

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 8, 2001

STATE OF COLORADO)
) SS.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 8, 2001, 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 18, 2000, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

PAYROLL: General fund payroll in the amount of \$179,598.27, District Attorney warrant #35831 in the amount of \$21,408.56, Treasurer warrant #35832 in the amount of \$132,827.09; Road fund payroll in the amount of \$55,991.38, Treasurer warrant #14197 in the amount of \$45,281.92; and Landfill fund payroll in the amount of \$11,489.62, Treasurer warrant #2357 in the amount of \$7,716.60 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Lindsay made a motion to direct the Clerk to issue **Order Number 0-01-01** to the Treasurer to pay \$1,798.00 from the 911 Account to Qwest, Denver, CO 80244-001. The motion was seconded by Comm Wilson and carried.

PROPOSED WAIVER OF SERVICE OF SUMMONS - U.S. DEPARTMENT OF JUSTICE - CIVIL RIGHTS DIVISION: Receipt of a proposed waiver "In The United States District Court For The District of Colorado – Waiver of Service of Summons" United States v. Board of County Commissioners of Montezuma County - Eagle's Nest Adolescent Treatment Center, John Brach, was noted. Attorney Slough recommended acceptance. Comm Wilson moved to accept Service and direct the Deputy Clerk to sign the waiver, seconded by Comm Lindsay and carried. Copy will be sent to the Insurance Company.

CONFERENCE CALL with **Jody Bernard** was held in regard to interest in using the Montezuma County fairgrounds for a 2002 motorcycle rally. Discussion meeting was tentatively set for 10:00 a.m. on January 20, 2001, at the Sheriff's office with rally representatives, Sheriff, area agencies and other interested persons.

ROAD DEPARTMENT Foreman **Jim Becher** reported on department activities: (a) sealing cracks, (b) working on CR 42 bridge - discussed canal crossing (BuRec concerns), (c) burning brush, (d) continuing to clean up Cortez Shop area, (e) still making chips at McElmo gravel pit - plan to move crusher to Hindmarsh gravel pit in the near future. Discussed: (1) CR W - to Hindmarsh pit, (2) update on completion of 2001 County Road Plan, and (3) complaint about roughness of short stretch of road on CR 27.3 (Lost Canyon subdivision) - will check.

SCHILLER FENCING representative **JoAnna Miller** gave information about their company (certification of insurance, etc.) and asked for information about the county's policy in connection with county fencing jobs. She stated they were not contacted about the Cortez Shop job. Policy was explained - county jobs are bid and companies are notified. It was explained that the fencing job at the Cortez Shop included help from county employees, working with one other person, and use of county materials. **Jim Becher** was present.

SOCIAL SERVICES Director **Dennis Story** presented information about the proposed Regional Transit Advisory Committee scheduled for January 10, 2001.

LANDFILL Manager **Debby Barton** presented the “Profit and Loss Statement for 1999 versus 2000 for the Month of December,” “Year 2000 Annual Operating Budget vs Year to Date Execution Documents,” and “Calendar Year 2000 Cost Avoidance Savings for Montezuma County Agencies” for review. Request for cell construction costs will be submitted in February 2001.

RESIDENT Phil Weiser (Eco-Logic) expressed his thoughts on conservation easements - pros/cons and need for full disclosure. He asked about reply from the Board in regard to a letter to them from the SWCLA. He was told that a reply letter will be written in the near future.

PLANNING Manager **Karen Welch** presented the following items: (1) CR L area residents complaints about hot asphalt plant (smoke, etc.), pictures submitted - no action taken; and (2) a verbal request from owner Doug Capelin to split off 10 acres and create a 92 acre parcel - tentative approval was given with AR 35 zoning on the 92 acre parcel.

DISTRICT ATTORNEY ELECT Joe Olt introduced himself to the Board and presented his proposed programs. He asked that he be included in next year’s county cost of living wage increase. No action taken.

HEALTH DEPARTMENT Director **Lori Cooper** presented “Montezuma County Health Department Revenue - 2000” for review. Presented State of Colorado Department of Health Contract #01-00987 - Montezuma **Nursing Services** (immunization). Comm Wilson moved to sign the contract, seconded by Comm Lindsay and carried.

OFFICE OF COMMUNITY SERVICES: Carla Harper presented a forest service video on managing wildfires. She stated that forest service grant monies are now available to communities for strategic planning, etc. in regard to wildfires. Discussed strategic planning needs to be considered – map of high risk areas (written plan, equipment use, etc.); prevention; and, fire fighting protocols. **Mike Preston** was present.

RESIDENT Sam Pinkerton met to discuss road access off CR G. After discussion, he was directed to the Road Department for a driveway permit. **Bob Wright** was present.

SHERIFF Joey Chavez presented information on available emergency fund grants. Comm Lindsay moved to sign the umbrella contract “2001 Emergency Management Performance Grant (EMPG) between the State of Colorado, Division of Local Government and Montezuma County, Contract #1EM80, seconded by Comm Wilson and carried.

ARRIOLA COMMUNITY CENTER - LOTTERY FUNDS: Representative **Chan Chaffin** and **Charles Newby** gave an update on the progress of the center’s building project. Discussed the need for lottery funds. Comm Lindsay moved to give \$2,500.00 in lottery monies to help with the project, seconded by Comm Wilson and carried.

HOMEOWNER Sheldon Zwicker met to discuss he and other neighbors’ request for replacement of a sluice way, which was removed when road work was done on CR G (McElmo Canyon). The Board asked that the request to replace the sluice way be submitted by letter, with signatures from all the interested parties. Mr. Zwicker stated this will be done.

DISTRICT ATTORNEY Mike Green thanked the Board for their support during his four year term in office.

ADJOURNED at 4:00 p.m.

Deputy Clerk
January 8, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 15, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 15, 2001, 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, January 8, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ELECTION OF OFFICIALS FOR 2001: Comm Wilson moved to elect Comm Lindsay as Chairman of the Board of Commissioners, seconded by Comm Story and carried. Comm Story moved to elect Comm Wilson as Vice-Chairman, seconded by Comm Lindsay and carried. Comm Wilson moved to elect Comm Story as Commissioner of Deeds, seconded by Comm Lindsay and carried.

APPOINTMENTS FOR 2001: Comm Story moved to appoint Bob Slough as County Attorney and Thomas J. Weaver as County Administrator and Budget Officer, seconded by Comm Wilson and carried. Comm Wilson moved to appoint the following persons to the several different offices and boards, seconded by Comm Story 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 Publications: Cortez Journal, Mancos Times, Dolores Star

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) plowing snow, (b) gravelling, (c) working on 2001 Road Plan (will be realistic instead of wish list), (d) working on CR 42 bridge, (e) have purchased crack sealing equipment, and (f) working on CR G (McElmo Canyon) Zwicker problems. Discussed: (1) Oak Street Bridge - snow plow schedule, (2) redo of bridge on CR G, (3) 2001 gravelling plans, (4) process for parking lot resurfacing, (5) need and policies for re-seeding shoulders after work on county roads - **Ron Lanier** was present, (5) road signage (red) policy, and (6) signage for Canyons of the Ancients National Monument. Complaint on CR T - taken care of.

NOXIOUS WEED CONTROL PROGRAM Manager **Ron Lanier** reported on CWMA meeting in Grand Junction, CO that he and members of the Montezuma Weed Board attended. He stated he has been elected to serve as a member on the CWMA Board. Mentioned the need to officially appoint Brad White to the Weed Board. Comm Story moved to appoint **Brad White** (who has been filling in for the appointment vacated by Sherry Fuller) to the remaining Fuller term, with the condition that all vacancies continue to be advertised, seconded by Comm Wilson and carried. Noted receipt of favorable public response on information submitted to local news paper about weed control.

PLANNING Manager **Karen Welch** presented a verbal request from **Walter Ertel** for an after-the-fact exemption to recognize a deeded 5 acre parcel (1999) as a separate parcel – request was denied. Other items discussed were: (a) proposal for storage units (**Hart/Ludeman**) and (b) proposed zoning for grand-fathered feed lot - **Sid Snyder** property. **Loretta Murphy** was present.

BOARD OF SOCIAL SERVICES was conducted.

