rough between Hwys 145 and 666 - dry (will continue to blade), and plans to widen and improve CR L this winter - visit with individual residents about work.

MONTEZUMA COUNTY SHERIFF'S POSSE representative **Wanda Martin** presented a letter (see attached) requesting lottery funds to improve the Posse building and rodeo grounds. She stated that the building and grounds are available and used by the public. Comm Lindsay moved to grant lottery funds in the amount of \$4,000.00, to be used to renovate the building and grounds for this facility which is open to public use, seconded by Comm Wilson and carried.

AMENDMENT 21: A photo (for newspaper release) to express opposition to this proposed amendment is scheduled for Tuesday, October 10th at 10:00 a.m. in front of the courthouse. Representatives from all entities which will be affected by passage of this amendment will be invited - Board, Districts, elected Officials, et al.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc., **Charles Hubbard** gave an update on construction of the jail facility. He stated that it is on schedule.

PLANNING Manager **Karen Welch** presented a verbal request for an exemption to the subdivision regulations for **Alan and Betty Jean Tompkins**, owners of 36.3 acres to deed a small (under one acre) parcel to an adjoining landowner for a buffer zone between the two properties. The Tompkins will retain 35+ acres. The request was tentatively approved. Discussed options to **Randol and Frances Dunn's** request to split a 64.5 acre parcel into a 50 acre parcel with a home and a 13 acre parcel. The Dunn's will be informed of the options discussed. **Loretta Murphy** was present. **** Planning presentation is continued later in the day.

E911 AUTHORITY BOARD: Chief of Police **Roy Lane** presented information from Qwest (U.S. West) about the Qwest (U.S. West) Enhanced 911 Service Agreement between Montezuma and Dolores Counties and U.S. West (Qwest). Changes were made and initialed. The agreement will be submitted again to Qwest. Information was given to Chief Lane about proposal by Qwest to de-average.

ABATEMENT: Assessor **Bob Cruzan** being present, a petition for abatement of property tax was presented for **Smith Petroleum Company**, 2000, erroneous assessment - seven wells (7707-000-00- 037-048-049-050-051-052-053 -OG), \$847.00. Assessor Cruzan recommended denial. Comm Lindsay moved to **deny** this petition, seconded by Comm Wilson and carried. The roll was called and the proceedings were taped for the record.

"PATHWAYS TO HEALTHIER COMMUNITIES" 1999-2000: Receipt of this report measuring the health of Southwest Colorado presented by Operation Healthy Communities - Archuleta, Dolores, LaPlata, Montezuma and San Juan Counties - was noted.

URBAN SERVICES ZONE - PHASE I (HOOTEN/ETNIER): Planning Manger **Karen Welch** presented information for the proposed Urban Services Zone on Phase 1 of a development consisting of 8 lots on 2 acres. This proposal has been presented to the Planning Commission. The Planning Commission recommended to the Board of County Commissioners that the Urban Services Zoning be approved contingent upon Mr. Etnier following the Proposed County Urban Zone Standards for Moderate Residential (see attached Planning Commission minutes). Also present were Agent for Eva Belle Hooten, **Don Etnier**, other interested **persons** (see attached list) and **Loretta Murphy**. Public input expressed concerns with access, compatibility to the neighborhood, lack of transition zone, traffic, access to Animas street, zoning for rest of property (total parcel approximately 150 acres), legal for the 2 acres, need for Development plan, etc. No action was taken. Affirmed the proposal will be re-submitted to the Planning Commission for more information.

PLANNING CONTINUED --- Manager **Karen Welch** presented Planning Commission recommendations for the following: (1) **Margaret Garrett, 200 acres --** approve AR 35+ zoning for the 200 acres ~~ Comm Lindsay moved to **approve** AR 35+ zoning, seconded by Comm Wilson and carried. (2) **High Impact Permit No. 394, regarding a three-phase development plan for commercial property located at the corner of Roads L and 25, Lot 8 of the McDonald Subdivision (Agent Dirk Johnson) --** proceed to the Board to set for public hearing with the following conditions: (a) a specific business plan be submitted prior to setting the public hearing, and (b) all existing regulations that apply to this permit be adhered to ~~ **Tabled** (need specific application with exact business development plan to be approved by the Planning Commission prior to submittal to the BOCC) ~~ **Richard McClellan**, landowner, came in later and said Dirk Johnson was withdrawing the HIP #394 application. Presented verbal request from **Arthur Millard** to split from a 8.5 acre parcel 2 acres to be sold and attached to an adjoining property owner's 3.3 acre parcel. This request was tentatively approved contingent on new surveys for both properties. Manager Welch noted that the proposed amendments to the Land Use Code were reviewed by the Planning Commission and further discussion will be held at the Planning Commission meeting scheduled for Thursday, October 26, 2000. A Public Hearing on amending the Land Use Code is scheduled for Monday, November 6, 2000. **Loretta Murphy** was present.

QUITCLAIM DEED: **Loretta Murphy** presented information on the quitclaim deed between Montezuma County, grantor, and **Cheryl F. Foster**, grantee (see attached). Comm Story made a motion that Commission of Deeds Lindsay sign the quitclaim deed. The motion was seconded by Comm Wilson and carried.

SPECIAL WARRANTY DEED: Escrow Services Company representative **Susan Hatter** presented a "Special Warranty Deed" made on October 2, 2000, between Montezuma County, grantor, and The Housing Authority of Montezuma County, grantee -- on Lots 1, 2, and 3, Block, Ranchland Hills Subdivision -- for review and signature. Comm Lindsay moved to sign the deed, seconded by Comm Wilson and carried.