PUBLIC HEARING - PROPOSED HIGH IMPACT PERMIT NO. 398 - 43-UNIT SELF STORAGE BUSINESS - JIM STEPHENS: It being the time set aside, a Public Hearing scheduled for December 18, 2000, at 10:00 a.m. but continued to this time by request of Jim Stephens, is held to consider a High Impact Permit with respect to a 43-unit self storage business, as submitted by Mr. Stephens. The roll was called and the proceedings were taped for the record. Present were **Jim Stephens, Alfred Partner, Beth Partner, Patty Randolph, LaFawn May and Denton May** and Planning Manager **Karen Welch**. Planning Manager **Karen Welch** presented information about the proposal. She read the Planning Commission recommendation, to the Board, that a Public Hearing be held with the following items to be considered: (a) restrict hours of operation from 7 a.m. to 7 p.m., (b) install privacy fence, (c) setbacks be adhered to (100 feet), and (d) dust, lighting and noise threshold standards be complied with. Owner of the 5.5 acre parcel, **Jim Stephens** gave the following input: (a) presented a new drawing, (b) asked that the 100' set-back requirement be changed to a 50' set-back (will continue to use the shop on the property), (c) stated he would put up a 10' high chain-link fence, (d) would like to have consideration for longer hours of operation (dusk to dusk) and (e) would comply with dust, lighting and noise threshold standards. Comm Lindsay asked for any **public** comment. Following are some of the concerns from the public **against** the proposal: **Denton May:** unattended high impact business, which is in a low impact business/residential area, and effect on property values. **LaFawn May:** security of their personal property - would fence keep people off? and increased litter. **Al Partner:** question of whether he can continue to get water from canal to his property (Mr. Stephens stated fencing would not include the ditch.) **Beth Partner:** noise, no bathroom facility, and security of the neighborhood (older neighbors very concerned). **Patty Randolph:** asked that the Board deny the 50' setbacks, reiterated concerns about security problems (transient users, dogs, etc.), unattended property, maintenance of area (she feels it will be up to her), safety of children around area ponds and ditches, traffic, and stated when property sold to Stephens that she agreed that property could be used for shop (equipment) but does not agree to storage units. There was no public input **in favor** of the proposal. The Board noted that this is a **private road** with easements from Ms. Randolph for residents to use the road. Comm Wilson made a motion to continue the public hearing to Monday, February 26, 2001, at 10:00 a.m., to give the parties time to see if they can reach an agreement and sign a written agreement in regard to use and maintenance of the private road. The motion was seconded by Comm Story and carried.

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

LONG-TERM CARE BOARD members, Social Service Director **Dennis Story**, county social service employees, and other interested persons (see attached list) met to discuss needs and recommendations for better adult care/protection in the county. Items discussed included: (a) funding - need to talk with legislators and find and apply for available grant monies, (b) guardianship - need more adult protection services, (c) more personnel and involvement from Social Services - personnel will be increased, (d) consolidation of offices - move medicaid/medicare office to Senior Center, and (e) creation of brochure listing all senior services available.

CHILD DAY CARE ASSOCIATION members, Social Service Director **Dennis Story**, county social service employees, and other interests persons (see attached list) met to discuss child day care needs. Representative **Fern Andreason** gave information about the association and the increased responsibilities of all the care providers. She asked that there be an increase in pay. Director Story stated pay (from the subsidized day care program) will be increased by 60 cents per day/per child for the providers. Other items discussed included: (a) funding - association needs to apply for block grants, etc., and (b) other issues involving late fees and collection of pay for absentees - state statutes were discussed.

2001 HOLIDAY SCHEDULE: Comm Wilson moved to approve, as submitted, the "Official County Holiday Schedule for 2001" (see attached), seconded by Comm Story and carried.

OFFICE OF COMMUNITY SERVICES: Comm Story moved to sign the "Letter of Agreement" between the Office of Community Services, Fort Lewis College and Montezuma County to authorize the requested technical assistance of Mike Preston and Jim Dietrich, seconded by Comm Wilson and carried.

CANYONS OF THE ANCIENTS - NATIONAL MONUMENT: Comm Story moved to appoint Comm Wilson to the Canyons of the Ancients National Monument Advisory Board, seconded by Comm Lindsay and carried.

ADJOURNED at 3:45 p.m.

Deputy Clerk
January 15, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 22, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 22, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 15, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: November 2000 - General fund warrants #35623 thru #35828 in the amount of \$121,518.96, Road fund warrants #14104 thru #14195 in the amount of \$114,613.31, Landfill fund warrants #2335 thru #2355 in the amount of \$10,654.73, and Correction Facility fund warrants #29 thru #31 in the amount of \$366,225.46 were approved for payment. December 2000 - General fund warrants #35830 thru #35987 in the amount of \$108,038.10, Road fund warrants #14198 thru #14300 in the amount of \$119,712.22, Landfill fund warrants #2364 thru #2391 in the amount of \$21,643.01 and Correction Facility fund warrants in the amount of \$283,654.03 were approved for payment.

TREASURER'S monthly report for January 2001 was received.

MONTEZUMA COUNTY PUBLIC TRUSTEE: Received from Public Trustee **Bobbie Spore** the summary of Public Trustee Fees (see attached) for the months of October, November and December 2000.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) working on CR 42 bridge, (b) re-seeding policy wordage will be added to road regulations and permits, (c) hauling material from Stone gravel pit - will mix with Ormiston gravel, (d) crusher will go to Gardner gravel pit - move to Hindmarsh gravel pit in spring, and (e) stockpiling gravel during winter months - trying not to haul too much during this time. Discussed: (1) CR 38 - Blake Mitchell section of road (culverts, etc.), (2) gravel needs (fairground) for area behind race track stands and road, and (3) CDOT 20 year plan - need to incorporate local road assessment needs --- county investment cost figures for roads are being compiled.

FAIRGROUNDS Manager **Darryl Buffington** reported that work is completed on the fairgrounds PA system, roof and heaters. Discussed: (a) condition of race track stands and road (have received no input about any race activities scheduling for this year) - need to do an on-site inspection of the stands before any use and check road needs (gravel), (b) proposed motorcycle rally (2002), and (c) use of facilities by the Dog Show and High School Rodeo.

SHERIFF Joey Chavez presented "Resolution #187, 2001 Series Law Enforcement Contract" for review. Comm Story moved to sign the Contract between Montezuma County, Montezuma County Sheriff's Office (County) and the Town of Dolores (Dolores), seconded by Comm Wilson and carried. Discussed proposed motorcycle rally meeting. Adm Weaver will check with other counties about their fairground alcohol policies.

PLANNING Manager **Karen Welch** presented planning resolution **P-01-01**, whereas **Abe D. and Alice A. Saunders**, owners of Lot 2 in the Saunders Minor Subdivision, would be granted an exemption to the subdivision regulations to amend the subdivision plat by deeding 3.82 acres of Lot 2 to Randall M. and Linda W. Smith, adjoining landowners to the south, and **Randall M. and Linda W. Smith**, owners of 6.50 acres in Montezuma County, would be granted an exemption to the subdivision regulations to adjoin the 3.82 acres to their existing tract to create a 10.32 acres tract. Said exemption does not create a separate tract for sale. The seller must inform the purchaser of conditions herein noted. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Presented a verbal request for an exemption to the subdivision regulations for **Susan Cosner** to split 10 acres from a 43 acre parcel and sell it to **Florence Daly**, an adjoining landowner, who owns 10 acres. Discussed zoning and development possibilities - need to establish criteria for these situations will be addressed. Comm Story moved to tentatively approve the request, seconded by Comm Wilson and carried. **Mike Preston** was present.

AMENDED PLAT OF SAUNDERS MINOR SUBDIVISION: Comm Story moved to approve and sign the final amended plat for the Saunders Minor Subdivision, seconded by Comm Wilson and carried.

PLANNING COMMISSION APPOINTMENTS: Planning Manager **Karen Welch** presented four responses received from the public for the three advertised vacancies on the Planning Commission. Receipt of applications by persons whose terms have expired were noted and recommendations were made. Comm Story made a motion to appoint **Andy Logan** to a 3-year term (2001-2002-2003), **Cindy Dvergsten** to a 3-year term (2001-2002-2003), and **Dewayne Findley** to a 3-year term (2001-2002-2003), and based on a recommendation from Manager Welch, **Gerald Hart and Robert Riggert** as alternates. The motion was seconded by Comm Wilson and carried.

DIVISION OF WILDLIFE representative **Hody Ewing** presented information on the bill introduced by State Representative Mark Larson in regard to predator control funding from the State.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** met to discuss the following items: (a) Canyons of the Ancients: funding, volunteers, the need to know Manager Jacobson's concerns - time will be scheduled with her; (b) Forest Service/Livestock: Boggy Draw allotment, allotment use changes; (c) Forest Service - Fire Program (will take community based approach - county appointment for involvement in risk assessment process tabled); and (d) Planning in connection with State Planning regulations (growth). Mike will contact Rep. Mark Larson and ask that he keep the Board updated on issues that might concern Montezuma County.

BOARD OF SOCIAL SERVICES: A lease agreement for space was presented for review. Comm Story moved to sign the Lease Agreement between Slavens, Inc. and Montezuma County Department of Social Services for January 1, 2001 through December 31, 2001, seconded by Comm Wilson and carried.

FINANCIAL OFFICER **Mary Ann Sanders** presented information sent to employees stating that Montezuma County is no longer able to offer the 125 Cafeteria Plan with Summit Administrators, Inc. Administration is checking on the possibility of another company offering this benefit.

ADJOURNED at 2:45 p.m.

Deputy Clerk
January 22, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 29, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 29, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 22, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

CLERK'S report for December 2000 was received.

NOTICE OF CLAIM was received from State Farm Mutual Automobile Insurance Company and their insured **Lola M. Lee** (claimants attorneys Sage and Vargo, P.C.) vs. Montezuma County. It was noted and will be sent to the Insurance Company.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) plowed snow all weekend, and (b) sanded – need more storage or ways to keep sand dry. Discussed condition of Dolores/Norwood road and need for forest service input for maintenance.