LANDOWNER Richard McClellan met to discuss a commercial development proposal on a four-acre parcel. He was told he needs to apply for a high impact permit.

ADJOURNED at 4:00 p.m.

Deputy Clerk
October 2, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 9, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 9, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 2, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

CONTINGENCY FUND ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-24-00** to the Treasurer to transfer \$20,181.00 from the Contingency Fund to the General Fund to amend the Sheriff's budget for overtime on the Bircher (Mesa Verde) and Hovenweep fires. The motion was seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** gave an update on the (1) Canyons of the Ancients National Monument - advisory committee, etc. and, (2) federal land issues - timber sales.

SOCIAL SERVICES Director **Dennis Story** stated that the conference call in regard to the Social Service audit is scheduled for Thursday, October 26, 2000, at 10:00 a.m.

ANIMAL DAMAGE COOPERATIVE AGREEMENT: Comm Lindsay made a motion to sign the Work Plan/Financial Plan for January 1 thru December 31, 2001 – "Cooperative Agreement No. 01-73-08-0310-RA" between the USDA, Animal and Plant Health Inspection Service, Wildlife Services and Montezuma County Commissioners. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) will begin stripping again when weather is drier, and (b) guardrails on CR G (McElmo) - contractor will do before winter. Discussed fencing project for all county shops and sites. Presented road and bridge department chip/seal Chip standard specifications and chip/seal Oil specifications for review (see attached). Comm Lindsay moved to adopt the specifications (see attached), seconded by Comm Wilson and carried.

LANDFILL Manager **Debby Barton** presented the "Profit and Loss Statement for 1999 versus 2000 for the Month of September" and other informational graphs (see attached) for review and discussion.

LIQUOR LICENSE: Deputy **Betty Davis** reported that the seminar to help city and county liquor license holders and employees to be aware of ways to improve their security and comply with regulations is scheduled for Tuesday, October 24, 2000. Deputy Davis presented a "Transfer of Ownership" application for a 3.2% beer retail off premises license for "**Go West, Inc.**" dba **McPhee Marina**. Noted that the "Certificate of Good Standing" and the lease from the Forest Service have been received. Comm Lindsay moved to approve this Transfer of Ownership - contingent on receipt of fingerprints, seconded by Comm Wilson and carried.

PLANNING: **Loretta Murphy** presented several planning items for discussion.

ABATEMENT: Assessor **Bob Cruzan** being present, a petition for abatement of property tax was presented for **Kent R. Backus**, 1999, erroneous assessment, \$1,915.41 (#42 5359-104-21-001). Assessor Cruzan recommended approval. 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.

“PATHWAYS TO HEALTHIER COMMUNITIES” 1999-2000: Pinon Project representative **Virginia Howey** and **Marsha Porter-Norton** met to discuss this regional report.

ADJOURNED at 12:00 noon.

Deputy Clerk
October 9, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 16, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 16, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman - absent
Glenn E. "Kelly" Wilson, Jr., 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 9, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #35263 thru #35432 in the amount of \$160,100.05; Road fund warrants #13885 thru #13975 in the amount of \$303,831.47; Landfill fund warrants #2254 thru #2286 in the amount of \$17,602.52; and, Correction Facility fund warrants #22 thru #25 in the amount of \$343,362.48 were approved for payment.

TREASURER report for September 2000 and six-month report were received.

MONTEZUMA COUNTY PUBLIC TRUSTEE: Received from Public Trustee, Bobbie Spore the summary of Public Trustee fees (see attached) for the months of July, August and September 2000.

LANDFILL Manager **Debby Barton** presented information on scheduled High School Ecology Student Field Trip at the Landfill.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) gravelling roads – CR 28.7, CR W, CR 36 (West Fork), (b) remodeling county shop office, (painting, etc.) and (c) doing catch up work. Discussed: Sight problem with willows on CR H & 39 (stop sign nearly down) - will check. Noted that work on CR W (Hindmarsh gravel pit) is postponed until next spring.

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

BOARD OF SOCIAL SERVICES was conducted.

PLANNING Manager **Karen Welch** presented an application letter from Dewayne Findley for appointment to the Planning Commission to finish the remaining time for Darrell Veach, who resigned. Comm Lindsay moved to appoint Dewayne Findley to the Planning Commission for the three month interim appointment, seconded by Comm Wilson and carried.

SHERIFF OFFICE - PROPOSED RECORDS SYSTEM: Comm Lindsay made a motion that a letter be written to the City of Cortez stating that effective November 1, 2000, a one year notice is hereby given for the termination of the Record System Agreement between the City of Cortez and Montezuma County. The motion was seconded by Comm Wilson and carried.

ADJOURNED at 11:30 a.m.

Deputy Clerk
October 16, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 23, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 23, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 16, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

DISTRICT COURT (DENVER) ORDER: Comm Lindsay moved to authorize the filing of appropriate action to continue the appeal of the 1999 State Board of Equalization possessory interest order, seconded by Comm Wilson and carried.

COUNTY WEED BOARD representative **Ron Lanier** stated that a letter and survey will be mailed to all the participating persons on their mailing list for input about the weed program and enforcement. A meeting with these persons, the Weed Board and the Board of County Commissioners to consider weed program issues and enforcement under State Statutes was discussed. The meeting was tentatively scheduled for Monday, November 13, 2000, at 10:00 a.m. Weed program Manager Lanier stated he met with City of Cortez representatives, and they toured weed problem areas within the city. He presented photos taken at that time.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) blading roads, (b) gravelling on CR 15 (off of Hwy 666), (c) problem with new pup trailer - will return and exchange for different new one, (d) working on county shop, (e) CR W - graveled dirt spots (will wait till Hindmarsh pit open for final gravel) - discussed fencing, and (f) CR G (McElmo Canyon) striping done.

PLANNING COMMISSION STIPEND: Discussed proposal to pay Planning Commission members compensation for services. Comm Wilson moved to pay a \$25.00 stipend to each member, including alternates, for each meeting they attend - effective January 1, 2001, seconded by Comm Lindsay and carried.

LIQUOR LICENSE: Deputy **Betty Davis** presented an application for renewal of a retail liquor license for "Log Cabin Liquors." Sheriff's report of one violation was noted (see minutes of September 18, 2000) and the lease reviewed. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried. Deputy Davis reported that the liquor license seminar is scheduled for October 24, 2000.

UNIMPROVED COUNTY ROAD 18: Landowners **Chuck and Daisy Mahaffey** and **Joe Mahaffey** met to discuss road work in connection with Phase I of the Eagles Nest Subdivision owned by John Thompson. **Jay Palmer** was present -- he has been contracted by Mr. Thompson to work on the road (on his own time with his own equipment). The Mahaffey's requested that no further work be done on the road unless the road is completely done (graveled) before winter. They stated that there has to be proper drainage and the culvert needs to be cleaned out. It was noted that Mr. Thompson plans to bring the road up to county specs. The county will supply the gravel, which is not available at this time. The final subdivision plat was reviewed. After discussion, it was affirmed that Mr. Thompson will be informed that no further work can be done on the road until the gravel is available, and until all the work can be scheduled to be completed within a reasonable time limit. It was noted that the application for the ¾" gravel is bonded until June 2001. It was affirmed that the county will clean out the dirt from the culvert. Planning Manager **Karen Welch and Loretta Murphy** were also present.

PLANNING Manager **Karen Welch** presented resolution **P-20-00E**, whereas an exemption to the subdivision regulations would be granted to **Dean E. and Betty B. Wolcott**, owners of 5.19 acres more or less, to record an exemption for 3.05 acres in Section 30, T.36N., R.13W. The recording of this exemption created a 1.96 acre tract that is forever tied to the remaining Wolcott Ranch property, is not suitable for development of any kind, and is not to be considered a separate tract for sale. Attorney Slough was recused because of a conflict of interest. Comm Lindsay moved to adopt this resolution, seconded by Comm Wilson and carried. Proposed changes to amend the Land Use Code were discussed. **Loretta Murphy** was present.

WILD ROSE SUBDIVISION: Comm Lindsay made a motion to approve and sign the final plat for the Wild Rose Subdivision (Lightrider), seconded by Comm Wilson and carried.

HEMA-CASEY SUBDIVISION: Comm Wilson made a motion to approve and sign the final plat for the Hema-Casey Subdivision (Hema), seconded by Comm Lindsay and carried.

SOCIAL SERVICES Director **Dennis Story** presented information on proposal to make application for "Assistance to Develop a County Transit Plan." **Kathy Talcott** was present. The Board affirmed that the application be submitted.

ADJOURNED at 12:20 p.m.

Deputy Clerk
October 23, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 6, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 6, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman - absent (afternoon)
Glenn E. "Kelly" Wilson, Jr., 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, October 23, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

SPENCER V BOARD OF COMMISSIONERS, MONTEZUMA COUNTY, CASE No. 99 CV 148, Order Re: Defendant's Motion was received and noted (see attached).

PAYROLL: General fund payroll in the amount of \$179,945.03, District Attorney warrant #35438 in the amount of \$16,429.40, Treasurer warrant #35439 in the amount of \$132,996.94; Road fund payroll in the amount of \$56,336.60, Treasurer warrant #13977 in the amount of \$44,707.13; and Landfill fund payroll in the amount of \$11,067.77, Treasurer warrant #2288 in the amount of \$6,975.27 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-25-00** to the Treasurer to pay \$1,046.44 from the 911 Account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) grading, (b) purchased new truck (will be converted to water truck), (c) working on bridge CR 42 (Mancos area), and (d) put weigh restrictions on bridge - K.3 (Goode residence). Discussed: (1) CR W - spot graveled - (double) fence removed, and (2) CR F (airport) still closed.

PLANNING/MAPPING: **Karen Welch** and **Loretta Murphy** gave an update and quote on GIS software.

PLANNING Manager **Karen Welch** presented Planning Commission recommendations for the following: (1) **Mary Turtle** - approve exemption to split from a 38 acre parcel 3 acres to be added to an adjoining neighbor's (Mary Lancaster) 3 acre parcel - total 6 acres to be zoned AR 3-9. ~~~ Affirmed by the Board. (2) **Ed Morlan** - approve amendment to Deer Meadows Subdivision to rezone from AR-35 to AR 3-9 (create 5 lots instead of 4) with lot 4 zoned AG-80. ~~~ Affirmed by the Board. (3) **John Frazier** - approve two lot minor subdivision with AR 3-9 on 6 acres and AR 10-34 on the remaining 32 acres. ~~~ Affirmed by the Board. Manager Welch stated that the Planning Commission voted to certify to the Board of Commissioners the proposed amendments to the Land Use Code.

WEED PROGRAM Manager **Ron Lanier** reported on results of mail out survey (see October 23, 2000 minutes). Discussed enforcement policies for noxious weed control. State statutes will be reviewed. Mentioned upcoming Colorado Weed Member Association meeting scheduled for December 5-6, 2000, in Grand Junction, CO.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc. **Charles Hubbard** gave an update on construction of the jail facility. He stated that it is on schedule.