LEADERSHIP MONTEZUMA COUNTY PROGRAM representatives **Joan Luhman and Kristine Acott** (Chamber of Commerce) gave an update on the program. They asked for help in funding the program. Comm Story moved to give \$1,500.00 from the Lottery funds to the "Leadership Montezuma County Program," seconded by Comm Wilson and carried.

SOCIAL SERVICES Director **Dennis Story** presented "Intergovernmental Agreement to Contract for Section 5313 (b) Transit Development Plan Funds Pursuant" for review. After discussion, it was noted that the concept of the agreement is tentatively approved.

HEALTH DEPARTMENT Director **Lori Cooper** presented an "Amendment to Options to Long-Term contract SC UHA #3301-1354" between the State of Colorado of Health Care Policy and Financing and the Montezuma County Health Department. Comm Wilson moved to sign the contract, seconded by Comm Story and carried.

HIGHWAY USERS TAX FUND (HUTF) REPORT and map were presented by **Rob Peterka** and discussed. Comm Story moved to sign the certification, seconded by Comm Wilson and carried. Other concerns about mapping the county roads were discussed.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT Manager **LouAnn Jacobson** presented an update on the program, personnel and plans they will be addressing. **Mike Preston** and **Rob Peterka** were present.

PROPOSED MOTORCYCLE RALLY: Resident **Robert Duncan** presented a copy of the “Part 205 Transportation Equipment Noise Emission Controls,” EPA regulations. He stated he has concerns about excessive noise if the rally is held in Montezuma County and feels this is an issue that needs to be considered. **Karen Welch** was present.

LIQUOR LICENSE: Deputy **Betty Davis** and Lodge of Dolores, LLC owners **Harry and Sandra Cole** met to discuss the “Change of Location” application for their Hotel/Restaurant liquor license. A Public Hearing was set for Monday, March 5, 2001, at 10:00 a.m. with a polling radius of 1/2 mile. **Karen Welch** was present.

ADMINISTRATOR Tom Weaver presented information about a proposed senate bill to reclassify Montezuma County tax collection for Special Districts from Class 3 to Class 2. After discussion, the Board stated they are opposed to the proposal. Discussed receipt received for Public Trustee 2001 Salary.

ADJOURNED at 2:30 p.m.

Deputy Clerk
January 29, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 5, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 5, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 29, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

PAYROLL: General fund payroll in the amount of \$1,84,186.59, District Attorney warrant #35997 in the amount of \$15,123.54, Treasurer warrant #35998 in the amount of \$134,538.40; Road fund payroll in the amount of \$57,190.16, Treasurer warrant #14304 in the amount of \$44,732.55; and Landfill fund payroll in the amount of \$11,342.54, Treasurer warrant #2396 in the amount of \$7,627.20 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-02-01** to the Treasurer to pay \$1,794.52 from the 911 Account to Qwest, Denver, CO 80244-001. The motion was seconded by Comm Story and carried.

ROAD AND BRIDGE FUND ORDER: Comm Story made a motion to direct the Clerk to issue **Order Number 0-03-01** to the Treasurer to pay \$5,000.00 from the Road and Bridge Fund to the General Fund (Sheriff) for Pickup. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) finishing up work on CR 42 bridge, (b) blading and sanding, (c) still cleaning up yards, and (d) will be picking up 2 pickup from Phoenix, AZ. Noted compliments received and discussed placement of extra sander.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** discussed scheduled "Fire Strategy Program" meeting and land use informational meeting with Archuleta County.

RESIDENT Stella West stated she would like to serve on the Cortez Cemetery Board. She was advised that all the positions are filled. The next vacancy will be advertised and at that time she may submit a letter of application.

RESIDENT E. W. McCutcheon stated he was against the proposed motorcycle rally.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: Southwest Colorado Landowners Association representative **Phil Weiser** presented "Resources – Canyons of the Ancients National Monument" (see attached).

ADJOURNED at 11:30 a.m.

Deputy Clerk
February 5, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 12, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 12, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, February 5, 2001, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

LANDFILL "Profit and Loss Statement for 2001 versus 2000 for Month of January" and memo from Manager Debby Barton was received.

FEDERAL REVENUE SHARING FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-04-01** to the Treasurer to transfer \$3,160.56 (to close account) from the Federal Revenue Sharing fund to the General fund. The motion was seconded by Comm Lindsay and carried.

GENERAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-05-01** to the Treasurer to transfer \$59,715.00 from the General fund to the Social Services fund – quarterly HCBS (see attached). The motion was seconded by Comm Lindsay and carried.

LANDOWNER Ken Jackson asked if the road department would consider snow plowing a section of Road 22, a county non-maintained road. Discussion included county policies for non-maintained roads. He was advised to present his request at the Road Department's Wednesday meeting. Foreman **Jim Sattley** was present.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) work on CR 42 bridge completed, (b) crusher still at McElmo gravel pit, and (c) "2001 Road Plan" draft is completed.

COUNTY PROPERTY: Realtor **Lloyd Walker** stated that he has a party interested in buying a 1.1 acre parcel which the county owns. He mentioned that to do this, the parcel needs a clean title. He was informed that the availability of the property in question would need to be published for bids in the newspaper, after which title questions would be addressed. No action taken.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: Southwest Colorado Landowners Association representative **Phil Weiser** presented monument land resource information, which he feels has been incorrectly reported by BLM.

LIQUOR LICENSES: Deputy **Betty Davis** presented an application for renewal of a **3.2% beer** license for the **Mesa Oasis Campgrounds**. The Sheriff's office reported no problems with this outlet. Comm Wilson moved to approve the application, seconded by Comm Lindsay and carried. Deputy Davis stated that the "Change of Location" application for the Lodge of Dolores, LLC (Cole) Hotel/Restaurant liquor license has been withdrawn at this time.

RESIDENT Donald Denison met to discuss his concerns and present information on the Canyon of the Ancients National Monument proclamation. For the record he presented and discussed several items (see attached) and asked the Board to sign a Revocation and Annulment Resolution. No action was taken.

BOARD OF SOCIAL SERVICES was conducted.

SANITATION Manager **Mick Periman** presented septic permit for property owned by **Vance McCabe**, which may be sold for use as the "Helping Hands House" facility. Planning Manager **Karen Welch and Beverly Kotarski** were present. Adjoining property owner **Beverly Kotarski** presented her concerns about the proposed facility's sanitation system. After discussion, it is affirmed that a new sewer permit needs to be issued if the property is sold, since the usage will be changed. Discussed with Manager Periman, river testing and reports. It is noted that updated reports need to be submitted to the Board for review.

ABATEMENT: Assessor **Bob Cruzan** and Chief Appraiser **Mark Vanderpool** being present, a petition for abatement of property tax was presented for **Aramark Sports and Entertainment Services, Inc.**, (#5917-163-00-001 P1 – **Spruce Tree Gift Shop**, #5645-083-00-002 P1 – **Morefield Village Campground**, #5645-083-00-001 P1 – **Morefield Village**, and #5641-273-00-001 P1 – **Farview Terrace**), 1998, possessory interests, \$95,719.93. Attorney **Stephanie M. Tuthill**, representative for Aramark presented information about the company's petition for abatement via a telephone conference call. Assessor Cruzan recommended the Board deny the request. Comm Wilson moved to deny this petition, seconded by Comm Lindsay and carried. The roll was called and these proceedings were taped for the record.

CORTEZ CULTURAL CENTER Director **Ann Chambers**, President of the Board **Amanda Bandy** and Vice-President of the Board **Cindy Bradley** presented a letter asking for \$2,500.00 from lottery funds to support projects at the Center (see attached). The projects were discussed. Comm Wilson moved to donate lottery funds in the amount of \$2,500.00, seconded by Comm Lindsay and carried.

RECESSED for lunch with the Dolores County Commissioners **Leroy Gore, Cliff Bankston, and Duane Gerren** and their Attorney **Todd Starr**.

FAIRGROUNDS Manager **Daryl Buffington** asked for clarification on county policy in regard to insurance coverage required for entities using the fairgrounds. This will be checked into. Also discussed the condition of the surface dirt in the arena areas.

FAIRGROUNDS SPEEDWAY RACING ASSOCIATION representative **Dennis Beaty** presented the "2001 Schedule" and a list of prioritized improvements needed for the speedway (see attached). Improvement list and problem with water line were discussed. No action taken.

ADJOURNED at 4:00 p.m.

Deputy Clerk
February 12, 2001

Chairman

CERTIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

I, Nelda Jenkins, Deputy County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that this is the complete record of the proceedings before the Board of County Commissioners in the matter of Four States Aggregate, LLC (gravel pit).

In witness whereof, I have hereunto set my hand and affixed the seal of said County, at Cortez, Colorado, this 6th day of March 2001.

Deputy County Clerk

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 26, 2001**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 26, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, Commissioner of Deeds
Bob D. Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk
Betty Davis, Deputy Clerk (1:30 p.m. to 2:45 p.m.)

MINUTES of the regular meeting held on Monday, February 12, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

NOTICE OF HEARING, BOARD OF ASSESSMENT APPEALS - Smith Energy LP, petitioner vs Montezuma County Board of Commissioners, respondent, is received and noted.

ACCOUNTS PAYABLE: General fund warrants #35988 thru #36210 in the amount of \$443,091.06, Road fund warrants #14302 thru #14404 in the amount of \$313,472.99, Landfill fund warrants #2393 thru #2425 in the amount of \$21,541.63, and Corrections Facility fund warrants #34 thru #35 in the amount of \$218,041.89 were approved for payment.

ROAD DEPARTMENT: **Lloyd Everett** reported that they are hauling gravel from the Stone pit.

LANDOWNER Ken Jackson stated he presented his request for snow plowing at last week's Road Department meeting for a non-maintained section of Road 22. He said it was reiterated that the section would need to be brought up to county specs – county would supply the gravel if he took care of the hauling. He was told that Foreman Becher could give him a cost estimate to bring this section of road up to county specs. **Lloyd Everett** was present.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: Southwest Colorado Landowners Association representatives **Neva Kindred** and **Michelle Allison** met to comment on issues about the monument – reply letter to association, policy questions on multiple use of the area, and other concerns. Ms. Allison requested the addresses of the elected officials that were sent a copy of the letter – these were given to her. **Phil Weiser** presented a copy of "The Great American Land Grab." **Donald Denison** was present.

LANDFILL Manager **Debby Barton** presented the new formatted "Profit and Loss Statement for 2001 versus 2000 for the month of January" and "Landfill Cell Construction Estimate." She stated she had recently visited other landfills in the state and presented information on tire recycling uses.

PROPOSED IRON HORSE MOTORCYCLE RALLY: **Rudy Baeumel, Pete Montano** and others (see attached list) met to express their support for the proposed motorcycle rally. Pros and cons were discussed.

J. FRAIZER SUBDIVISION: Comm Story moved to approve and sign the final plat for the J. Fraizer Subdivision, seconded by Comm Wilson and carried.

AVALANCHE II SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Avalanche II Subdivision (Tony Reyes), seconded by Comm Story and carried.

AMENDED DEER MEADOWS SUBDIVISION: Comm Story moved to approve and sign the final plat for the Amended Deer Meadows Subdivision (Morlan), seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented information on **David Doudy's** zoning request, AR3-9 on 11 acres to develop a 2-lot moderate subdivision. The Planning Commission recommended approval. Comm Story moved to approve the zoning request, contingent on acceptance of the final development plat, seconded by Comm Wilson. It was noted that the approval/disapproval of the zoning recommendation by the Planning Commission can be given at the time the final development plat is submitted to the Board for final approval. After discussion, Comm Story moved to rescind the above motion, seconded by Comm Wilson and carried. Manager Welch reported that **Jim Stephens** asked that no action be taken, for the time being, in regard to his request for High Impact Permit No. 398 – self storage business. Comm Wilson moved to continue the public hearing for High Impact Permit No. 398 to Monday, April 9, 2001, at 11:00 a.m., seconded by Comm Story and carried. ****Later, Manager Welch presented information that **Richard and Donna Bowling** paid for an exemption on March 17, 2000, before changes in exemption policies, and asked if the exemption can be honored. This was affirmed.

LAKESIDE MOBILE HOME PARK AND ESTATES: Sanitation Manager **Mick Periman**, Colorado Department of Health (Durango) inspector **Greg Brand**, and Rick Johnson Engineering, Inc. representative Engineer **Rick Johnson** met to discuss the sanitation situation in the park. Greg Brand gave an update on the cease and desist order. He stated the following in regard to the order: (a) The final engineer report is needed; and (2) The owner Drew Cleland will not be allowed to add any units until the wastewater system is approved, permitted, and operating. He also thanked the Board for their continued interest to move forward on the problems. Engr Johnson discussed the project - system evaluation and alternative systems. He presented the site application and engineering report for the "Rehabilitation and Expansion of the Lakeside Mobil Home Park and Estates Wastewater Treatment System" (draft). Discussed if there is a need for a contingency fund to oversee and maintain the project (long term). Engr Johnson stated that the project plan does set forth some financial planning. Planning Manager **Karen Welch** reported on the development plans by the owner. Mr. Brand asked that the Board sign the Site Application. After discussion, it was agreed that a letter signed by the Board will be attached to the site application asking that issues of maintenance, care, funding, and contact with the Cortez Sanitation District be addressed. Mr. Brand expressed concern about owner Drew Cleland not appearing at today's meeting. He stated he would like to schedule another hearing review with the Health Officer and Mr. Cleland. This was affirmed.

HEALTH DEPARTMENT Director **Lori Cooper** presented the "Tobacco Contract," RT #01-00226, for January 31, 2001 thru December 31, 2001, between the Colorado Department of Health and Montezuma County for review. No action. ****Later in the day, Comm Wilson moved to sign the Tobacco Contract, seconded by Comm Lindsay and carried.

LANDOWNER Vicki Wallace met to discuss grazing issues in regard to new BLM regulations (EA) in the Canyon of the Ancients National Monument area. She inquired about how the Board keeps informed about these types of issues. This was discussed. She asked for the Board to write a letter to BLM Field Officer Cal Joyner asking for an extension to have more time to consider the new grazing regulations. This was affirmed.

BIDS FOR MC ELMO BRIDGE: At 1:07 p.m., bids were opened and read for the bridge over McElmo Creek on CR G, 14 miles south of Cortez and are as follows: (1) Rosco Concrete - \$199,891.00, (2) Southwest Contracting - \$179,500.00, (3) Triad Western Constructors, Inc. - \$196,000.00 and (4) Ray Ward Trucking - \$126,690.00. Present were: **Jim Candelaria, Kelly Candelaria, Keith Moore, Mitch Ward, Bud Roach, Lloyd Everett and Jay Palmer.**

SUPREME COURT (DENVER) ORDER: It was noted that the Colorado Supreme Court has ruled that counties can collect property tax from businesses operating on public land (possessory interest).

COMMUNITY CORRECTIONS representative **Vici Trentman** presented the Contract between Montezuma County Community Corrections and Comcor, Inc. for review. Comm Story moved to sign the contract, seconded by Comm Wilson and carried.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-0601** to the Treasurer to pay \$1,810.42 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

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

LAWSUIT - PROPOSED GRAVEL PIT -- FOUR STATES AGGREGATE, LLC: Attorney **Jim Preston** met to clarify an item in regard to his clients’ lawsuit filed against Four States.

2001 ANNUAL FIRE OPERATING PLAN FOR MONTEZUMA COUNTY – COLORADO STATE FOREST SERVICE: Comm Story moved to sign the 2001 Annual Fire Operating Plan, seconded by Comm Wilson and carried.

MINERAL LEASING FUNDS: Comm Wilson moved to sign the letter for distribution of Mineral Lease money allocated to Montezuma County (see attached), seconded by Comm Story and carried.

4-H JUNIOR LIVESTOCK SALE – STATE FAIR: Request for funds was denied.

STATIONERY BID: One bid was submitted by Pleasant Press. Comm Wilson moved to accept the bid from Pleasant Press, Dolores, CO for printing and stationery for 2001, seconded by Comm Story and carried.

SHERIFF DEPARTMENT: Undersheriff **Sam Hager** presented a contract between Citizens State Bank and Montezuma County for purchase of four 2001 Dodge Dakota pickups. Comm Wilson moved to sign the Security Agreement for \$98,956.15 for the Sheriff’s office, seconded by Comm Story and carried.

FAIRGROUNDS: Extension Office representatives **Kenny Smith** and **Jan Sennhenn** and approximately twenty-two persons (see attached list) met to discuss issues concerning the fairgrounds. Copies of the Montezuma Journal dated February 20th were presented and they stated that they disagreed with the article referring to alcohol use at the fairgrounds. This was discussed. Comments from the audience, which included other problems at the fairgrounds that they felt are not being addressed were also discussed – lack of cooperation of the manager with users, purchase of cards, cleanliness of facility, safety of grounds, etc. They were advised to meet with the Advisory Board about the condition of the surface dirt in the arenas.

SENIOR CITIZENS CENTER: Senior Advisor Board members **Jim Antholz** and **Bobby Jones** stated they have completed setting up a 501-3C plan for the center, and now can apply for grants. They presented the preliminary plans for enlarging the center.

SOCIAL SERVICE Director **Dennis Story** stated they received two consultant proposals for a proposed transit development plan. Recommendation was to accept the “Proposal for Compiling a First Time Transit Development Plan for Archuleta and Montezuma Counties” submitted by RAE Consultants, Inc. Comm Story moved to support the Transit Plan submitted, seconded by Comm Wilson and carried.

TREASURER’S SIX MONTH REPORT (July – December 2000): Finance Officer **Mary Ann Sanders** stated that the Commissioner’s warrants balance with the Treasurer’s fund.

ADJOURNED at 4:35 p.m.

Deputy Clerk
February 26, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 6, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, March 6, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 26, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

PAYROLL: General fund payroll in the amount \$185,629.26, District Attorney warrant #36214 in the amount of \$18,015.34, Treasurer warrant #36215 in the amount of \$134,114.40; Road fund payroll in the amount of \$55,965.45, Treasurer warrant #14406 in the amount of \$44,418.63; and Landfill fund payroll in the amount of \$11,404.83, Treasurer warrant #2428 in the amount of \$7,387.92 were approved for payment.