ARCHITECT Charles Hubbard gave an update on roofing scheduled for the Fairground arena building and on plans for the proposed extension to the Senior Annex Building.

SOUTHWEST MEMORIAL HOSPITAL: Administrator **Bob Peterson** and Chief of Operations **George Brisson** met with the Board. Adm Peterson gave an update on activities at the Hospital. Chief Brisson presented Southwest Memorial Hospital financial documents - "Monthly Operating Report For the Ninth Month Period Ended September 30, 2000 and 1999, Return on Assets, Acid Test Ratio and Current Ratio." These were discussed.

LIQUOR LICENSE: Deputy **Betty Davis** presented an application submitted by the **Pinon Project** (a non-profit organization) for a \$25.00 fee (liquor) "Special Events Permit." The event will be held at the Four Seasons Greenhouse and Nursery on November 30, 2000. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried.

CO2 CLAIMS COALITION, LLC - SHELL OIL COMPANY, ET AL - CIVIL ACTION NO. 96-Z-2451: Revocation of Assignment dated July 6, 1999, between Montezuma County, as Assignor, and the CO2 Claims Coalition, LLC, as Assignee, Montezuma County hereby requests reassignment of said claims and revokes said Assignment dated July 6, 1999, was presented for review. Comm Lindsay moved to sign the revocation of assignment, seconded by Comm Wilson and carried.

HEALTH DEPARTMENT Director **Lori Cooper** presented information on the proposed "Healthy Colorado Now: Quality Health Care For All" program presented at the Town Hall Meeting last week. She stated flu shots are late this year. She gave an update on three grants that were applied for and received.

FAIR BOARD APPOINTMENT: Three applications were received for the remaining appointment to the Fair Board: (1) Roger Borgen, Duane J. Calhoun and (3) Harry L. Siebert. Comm Lindsay moved to appoint **Harry L. Siebert**, seconded by Comm Wilson and carried.

SOUTHWEST TRANSIT representative **Duggan Brown** presented information on their proposed bus line in the four corners area. Discussed grants, entities that need to be included in any proposals, and private enterprise involvement. The Board affirmed the need for the proposal.

E911 AUTHORITY BOARD: Chief of Police **Roy Lane** presented information from Qwest Enhanced 911 Service Agreement between Montezuma and Dolores Counties and Quest and Alltel Communications, Inc. 911 Wireless Provisioning Montezuma County, CO (see attachments). These were discussed.

PUBLIC HEARING - AMENDMENTS TO THE MONTEZUMA LAND USE CODE: It being the time set aside, a Public Hearing is held on amendments to the Montezuma County Land Use Code. The roll was called and the proceedings were taped for the record. Planning Manager **Karen Welch** stated that the Planning Commission reviewed the proposed amendments to the Land Use Code and voted to certify them to the Board of County Commissioners. **Resolution 12-2000**, which amends Land Use Code Resolution 2-1998, was presented (see attached). The amendments to the code were discussed and an additional change was made to delete "sign-up phase" wording. No public comments were received. **Loretta Murphy** was present. Comm Lindsay moved to adopt Resolution 12-2000, with the proposed amendments and changes, seconded by Comm Wilson and carried.

COMMUNITY CORRECTIONS PROGRAM - SHERIFF DEPARTMENT: Sheriff **Joey Chavez**, District Attorney **Mike Green**, Interim Coordinator **Vici Trentman** and Deputy **Jim Keen** met to discuss Resolution No. 3-2000, in connection with the adoption of bylaws by the Community Corrections Board. After discussion, a meeting was tentatively scheduled for Monday, November 13, 2000, at 2:00 p.m., with interested entities and members of the Community Corrections Board to discuss the interpretation of the resolution.

SHERIFF Joey Chavez presented the Southwest Colorado Mental Health Service Agreement for review. Comm Lindsay moved to sign the Sheriff Department "Professional Mental Health Service Agreement," between Southwest Colorado Mental Health Center, Inc., and Montezuma County for September 1, 2000, through August 31, 2001, seconded by Comm Wilson and carried. Discussed need to purchase new vehicles for the sheriff department. No action taken.

ADJOURNED at 4:00 p.m.

Deputy Clerk
November 6, 2000

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 13, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 13, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 6, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

TREASURER's monthly report for October 2000 was received.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) blading, (b) snow plowing, and (c) have purchased two used snow plows from the CDOT. Discussed: (1) Dolores/Norwood Road: some gravel has been put on their section to maintain by Dolores County - talk with Forest Service is ongoing. (2) CR W: Work on hold until next spring - residents will be informed of plans for the area.

LANDOWNER Dan Duncan asked if more gravel might be put on a maintained section of CR 18. This was affirmed. He was asked to attend the Road Department meeting on Wednesday to discuss having the work included in the 2001 Road Department Plan. Foreman **Jim Sattley** was present.

MORLYN ACRES SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Morlyn Acres Subdivision - a cluster incentive PUD, (Morris), seconded by Comm Lindsay and carried.

MAPPING/PLANNING: **Rob Peterka** gave an update on GIS software. He presented a "Master License Agreement" for review. Comm Lindsay moved to sign the Agreement between Environmental Systems Research Institute, Inc. (ESRI) and licensee, Montezuma County, seconded by Comm Wilson and carried.

SHERIFF Joey Chavez presented the Law Enforcement Assistance Fund (LEAF) contract #L-42-1 and Resolution No. 13-2000 approving the term, conditions and obligations of the LEAF Contract and authorizing the appropriate authority to sign the contract on behalf of the County of Montezuma. Comm Lindsay moved to sign the **LEAF Contract and Resolution No. 13-2000**, seconded by Comm Wilson and carried.