GENERAL FUND ORDER: Comm Story made a motion to direct the Clerk to issue **Order Number 0-07-01** to the Treasurer to pay \$60,000.00 plus 4.75% interest to the Mancos Fire Protection District (Cedar Mesa Ranches). The motion was seconded by Comm Wilson and carried.

SOCIAL SERVICES: In regard to the transit development plan, Director **Dennis Story** presented the "Intergovernmental Agreement" for review. *******Later** in the day, Director Story presented a resolution authorizing Archuleta County to enter into an intergovernmental agreement with the State Department of Transportation. This was noted. Comm Story made a motion to sign the "Intergovernmental Agreement to Contract for Section 5313(b) Transit Development Plan Funds Pursuant to Section 43-1-901 C.R.S. 1973" between the Archuleta County Board of County Commissioners and the Montezuma County Board of Commissioners. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) building detour for McElmo Canyon (CR G) bridge replacement – manpower needed for project will be discussed at road department meeting, and (b) blading roads. Discussed: (1) roughness – end of CR L, (2) Road Plan 2001 completed, (3) installation of signs for Canyons of the Ancients National Monument – noted that areas for signs need to be approved and marked before road department installs signs.

JAIL FACILITY: San Juan Basin Technical School teacher **Anthony Valdez** and students (see attached list) presented a slide show for their proposal for the design of the computer system for the new jail facility and cost estimates. Sheriff **Joey Chavez** was present.

SHERIFF Joey Chavez presented Gaming Impact Grant Contract between the Department of Local Affairs and Montezuma County for the detention center. Comm Story moved to sign the contract, seconded by Comm Wilson and carried.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: Southwest Colorado Landowners Association representative **Chester Tozer** asked for a resolution from the Board to abolish the Monument. Action was tabled until next week. **Phil Weiser** was present.

MONTEZUMA LAND CONSERVANCY representative **Kevin Essington** presented a "Fact Sheet – Purchase of Agricultural Conservation Easements" and discussed available grants. He asked if the Board would consider a partnership with the Land Conservancy to check into programs for grant matching funds. The Board stated they support the concept, but are not interested in a partnership. The Board suggested that Mr. Essington contact and partner with private landowners. **Bob Bement, Thelma Bement, and Kay Anderson** were present and expressed their support.

WILLIAMS-EQUILON PIPELINE – CHANGE OF USE: Landowners **Glen Humiston** and **Bob Bement** presented information about a proposal to change the use of an existing pipeline which crosses their land. The change would include use for refined fuels and additional pump stations. They expressed concerns about (a) safety, (b) restoration of any disturbed land and (c) whether Northwest Pipeline Corporation's High Impact Permit #23 thresholds will be exceeded – this will be checked. The Board was invited to a scheduled pipeline meeting at the Anasazi Heritage Center on March 20, 2001.

PROPOSED COMMUNITY FOUNDATION representatives **Hal Shepherd, Ann Chambers, Mary Bachran and Jan Miller Heyl** presented an informational slide show and brochure on the proposed non-profit Foundation, which is a fund creating resources for communities in Montezuma and Dolores Counties.

LIQUOR LICENSE – Wild Wild 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 this application, seconded by Comm Story and carried.

J & K SUBDIVISION: Comm Story moved to approve and sign the final plat for the J & K Subdivision (Par Shalom Company, a Trust – Karen Bilsing, Trustee), seconded by Comm Wilson and carried.

PLANNING: **Loretta Murphy** presented a planning resolution **P-02-01E**, whereas **Richard and Donna Bowling**, owners of 52.93 acres, would be granted an exemption to the subdivision regulations to record an exemption for 5.30 acres in Section 7, T.36N., R.15W. Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried. Written complaint from **Richard McClellan** against Dan Wrights Log Home Business was noted.

JAIL FACILITY: Archetype Design Group, Inc. representative **Mike Pollard** gave an update on construction of the jail facility. He stated he was pleased with the work.

FAIRGROUNDS: Advisory Board member **Carla Harper** presented "2001 Fairground Improvement Recommendations" from the Fairground Advisory Committee (see attached). These were discussed. Comm Story moved to endorse the improvement recommendations and approve allocation of funds for such, seconded by Comm Wilson and carried. Fairground Manager **Darrell Buffington, Billy Goode, Mike Williams and Jerry Sutherlin** were present. Mr. Williams and Mr. Sutherlin presented information on a natural product they sell that they feel would help with the surface problem in the arena. They were told to present a proposal to Manager Buffington.

PROPOSED IRON HORSE MOTORCYCLE RALLY: A conference call was held with rally promoter, **Warren Barnard**. In regard to the proposal to use the fairgrounds for the 2002 rally, the Board stated that they will honor the High School Rodeo's Labor Day 2002 contract. They suggested that Mr. Barnard contact High School Rodeo representative Carol Haygood for any change in the contract.

WILDERNESS AREA DESIGNATION: Comm Wilson made a motion to adopt **Resolution No. 1-2001**, that Weber and Menefee Mountains and Cross Canyon be forever **left out** of any Wilderness designation on behalf of the Federal Government. The motion was seconded by Comm Story and carried.

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

ADJOURNED at 4:30 p.m.

Deputy Clerk
March 6, 2001

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 9, 2001**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a special meeting of the Board of Commissioners, Montezuma County, Colorado, held on Friday, March 9, 2001, at the courthouse in Cortez, Colorado, there were present:

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

PROPOSED IRON HORSE MOTORCYCLE RALLY: Members of the Iron Horse Rally were present. After discussion, it was concluded that no rules will be varied to accommodate the Iron Horse Rally.

ADJOURNED.

Deputy Clerk
March 9, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 12, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 12, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 5, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) blading roads – did CR 39-32 with water truck, (c) resurfacing done on CR 21 bridge, and (d) detour built for CR G bridge replacement. Discussed: (1) confrontation on CR 21, (2) Hindmarsh Gravel Pit placed on hold – question about surface rights, (3) condition of CR L and CR 23 – will check.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: Southwest Colorado Landowners Association representative **Chester Tozer** and others (see attached list) reiterated their request for a resolution to abolish the Monument. Discussed documents presented and heard comments from the group. No action taken.

LANDFILL Manager **Debby Barton** presented the "Profit and Loss Statement for 2001 versus 2000 for the month of February." Discussed solution for leaching problem. Manager Barton stated that a MOU Agreement has been signed between the Landfill Department and the Sheriff Department for use of the Shooting Range area – will be reviewed annually.

LANDOWNER Richard McClellan met to discuss his complaint against Dan Wrights Log Home Business (set back regulation violations). The "Letter Permit" was reviewed. Letter will be written to Dan Wrights Business asking for a reply to the complaint, with a response deadline of two weeks. Planning Manager **Karen Welch** and **Loretta Murphy** were present.

CORTEZ CULTURAL CENTER Director **Ann Chambers** presented a proposed community project for a local pageant – interaction between the Ute Mountain Ute Tribe and the Weatherill family. She asked for a letter of support and 2002 funding - financial help for grant matching funds. The Board stated they would write a letter of support. Request for funding was tabled.

LAWSUIT – PROPOSED GRAVEL PIT – FOUR STATES AGGREGATED, LLC: Attorney **Jim Preston**, for property owners Carol Stepe and Jack Akin, made the suggestion that the lawsuit in Montezuma County be put on hold until the Colorado Department of Natural Resources, Mined Reclamation Board grants or denies the permit to Four States Aggregate for the proposed gravel pit. It was noted that the approval of Montezuma County's High Impact Permit No. 385 was contingent on approval of a permit by the Mined Reclamation Board. The Board affirmed that they agree with the suggestion, within a timely timeframe. **Karen Welch** and **Loretta Murphy** were present.

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 Lindsay and Attorney Slough. Also presented “Child Support Enforcement Cooperative Reimbursement Agreement” between Montezuma County Administration and Montezuma County Social Services for review. Comm Story moved to sign the agreement, seconded by Comm Wilson and carried.

CRUZAN RANCH SUBDIVISION: Comm Wilson moved to approve and sign the Cruzan Ranch Subdivision, seconded by Comm Story and carried.

JAIL FACILITY: Sheriff **Joey Chavez** met to discuss the communication system for the new jail facility. An agreement with San Juan Basin Area VoTech School to install the communication system will be considered.

LOCAL CITIZENS **Rick Keck** and **Gary Shaw** met to discuss and obtain support from the Board for their proposal to find community consensus in regard to any action needed about the Canyon of the Ancients National Monument. Action was tabled.