NOXIOUS WEED PROGRAM: Weed Program Manager **Ron Lanier**, Weed Board members, and other interested persons (see attached list) met to discuss the program. Manager Lanier presented information on the Montezuma County Weed contacts (cost-share program), "A Brief Regarding the Colorado Noxious Weed Act (35-5.5)," and draft copies of three proposed enforcement letters. These were discussed. Comm Story asked for comments. The following items were discussed: (a) mandatory enforcement and compliance, (b) State Statutes, (c) what constitutes a weed problem, (d) proposed actions for weed problems on adjoining properties, CPR land, irrigation ditches, and (e) seeding of problem areas. After discussion, the Board affirmed their support for enforcement of the Noxious Weed Program.

REGION 9 - ECONOMIC DEVELOPMENT DISTRICT OF SW COLORADO Director **Ed Morlan** presented information on (1) "Community Development Action Plans" and draft "County Profile." Presented update on MOU for Administration of the Contract for Beanpole Implementation Funding (previously signed), copy of DOLA Beanpole Contract and "Intergovernmental Agreement" for review. Comm Wilson made a motion to sign the "Intergovernmental Agreement to Contract for Beanpole Implementation Funds Pursuant to Section 29-1-201, et. Seq., Colorado Revised Statutes" with the following five counties - Archuleta (lead), Dolores, La Plata, Montezuma and San Juan. The motion was seconded by Comm Lindsay and carried.

MONTEZUMA LAND CONSERVANCY: **Kevin Essington** presented information on the entity's plans and funding for next year. He stated he will be applying for Colorado Great Outdoor grant monies. He asked for a donation of \$1,000 from the lottery funds to help pay for Conservation Easement Workshops and help with their outreach program. Comm Lindsay moved to donate \$1,000 from lottery funds, seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICE: **Mike Preston** presented information about repossessed FHA acreage for sale that is infested with weeds. The Board will meet and look at property with the owner, and Weed Program Manager Lanier in December. The Board supports removal of weeds so property can be sold to private ownership; does not support property transfer/sale to BLM. Request support for Colorado Trails program proposals - affirmed. Presented copies of the draft proposal in the interim management plan for oil and gas leasing within the Canyon of the Ancients National Monument for review.

SHERIFF DEPARTMENT - COMMUNITY CORRECTION PROGRAM: Sheriff **Joey Chavez** and Community Correction Board members (see attached list) met to discuss Resolution 3-2000 - establishment and operation of community corrections program. List of persons designated to serve on the Community Corrections Board was submitted (see attached). No action taken.

COUNTY LODGERS TAX BOARD: At the request of Chairman John Kocourek, Comm Lindsay moved to appoint Ray Huseby to the Lodgers Tax Board, seconded by Comm Wilson and carried.

LANDFILL Manager **Debby Barton** presented the "Profit and Loss Statement for 1999 versus 2000 for the Month of September," "County Landfill Field Trip Quiz," and "Rate Structure effective January 1, 2001 for review. These were discussed. Comm Lindsay moved to approve the Rate Structure for the Landfill, effective January 1, 2001, seconded by Comm Wilson and carried.

ADJOURNED at 4:00 p.m.

Deputy Clerk
November 13, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 20, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 20, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 13, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

SUMMONS - DISTRICT COURT, COUNTY OF MONTEZUMA, COLORADO: Case No. 2000 CV 196 Summons by **Carol Stepe and Jack Akin**, plaintiffs vs. Board of County Commissioners of Montezuma County, Colorado, "E. Eugene Story, Kent Lindsey and Glen E. Wilson, Jr." defendants, was received and discussed. It was noted that the names of the commissioners were misspelled.

CLERK'S monthly report for October 2000 was received.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) CR 42 bridge (Mancos area) will be replaced instead of repaired - removing today, (b) road maintenance, and (c) working on Cortez yard (cleanup) -- getting ready for auction. Reported that the two new used blades will be placed at the fairgrounds and landfill. Discussed: (1) 2001 Road Plan - still being compiled, (2) other bridge replacement/or repair, (3) CR F (airport) still closed - will check, (4) Complaints: CR 29 - road slick after snow (not 3" deep) - not plowed but sanded; CR S condition - will check; and, CR P (west) bad pot holes - will check.

DEPARTMENT OF JUSTICE GRANT: **Frank Cavaliere** and Health Department Director **Lori Cooper** met to discuss the grant. Mr. Cavaliere presented an "Information Paper" summarizing FY 99 DOJ grant resources, guidelines, and the strategy for disbursement of grant funds, and an "Information Paper" on FEMA Terrorism Consequence Management Preparedness Assistance (TCMPA) grant program. These were discussed.

BIDS FOR 2001 COUNTY AUDIT: One bid was received from Majors and Haley, PC. Comm Lindsay moved to accept the bid from Majors and Haley, P.C. in the amount of \$13,500.00, seconded by Comm Wilson and carried.

EMERGENCY MEDICAL SERVICES (EMSP) SUBSIDY PROGRAM FOR COUNTIES: Comm Lindsay made a motion to sign Contract Renewal Letter No. 3 for FLA 0100181, between the Department of Health EMSP Division and the Board of County Commissioners, Montezuma County for January 1, 2001 through December 31, 2001. The motion was seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented a verbal request for an after-the-fact exemption to the subdivision regulations for **Wayne Rust** to split a 3 acre parcel from 14 acres. Comm Lindsay moved to tentatively approve the exemption, seconded by Comm Wilson and carried. Presented a planning resolution **P-21-00E**, whereas **Arthur R. Millard Trust**, owner of 8.12 acres more or less, would be granted an exemption to the subdivision regulations to record an exemption for 2 acres, which is not to be considered a separate tract

for sale. The two-acre tract will be adjoined to the existing 3.32 acre tract lying to the east of Mr. Millard's property, in Section 11, T.37N., R.14W. The east tract will then contain a total of 5.32 acres, more or less. Manager Welch presented Planning Commission **recommendations** for the following: (1) **Kyle and Rickie Cruzan and Jay and Kandy Cruzan** - approve zoning request - from AR 35+ to AR 10-34 on 35 acres (2 lot minor subdivision). Comm Lindsay moved to approve AR 10-34 zoning, seconded by Comm Wilson and carried. (2) **Intermountain Farmers Association - High Impact Permit No. 393, expansion of current facilities** - approve. Comm Lindsay moved to approve High Impact Permit No. 393, seconded by Comm Wilson and carried. (3) **Dick Lee - High Impact Permit No. 397, proposed meat processing facility** - approve. Comm Wilson moved to approve High Impact Permit No. 397, seconded by Comm Lindsay and carried. (4) **Jim and Connie Stephens - High Impact Permit No. 398, for self storage units** - proceed to the Board of County Commissioners for public hearing - hearing is scheduled for Monday, December 18, 2000, at 10:00 a.m. (5) **Delores Wheeler, George Sievers, agent - High Impact Permit No. 399, self storage units** - deny. Request was withdrawn. No action taken. (6) **Johnny and Pauline Donaldson** - approve zoning request - AR 3-9 on 14.01 acres (2 lot moderate subdivision). Comm Lindsay moved to approve AR 3-9 zoning, seconded by Comm Wilson and carried. (7) **Gary Schwarzkopf** - approve AR 3-9 zoning on approximately 20 acres (5 lot moderate subdivision). Comm Wilson moved to approve AR 3-9 zoning, seconded by Comm Lindsay and carried. (8) **Mark and Nicole Stephens** - approve zoning request AR 3-9 (3 acre lot) and AR 10-34 (14 acre lot) on 18 acres, (2 lot moderate subdivision). Comm Lindsay moved to approve AR 3-9 and AR 10-34 zoning, seconded by Comm Wilson and carried. **Loretta Murphy** was present.

NOXIOUS WEED CONTROL PROGRAM: Weed advisory committee member **Gayel Alexander** reported that the Soil Conservation (State) grant for control of noxious weeds has been awarded to the 2001 weed program.

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

IRON HORSE MOTORCYCLE RALLY representative **Warren Bernard** met to discuss the possibility of renting the fairground facility for the 2002 rally. He was advised that any prepared proposal would be considered. No action taken.

JAIL FACILITY: Adm Tom Weaver reported on financial expenditures, revenues and completion of contracts in regard to the jail facility.

LOTTERY FUNDS: Request for lottery monies to help fund the K-9 Search and Rescue Team, Inc. program was discussed. Comm Lindsay moved to give \$3,000.00 to the K-9 program, seconded by Comm Wilson and carried.

2001 BUDGET: Adm **Tom Weaver** and Finance Officer **Mary Ann Sanders** presented preliminary figures for the proposed 2001 budget. These were discussed.

MAPPING/PLANNING: **Rob Peterka** presented an amendment to the signed "Master License Agreement" (see minutes of November 13, 2000). After contacting ESRI and discussing the change, Comm Lindsay moved to sign an amended Agreement between Environmental Systems Research Institute, Inc. (ESRI) and licensee, Montezuma County, seconded by Comm Wilson and carried.

CANCELLATION: Due to attendance of the CCI meeting in Colorado Springs, CO the November 27th BOCC meeting is cancelled.

ADJOURNED at 3:30 p.m.

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 4, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 4, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 20, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

PROPOSED COMPLAINT - U.S. DEPARTMENT OF JUSTICE - CIVIL RIGHTS DIVISION: Receipt of a letter from the U.S. Department of Justice - Civil Rights Division in regard to a proposed complaint Re: United States v. Board of County Commissioners of Montezuma County (D.Colo) - Eagle's Nest Adolescent Treatment Center, John Brach (see attached) was noted. It was affirmed that the U.S. Department of Justice will be notified that the Board is not interested in entering into pre-suit settlement negotiations.

SHERIFF'S monthly report for November 2000 was received.

PAYROLL: General fund payroll in the amount of \$181,118.85, District Attorney warrant #35621 in the amount of \$21,665.94, Treasurer warrant #35622 in the amount of \$134,718.45; Road Department fund payroll in the amount of \$55,867.47, Treasurer warrant #14103 in the amount of \$44,933.62; and Landfill fund payroll in the amount of \$10,878.83, Treasurer warrant #2328 in the amount of \$7,434.44 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-26-00** to the Treasurer to pay \$1,823.04 from the 911 Account to U.S. West Communications, Denver, CO 80244-0001. The motion was seconded by Comm Wilson and carried. Administration Assistant **Debbie Cline** explained that the increase for this service is due to inclusion of wireless service.

OFFICE OF COMMUNITY SERVICE: **Mike Preston** reported on meeting with representatives from several entities about repossessed FHA acreage for sale that is infested with weeds (see November 13, 2000 minutes). Options were discussed. Weed Manager **Ron Lanier** stated that the weed control process will be started for this 520 acre parcel and adjoining properties. The Board stated they would like to keep the option open for private ownership. Canyon of the Ancients National Monument proposed "Interim Guidelines" were discussed.