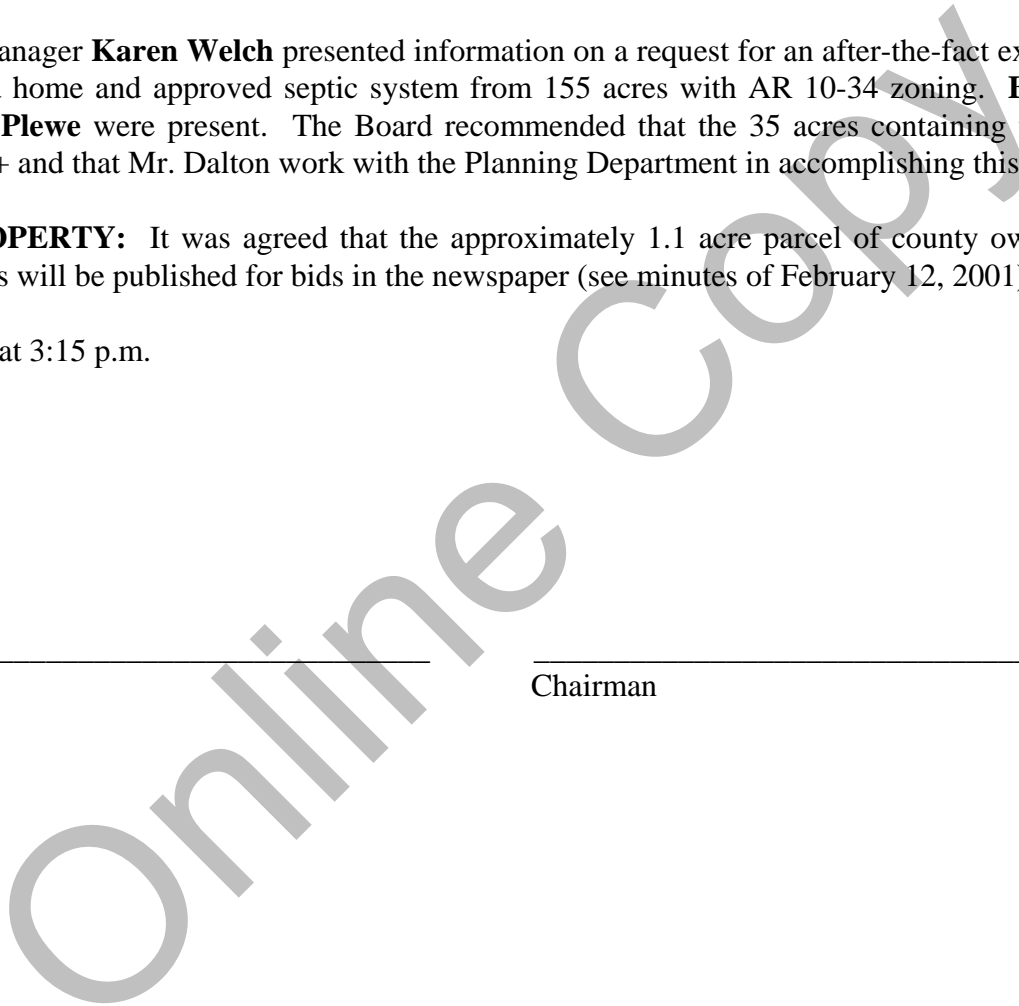
PLANNING Manager **Karen Welch** presented information on a request for an after-the-fact exemption to split 3.8 acres with a home and approved septic system from 155 acres with AR 10-34 zoning. **Bert Dalton** and Attorney **Todd Plewe** were present. The Board recommended that the 35 acres containing the 3.8 acres be rezoned AR 35+ and that Mr. Dalton work with the Planning Department in accomplishing this.

COUNTY PROPERTY: It was agreed that the approximately 1.1 acre parcel of county owned land in the Town of Dolores will be published for bids in the newspaper (see minutes of February 12, 2001).

ADJOURNED at 3:15 p.m.

Deputy Clerk
March 12, 2001

Chairman



PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 19, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 19, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the special meeting held on Friday, March 9, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried. Minutes of the regular meeting held on Monday, March 12, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ACCOUNTS PAYABLE: General fund warrants #36212 thru #36371 in the amount of \$137,526.74; Road Department fund warrants #14413 thru #14487 in the amount of \$83,645.77; Landfill fund warrants #2435 thru #2458 in the amount of \$8,509.39; and, Correction Facility fund warrants #36 thru #37 in the amount of \$421,571.56 were approved for payment.

ROAD DEPARTMENT Foreman **Jim Becher** reported they are grading and patching holes.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: Southwest Colorado Landowners Association representatives **Chester Tozer, Phil Weiser, and Don Jolovich** met again about the designated monument. They presented "Concurrent Resolution Concerning Revocation of Presidential Proclamation of Canyons of The Ancients National Monument on June 9, 2000" to the Board. They again expressed their opposition to the Monument and reiterate their request for a resolution from the Board to abolish the Monument designation. No action was taken.

MC ELMO BRIDGE PROJECT: Comm Story moved to sign the Local Government Limited Gaming Input Assistance Project - Contract Encumbrance No. F01GA00175 between Local Affairs and the Montezuma County Board of County Commissioners, for monies to replace the McElmo Bridge, seconded by Comm Wilson and carried.

LIQUOR LICENSE: Deputy Clerk **Betty Davis** presented an application submitted by the **Montezuma Land Conservancy District** (a non-profit organization) for a \$25.00 fee (liquor) "Special Events Permit." The event will be held at the Sutcliffe Winery on April 14, 2001, between 3:00 and 9:00 p.m. Comm Story moved to approve the application, seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

RESIDENT Helen McClellan expressed her thanks for (1) the Board denying the proposed Iron Horse Motorcycle Rally at the fairgrounds, and (2) Attorney Slough's success and continued effort in regard to the possessory interest issue.

JAIL FACILITY – COMMUNICATION SYSTEM: Sheriff **Joey Chavez** presented a draft agreement between San Juan Basin VoTech School and the County for review. Action was tabled until discussed changes can be made.

PLANNING Manager **Karen Welch** met to discuss the McClellan/Wright issue (see March 12, 2001 minutes). Action was tabled.

FAIRGROUNDS: Adm **Tom Weaver** gave an update on fairgrounds management. It was noted that sand put in the arena area has solved that immediate problem. After discussion, it was affirmed that the Fairground Advisory Committee’s responsibilities would be expanded to include other fairground issues, not just capital projects.

ADJOURNED at 12:30 p.m. until April 9, 2001.

Deputy Clerk
March 19, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 9, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 9, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 19, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

PAYROLL: General fund payroll in the amount of \$186,040.81, District Attorney warrant #36373 in the amount of \$17,889.67, Treasurer warrant #36374 in the amount of \$134,460.10; Road fund payroll in the amount of \$55,540.09, Treasurer warrant #14497 in the amount of \$44,038.81; and Landfill fund payroll in the amount of 10,953.97, Treasurer warrant #2460 in the amount of \$7,171.35 were approved for payment.

GENERAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-08-01** to the Treasurer to transfer \$73,973.20 from the General Fund to the Social Services fund – quarterly HCBS (see attached). The motion was seconded by Comm Story and carried.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-09-01** to the Treasurer to pay \$1,792.47 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) have finished removing old bridge on CR G (McElmo Canyon) – excavation will begin this week (noted work is one month ahead of schedule), (b) worked on CR H.6, (c) blading and patching roads, (d) hauling gravel, and (e) gravel trade out with Rodney Carriker completed. Discussed plans to work next year on roads that show the highest traffic counts.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: Southwest Colorado Landowners Association (SWCLA) representative **Chester Tozer** and others (see attached list) reiterated their request for a resolution to abolish the Monument. The Board gave a summary of their Washington D.C. trip to talk with U.S. Senators, Representatives and others about the Monument status. Legality of the designation, FLPMA and the Antiquities Act of 1906 were discussed. Secretary of the Interior Gale A. Norton's letter to the Board dated March 28, 2001 (see attached) was noted and discussed. Mr. Tozer submitted a resolution to abolish the Monument designation and asked the Board to sign it. No action was taken. **Later in the day**, the Board discussed preparing a resolution.

SOUTHWEST OPEN HIGH SCHOOL teachers **Stan Davis, Sunny Gail, and Pat McClenny** and 17 students were present from 10:00 a.m. until 11:15 a.m. They were presented with the "Colorado County Information Booklet" and "Abstract of Assessment and Levies 2000, Montezuma County, CO" brochure. The different department personnel explained what they were presenting to the Board for consideration.

LIQUOR LICENSES: Deputy Clerk **Betty Davis** presented the following: (1) Application for renewal of a Hotel/Restaurant liquor license for **Stoner Creek**. The Sheriff and Health Departments reported no problems with the establishment. Comm Story moved to approve the application, seconded by Comm Wilson and carried. (2) Application for renewal of a retail liquor license for **Smitty's Liquor**. The Sheriff Department reported no problem with the establishment. Comm Story moved to approve the application, seconded by Comm Wilson and carried. (3) Application for renewal of a 3.2% beer license for the **Skyline Foodmart**. The Sheriff Department reported no problem with the establishment. Comm Story moved to approve the application, seconded by Comm Wilson and carried. (4) Application for renewal of a retail liquor license for **Hilltop Liquor**. The Sheriff Department reported no problem with the establishment. Comm Story moved to approve the application, seconded by Comm Wilson and carried. (5) Application for Replacement of a retail liquor license for **G. Whil Liquors**, which the owners lost. Comm Story moved to approve the application, seconded by Comm Wilson and carried. (6) Application for Transfer of Ownership for a Hotel/Restaurant liquor license from the **Lodge of Dolores, LLC** to **Hanu, Inc.** Deputy Davis presented proposed changes. It was affirmed that no public hearing would be required. Comm Story made a motion to approve the temporary Hotel/Restaurant liquor license, and the application for the Transfer of Ownership, contingent on the receipt of fingerprint information. The motion was seconded by Comm Wilson and carried.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 2001 versus 2000 for the month of March," "Year 2001 Annual Operating Expenses Budget vs Year to Date Execution for January-March" and other quarterly graphs, "Statement of Compliance," and "Compost, Construction, Debris, Garbage and Special Wastes" brochure for review and discussion. She also presented ground water samples taken from wells at the landfill.

SOUTHWEST MEMORIAL HOSPITAL: Administrator **Bob Peterson** and Chief of Operations **George Brisson** presented Southwest Memorial Hospital financial documents – "Return on Assets, Acid Test Ration, Current Ration" and "Southwest Health System, Inc. Financial Statements As Of December 31, 2000 and 1999, Together with Independent Auditors' Report by JDS Professional Group." These were reviewed and discussed. Also mentioned and discussed was the 7-Year Facility Plan Study.

SHERIFF Joey Chavez presented the following contracts for action: (1) Comm Story made a motion to sign the **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, 2001 thru December 31, 2001. The motion was seconded by Comm Lindsay and carried. (2) Comm Story made a motion to sign the **Memorandum of Understanding (MOU) By and Between the Civil Air Patrol, Inc. (CAP) and the Montezuma County Sheriff's Office, Montezuma, Colorado**. Comm Lindsay was recused because of a conflict of interest. The motion was seconded by Comm Wilson and carried. (3) Comm Story moved to sign the **Colorado Office of Emergency Management Contract**, seconded by Comm Wilson and carried.

HEALTH DEPARTMENT Director **Lori Cooper** presented the Women, Infants and Children (WIC) contract for review. Comm Wilson moved to sign the contract, seconded by Comm Story and carried. Also presented the Montezuma County Health Department 2000 Annual Report for review.

CHIEF OF POLICE Roy Lane reported that the Qwest Enhanced 911 Wireless Service Agreement should be completed by the first of June. Also discussed use of E911 funds after the dispatch lease is paid in full.

BOARD OF SOCIAL SERVICES was conducted.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc. **Charles Hubbard** gave an update on construction of the jail facility. He stated it is looking good on the inside and complimented the superintendent for the clean site. An on-site inspection by the Board is scheduled for Monday, April 16, 2001 at 11:15 a.m.

RESIDENT Gary Gardner gave an update on the local motorcycle rally planned in the area for the Memorial Day weekend and invited the Board.

AMENDED PLAT OF VANIK MINOR SUBDIVISION: Comm Story moved to approve and sign the final plat for the Amended Plat of Vanik Minor Subdivision, seconded by Comm Wilson and carried.

SCHWARZKOPF SUBDIVISION: Comm Story moved to approve and sign the final plat for the Schwarzkopf Subdivision, seconded by Comm Wilson and carried.

PLANNING Manager Karen Welch presented information on the Anton/Koenig Gravel Pit High Impact Permit #53 and concerns about the upkeep of Road 36. Adm Tom Weaver talked with Dick Tibbits about keeping the road maintained. Asked for clarification regarding septic systems on parcels netting less than three acres. It was affirmed that if the parcel was created prior to September 1972, it is a "grand-fathered" tract. It will require an engineer designed septic system, adequate access and compliance with setbacks. Presented additional information about the Wright/McClellan issue (see March 12, 2001 minutes). Both parties will be contacted and asked to prepare and present information to the Board for consideration on Monday, April 23, 2001 at 9:30 a.m.

CITY OF CORTEZ - LETTER OF UNDERSTANDING: Comm Wilson moved to sign the City of Cortez Letter of Understanding, dated March 21, 2001, for the **Fiber Optic Connection** between the new County Jail Facility and the Cortez Police Department Building, seconded by Comm Story and carried.

COLORADO DIVISION OF WILDLIFE IMPACT ASSISTANCE GRANT APPLICATION: Comm Story moved to sign the Colorado Division of Wildlife Impact Assistance Grant Application, seconded by Comm Wilson and carried.

PROPOSED HINDMARSH GRAVEL PIT: Issues with the permit application were discussed and it is affirmed that the county will apply for an extension from the Mined Land Reclamation.

JAIL FACILITY – COMMUNICATION SYSTEM: Comm Wilson moved to sign the Contractor Agreement between San Juan Basin Technical School and Montezuma County, CO for the facility's communication system, seconded by Comm Story and carried.

ADJOURNED at 4:15 p.m.

Deputy Clerk
April 9, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 16, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 16, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 9, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

SHERIFF REPORT for month of March 2001 was received.

ACCOUNTS PAYABLE: General fund warrants #36375 thru #36563 in the amount of \$160,541.86; Road fund warrants #14498 thru #14591 in the amount of \$183,554.93; Landfill fund warrants #2467 thru #2494 in the amount of \$13,102.11; and, Correction Facility fund warrants #38 thru #39 in the amount of \$311,442.93 were approved for payment.

ROAD DEPARTMENT Foreman **Jim Becher** presented Montezuma County Road Department 2001 Road Plan (see attached). The plan was reviewed and discussed. Also, discussed work being done on Airport road and proposed installation of signs for "Trail of the Ancients" – will discuss more at Road Department meeting.

RECESSED for tour of the new Jail Facility.

SOCIAL SERVICES Director **Dennis Story** introduced State of Colorado Department of Human Services, County Commissioner Liaison **John Bernhard**. Mr. Bernhard asked for comments on issues in the County. Several were mentioned and discussed --- (a) Funding for State Mandated programs, (b) Welfare to Work Program, and (c) Community Center Board – funding for programs. Director Story reported on possible request from the State for more funding from the County in regard to the Child Protection Program (Mental Health) – additional information will be prepared and presented to the Board. Core Services Plan for FY 2001-2002 was presented and signed.

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

RESOLUTION #2-2001 - CANYON OF THE ANCIENTS NATIONAL MONUMENT: Comm Story moved to ratify and adopt **Resolution #2-2001**, seconded by Comm Wilson and carried. Draft letter was presented for review in regard to recipients of the resolution.

RESOLUTION #3-2001 – RECOMMENDATION FROM THE MANCOS MAYOR’S TRANSPORTATION COMMITTEE FOR A TEMPORARY SOLUTION TO THE 160/184 HIGHWAY INTERSECTION: Comm Story moved to adopt **Resolution #3-2001**, seconded by Comm Wilson and carried.

WEED CONTROL PROGRAM Manager **Ron Lanier** gave an update on the program. Discussed FHA acreage for sale that is infested with weeds (see November 13 and December 4, 2000 minutes - under Office of Community Services). The Board stated they would like to keep the option open for private ownership and cleanup.

ABATEMENT: Assessor **Bob Cruzan**, and Chief Appraiser **Mark Vanderpool** being present, petition for abatement of property tax was presented for **Daniel L. Bjorkman Trust**, 1999, erroneous assessment, \$8,260.61 and 2000, erroneous assessment, \$4,442.66. Assessor Cruzan recommended approval. **Daniel Bjorkman** was present. Comm Story moved to approve this petition, seconded by Comm Wilson and carried. The roll was called and the proceedings were taped for the record.

FOUR CORNERS MONUMENT: Ute Mountain Ute Tribe representative **Manual Heart** asked for a resolution from the Board to support State funding, which would be used for improvements, maintenance, and operations at the Monument. At the Board’s request, Mr. Heart will compile and submit additional information in regard to the request. No action taken.

ADJOURNED at 3:15 p.m.

Deputy Clerk
April 16, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 23, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 23, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 16, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

GENERAL FUND ORDER: Comm Wilson moved to direct the Clerk to issue **Order Number 0-10-01** to the Treasurer to transfer \$1,000.00 from the General fund to the Cortez Fire Protection District. The motion was seconded by Comm Story and carried. Cortez Fire Protection District representative **Frank Cavaliere** and Health Department Director **Lori Cooper** were present.

COUNTY LODGERS TAX BOARD: At the request of Chairman John Kocourek, Comm Story moved to appoint **Sue Scott** (Sundance Bear Lodge) and **Anna Goodnight Webster** (The Naked Moose Restaurant and Lounge) to the Lodgers Tax Committee, seconded by Comm Wilson and carried.

SAN JUAN SKYWAY ASSOCIATION: Appointment of a person to the Advisory Board was discussed. It was affirmed that a notice for an appointee would be put in the paper.

REANET (FORMERLY TRI-CORNERS TELECOMMUNICATIONS) TOWER – COUNTY ANNEX: After discussion, the Board affirmed the request from **Verizon Wireless** to lease from the county an area under the tower (install equipment). The affirmation is contingent on an approved lease from REAnet for use of the tower and appropriate permit(s) from the City of Cortez.

PLANNING Manager **Karen Welch** and landowner **Richard McClellan** met about the McClellan/Wright land issue. Mr. Wright was contacted, but chose not to appear. Mr. McClellan gave the history on the problems. He stated that he feels Mr. Wright should adhere to the 100' setback policy in the County Land Use Code. Action was tabled until an on-site inspection of the area and informational research is completed.