PLANNING: **Loretta Murphy** presented a verbal request from **Lois Humiston** for an exemption to the subdivision regulations to split a one acre parcel with a home and Town of Mancos water and sewer, from 123 acres, which has been zoned as AR 10-34. Action was tabled.

JAIL FACILITY: Archetype Design Group, Inc. **Mike Pollard**, and local architect **Charles Hubbard** gave an update on construction of the jail facility. They both expressed that it is going well.

ARCHITECT Charles Hubbard gave an update on roofing scheduled for the Fairground arena.

RESIDENT Donald Dennison met to talk about his concerns with the Canyon of the Ancients National Monument designation and the Land Use Code. At a later time, he will present prepared information on these two items.

SHERIFF DEPARTMENT: Sheriff **Joey Chavez** and Undersheriff **Sam Hager** presented Montezuma County Sheriff Office "2001 Vehicle Proposal" information for review. No action taken. Also presented was request to hire one additional deputy in 2001. No action taken. **Terry Steele** was present.

HEALTH DEPARTMENT Director **Lori Cooper** presented the renewal for the HIV Testing contract #00-00091 for review. Comm Wilson moved to approve the **HIV Testing** contract between the Department of Public Health and the Montezuma County Public Health Nursing Service, seconded by Comm Lindsay and carried.

LIQUOR LICENSE: Deputy **Betty Davis** and Lodge of Dolores, LLC owner **Harry Cole** met to discuss Mr. Cole's failure to pay for renewal of his Hotel Restaurant liquor license, which expired November 1, 2000. Deputy Davis said that, as a result of this, the license would have to be reinstated. She contacted the State Liquor License Board, and they advised her that the Board of County Commissioners, at their discretion, may charge or waive the penalty for reinstatement. Comm Lindsay moved to waive the penalty, and reinstate and approve the application for renewal of the Hotel Restaurant liquor license for the **Lodge of Dolores, LLC**, seconded by Comm Wilson and carried.

ADJOURNED at 12:00 noon.

Deputy Clerk
December 4, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 11, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 11, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 4, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ORDER - AIRPORT FUND AND INDIAN WATER RESERVE FUND: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-27-00** to the Treasurer to transfer funds to clear up insignificant line items as follows: **(1)** Airport Fund to General Fund in the amount of \$135.06 and **(2)** Indian Water Reserve Fund to the Emergency Reserve Fund in the amount of \$50,000.00. The motion was seconded by Comm Wilson and carried.

COUNTY ROAD G (McElmo) resident **Penny Welch** met to discuss concerns about recent installation of guardrails (why, placement, and funding) on the road, and the county Tozer/BLM gravel pit (dust and noise). It was explained that (1) Guardrails are being installed in compliance with the safety code of the area, and the Road department is following Engr. Bud Roach's project plan for the area. At her request a copy of the plan will be sent to her. Funding is from gaming impact grant monies; and (2) The county will continue to mitigate any problems created by the gravel pit. At her request a copy of the gravel study will be sent to her. Road Department Foreman **Jim Sattley** was present. The Board stated they will do an on-site inspection today of the guardrails and the pit.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) snow - sanding, (b) catching up on small jobs, (c) selling old equipment, etc. and (d) still working on Mancos bridge. Discussed: gravel for Schedule A Forest Service road - Dolores/Norwood - no action from the FS; and need for gravel on CR W (west).

LOTTERY FUNDS - Dolores Community Center representatives **Ed Merritt, Jr.** and **Ruby Gonzales** asked for lottery funds to redo the center's parking lot. They presented information on funding sources and expenses. Comm Lindsay moved to give lottery funds in the amount of \$5,000.00 to the Center, seconded by Comm Wilson and carried.

LANDFILL Manager **Debby Barton** presented the "Profit and Loss Statement for 1999 versus 2000 for the Month of November" for review. Other activities at the landfill were discussed.

LAND PURCHASE: Ed G. Merritt, M.D. and Jess Leonard (Dolores Medical Association P.C. Profit Sharing Trust - Ed G. Merritt, Trustee) met to discuss the purchase of a 2.13 acre parcel (Resolution 11-98) by Montezuma County. Comm Lindsay made a motion to pay \$16,422.00 for the parcel plus \$1,175.78 for taxes -- total of \$17,597.78, contingent on receipt of Title of Deed. The motion was seconded by Comm Wilson and carried.

CLERK Evie Ritthaler presented her report for November 2000. She gave an update on the general election funding and discussed the shortage of “year tabs” and new license plates.

PLANNING Manager Karen Welch presented planning resolution **P-22-00E After-the-Fact**, whereas an exemption to the subdivision regulations would be granted to **Wayne Rust**, owner of 6.51 acres, to record an after-the-fact exemption in Section 5, T.36N., R.16W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Later, a verbal request from **Alex Saunders** to amend the Saunders Minor Subdivision was presented. Comm Lindsay moved to tentatively approve the amendment, seconded by Comm Wilson and carried.

RESIDENT Harmon Walker met to discuss the commodity program and other issues pertaining to the Senior Nutrition department. It was affirmed that these issues will be looked into.

CORTEZ CEMETERY DISTRICT APPOINTMENT: A letter from President Dihle stating no response was received from the advertised vacant position and a recommendation that George Wickstrom be re-appointed for a three-year term was noted. Comm Lindsay moved to reappoint George Wickstrom to a three-year term to the Cortez Cemetery District, seconded by Comm Wilson and carried.

LOTTERY FUNDS - AABC Youth Baseball (formerly Motelores Babe Ruth) representative **Derrick A Sample** submitted a letter request for lottery funds. Comm Lindsay moved to give \$2,500.00 to the AABC Youth Baseball program for 2001, seconded by Comm Wilson and carried.

MAPPING-PLANNING: Rob Peterka reported he will be attending a local fiber optic workshop.

PUBLIC HEARING - 2000 AMENDED BUDGET AND 2001 BUDGET: It being the time set aside, a Public Hearing was conducted regarding the 2000 amended budget and the proposed 2001 budget. The roll was called and the proofs of publications were read. Sheriff **Joey Chavez**, Undersheriff **Sam Hager**, Social Service representative **Kathy Talcott**, and **Rob Peterka** were present. **2000 Amended Budget:** Finance Officer **Mary Ann Sanders** 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 #14-2000**, authorizing the Supplemental Budget and Appropriation. The motion was seconded by Comm Wilson and carried. **2001 Budget:** Budget Officer **Tom Weaver** presented the proposed 2001 budget, which includes a 4.5% pay increase for all county employees. Sheriff Chavez discussed his request for new vehicles (2002 issue) and one additional deputy. No changes were made in the proposed budget. Comm Wilson made a motion to adopt **Resolution #15-2000**, To Adopt a Budget for Montezuma County, Colorado For the Calendar Year Beginning on the First Day of January 2001 and Ending on the Last Day of December 2001. The motion was seconded by Comm Lindsay and carried. Comm Wilson made a motion to adopt **Resolution #16-2000**, To Set Mill Levies. The mill levy is set at 14.254 - last year's mill levy was 14.255. The motion was seconded by Comm Lindsay and carried. Comm Wilson made a motion to adopt **Resolution #17-2000**, To Appropriate Sums of Money (\$19,234,741.00) in accordance with Local Government Budget law on December 11, 2000. The motion was seconded by Comm Lindsay and carried. These proceedings were taped for the record.

ADJOURNED at 3:30 p.m.

Deputy Clerk
December 11, 2000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 18, 2000

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 18, 2000, at the courthouse in Cortez, Colorado, there were present:

G. Eugene Story, Chairman
Glenn E. "Kelly" Wilson, Jr., 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 11, 2000, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) sanding - need to increase sanding, and (b) catch-up work. Discussed: (1) The Board's on-site inspection of McElmo (CR G) guardrails and gravel pit; and (2) proposed state funded motorcycle training pad for the area - will check on the pad being put in at the fairgrounds. ****Later in the day, **Gary Gardner**, MSF instructor, met to discuss the possibility of the pad being put at the fairgrounds and expressed his support for this proposal.

BOARD OF SOCIAL SERVICES was conducted.

ORMISTON MEDICAL TRUST FUND ORDER: **Nila Tortoriello** presented a request for funds from the Clara Ormiston medical trust fund. Comm Lindsay moved to pay a total of \$1,571.44 from the Ormiston medical fund to providers listed on **Order Number 0-28-00** for **Sandra Jackson**, seconded by Comm Wilson and carried.

RESIDENT Harmon Walker met again for information about the commodity program. Comm Wilson relayed information to Mr. Walker that he had received from Senior Nutrition Director Sue Fletcher about the program.

AMBULATORY SURGERY SERVICE CENTER: **Bill Rainer, MD** presented information about the new center which he plans to open next year for out-patient care. He stated he has contacted and discussed his plans with the medical entities and doctors. **Nora Bell** was also present.

PLANNING Manager **Karen Welch** stated that the three positions for to the Planning Commission will be advertised. Noted a continuance until January 15, 2001, for the Public Hearing scheduled for today to consider a High Impact Permit with respect to a 43-unit self storage business submitted by Jim Stephens. Presented **Planning Commission recommendations** for the following: (1) **Tony Reyes** - approve zoning request - AR 3-9 (4 acres) and AR 10-34 (24.9 acres) for a 2-lot subdivision. Comm Lindsay moved to approve the AR 3-9 and AR 10-34 zoning, seconded by Comm Wilson and carried. (2) **Robert and Sharon Baxstrom** - approve zoning request - AR 35+ for a Cluster Incentive Planned Unit Development on 80 acres. Comm Wilson moved to approve the AR 35+ zoning, seconded by Comm Lindsay and carried. (3) **Rea and Kim Schamp** - **permit application for Out Back Buildings, a commercial business in Lot 1, Ranchland Hills Subdivision, .67 acres** - approve waiver on setbacks and require an engineer designed I.S.D.S. septic system. Comm Lindsay moved to approve the setback waiver, require an engineer designed I.S.D.S. septic system, approve the permit and waive a public hearing, seconded by Comm Wilson and carried.

PLANNING CONTINUED --- (4) Tuffy Security Products, Inc. - Shawn and Danielle Gregory: (a) industrial zoning application on a 40 acre parcel and waive application for expansion of storage and shipping facility - approve industrial zoning application and waive expansion. Comm Wilson moved to approve the industrial zoning and to waive application for expansion, seconded by Comm Lindsay and carried. **(b) approval of High Impact Permit #322** - approve permit since there are no unresolved issues. Comm Wilson moved to approve **High Impact Permit #322**, seconded by Comm Lindsay and carried. **Loretta Murphy** was present.

SOCIAL SERVICES Director **Dennis Story** presented “Revised Contract #01KAA0141, Shared Costs in the Cortez Workforce Center between the Department of Labor and the County Commissioners of Montezuma County acting by and through the Department of Social Services” for review. The contract was reviewed and changes made and initialed. Comm Lindsay moved to sign the contract, seconded by Comm Wilson and carried.

ADJOURNED at 3:00 p.m. ---- Commissioners Christmas Open House.

Deputy Clerk
December 18, 2000

Chairman

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