BOARD OF REALTORS spokesperson **Bob Durant** and other members (see attached list) met to discuss the Land Use Code **setback** policy on "grand-fathered" pre-existing parcels less than three acres. Land Use Code policies discussed in connection with these types of parcels included: (a) replacement of abandoned or destroyed buildings and (b) use of wordage "where physically possible." The need to establish the time the lot was created was also mentioned and discussed. It was affirmed that each site plan and/or sketch plan submitted for these types of land parcels will be considered on a "case by case basis" until the Land Use Code is amended to address these issues. Planning Manger **Karen Welch** was present.

LANDOWNER Walter Ertel met to discuss a five-acre parcel that he gave to the Church of the Latter Day Saints in 1999. He asked for an exemption to the subdivision regulations for this parcel. The request was denied. Comm Lindsay was recused because of a conflict of interest. Planning Manager **Karen Welch** was present. The option to add acreage to qualify for a 2-lot subdivision was considered. It was noted that if the Church builds on the parcel, they would have to apply for a High Impact Permit. Action tabled.

HEALTH DEPARTMENT Director **Lori Cooper** presented two contracts for review and renewal. Comm Wilson moved to approve the Statewide **Tuberculosis** Control Service contract, effective July 1, 2001 thru June 30, 2002, seconded by Comm Story and carried. Comm Story moved to approve the **EPSDT** Program contract, effective July 1, 2001 thru June 30, 2002, seconded by Comm Wilson and carried.

LANDOWNER Leon Risenhoover and Realtor **Terry McCabe** met to discuss Mr. Risenhoover's sale of 35 acres from a 67.5 acre tract. He asked for an exemption to the subdivision regulations for the remaining 32.5 acre parcel. The request was denied. The creation of a 2-lot minor subdivision (35 and 32.5 acres) that would have to go through the Planning Commission, etc. was discussed.

LIQUOR LICENSE: Deputy Clerk **Tammy Neely** presented an application for renewal of a 3.2% retail beer license for the **Maverik County Store**. The Sheriff and Health Departments reported no problems with the establishment. Comm Story moved to approve this application, contingent on receipt of fingerprints, seconded by Comm Wilson and carried. Presented an application for renewal of a Hotel/Restaurant liquor license for the **Echo Basin Ranch** (formerly E. B. Dude and Guest Ranch LLC). The Sheriff and Health departments reported no problems with this outlet. Comm Story moved to approve this application, seconded by Comm Wilson and carried. Chief Deputy **Carol Tullis** was also present.

COUNTY HEALTH-DENTAL-LIFE INSURANCE: Finance Officer **Mary Ann Sanders** presented information on bids. Comm Story moved to award the bid to **CEBT**, seconded by Comm Wilson and carried.

ASSESSORS OFFICE: Chief Appraiser **Mark Vanderpool** introduced new employee **Mike Dumas**.

ABATEMENTS: Chief Appraiser **Mark Vanderpool** being present, petitions for abatement of property tax were presented for the following: (1) **Joseph and Sophie Krzysztofiak**, #5611-252-00-014, 2000, erroneous assessment \$17,530.97. The Assessor's office recommended approval. **Sophie Krzysztofiak** was present. Comm Story moved to approve this petition, seconded by Comm Wilson and carried. (2) **Johnny and Shirley Mosher**, #5611-262-49-005, 2000, erroneous assessment, \$1,979.29. The Assessor's office recommended approval. Comm Lindsay was recused because of a conflict of interest. Comm Story moved to approve this petition, seconded by Comm Wilson and carried. (3) **Curtis and Lucy Cowan dba L & L Mini Storage**, #5609-301-00-001, 2000, erroneous assessment, \$1,817.23. The Assessor office recommended approval. Comm Story moved to approve this petition, seconded by Comm Wilson and carried. (4) **T.Q.M.I., INC. (P. G. West)**, #5611-264-01-001, 2000, erroneous assessment, \$11,840.41. The Assessor's office recommended approval. **P. G. West** was present. Comm Story moved to approve this petition, seconded by Comm Wilson and carried. (5) **Michael and Maria Wolanin**, #5611-263-07-001, 2000, erroneous assessment, \$1,772.64. The Assessor's office recommended approval. **Michael Wolanin** was present. Comm Story moved to approve this petition, seconded by Comm Wilson and carried. It was noted that all the commissioners were present and the proceedings were taped for the record.

MEETINGS: Comm Wilson reported on Public Transportation and Long-term/Elder Care meetings that he attended.

EXTENSION OFFICE Agent **Kenny Smith** invited the Board to the informational meeting about "Foot and Mouth" disease scheduled for May 7, 2001.

ADJOURNED at 3:00 p.m.

Deputy Clerk
April 23, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 30, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 30, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, April 23, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-11-01** to the Treasurer to pay \$1,792.47 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

PAYROLL: General fund payroll in the amount of \$196,602.44, District Attorney warrant #36568 in the amount of \$15,831.30, Treasurer warrant #36569 in the amount of \$137,614.39; Road fund payroll in the amount of \$59,305.93, Treasurer warrant #14593 in the amount of \$45,512.75; and Landfill fund payroll in the amount of \$11,282.55, Treasurer warrant #2495 were approved for payment.

DISTRICT COURT ORDER - CASE NUMBER 00CV162, plaintiffs **James Adams and Juanita Adams** vs defendant **Board of County Commissioners, Montezuma County** in regard to judgment on 35 acre subdivision lots was received (see attached) and noted..

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) bladed CR H – discussed hole on CR 27 and H – will check, (b) gravelling and mag-chloriding roads, (c) CR W – will haul gravel for road (Hindmarsh Gravel Pit – still submitting paperwork), (d) will start work on landfill road this week, (e) crushing at Hay Camp, (f) doing chips at McElmo gravel pit, (g) CR G (McElmo Canyon) bridge work ahead of schedule, and (i) tomorrow will do dust abatement experiment (different product) on first mile of Hay Camp Road. Discussed: (1) Census count for county – growth in regard to county road use, (2) condition of CR 28 (Lee's Mobil Home Park), and (3) Oak Street Bridge.

OFFICE OF COMMUNITY SERVICES: **Carla Harper** introduced Rocky Mountain Wood Products owner **Dwayne Jesse**. Mr. Jesse gave information about a Canada based company which has expressed an interest in locating a plant in the area. Representatives of the company **Dean McLean and Bill Smith** presented information and a sample of their log home product that uses small wood pieces. They were referred to the Montezuma County Economic Development Council Director Bill Argo and encouraged to continue to work with Carla on wood availability, etc.

LIQUOR LICENSE: Deputy Clerks **Tammy Neely and Judy Follman** presented an application for renewal of a 3.2% beer license for **ARAMARK Sports and Entertainment Services, Inc. (Mesa Verde Point Kampark)**. The Sheriff department reported no problems with the establishment. Comm Wilson moved to approve the application, seconded by Comm Story and carried.

COZY COVE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Cozy Cove Subdivision (**Burriss**), seconded by Comm Story and carried.

PLANNING Manager **Karen Welch** presented planning resolution **P-03-01E**, whereas **Mary A. Turtle**, owner of 38.10 acres, would be granted an exemption to the subdivision regulations to record an exemption for 3 acres, which is not to be considered a separate tract for sale. The 3-acre tract will be adjoined to **Mary K. Lancaster's** 3.04 acre tract to the north for a total of 6.04 acres in the Lancaster Tract, in Section 10, T.35N., R.16W. Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried. Discussed the need to clarify the Land Use Code with an amendment in regard to zoning for new subdivision developments. No action was taken. Presented Planning Commission recommendations for the following: **(1) John and Michelle Porter** - approve request to rezone 37 acres from AR 10-34 to AR35+. Comm Story moved to approve the request, seconded by Comm Wilson and carried. **(2) Marcia Walker** – schedule Public Hearing for the High Impact Permit #409 for application for Double H Women's Adventure Ranch – affirmed -- public hearing is scheduled for Monday, May 14, 2001, at 9:00 a.m. A verbal request from **Carol Ledford** for an exemption to the subdivision regulations to amend a 1979 variance to sell an adjoining 7+ acres (split from a 17 acre parcel) was tentatively approved. Affirmed 50' set backs in sketch plan submitted by Realtor Bob Durant in regard to the Harmon property. Mentioned clarification (see minutes of April 23, 2001 – Board of Realtors) that “case by case basis” will only be considered on land parcels created before September 1972 – not illegal tracts created after that date. Manager Welch gave update on McClellan/Wright land issue. Due to Mr. Wright's personal problems both parties will be contacted to schedule another meeting in early June to address the issues, at which time documents need to be presented by Mr. Wright to establish land use. Draft copy (see attached) of the City of Cortez - Standards for the Urban Services Zone Agreement was presented and discussed.

MONTEZUMA COUNTY EMPLOYEE HANDBOOK adopted by the County Commissioners, January 4, 1988, amended December 12, 1997 and April 30, 2001, (see attached) was presented for review and approval. Changes were discussed. Comm Story moved to approve the amended handbook, seconded by Comm Wilson and carried.

FOUR CORNERS MONUMENT brochure received. Request from Ute Mountain Ute Tribe representative Manuel Heart for a resolution supporting monument improvements was noted and discussed. No action was taken.

ADJOURNED at 12:00 noon.

Deputy Clerk
April 30, 2001

Chairman

TO READ CD NO. 010405_1539

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Minutes (if print is too small ---- View – Actual Size)

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PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 7, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 7, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, April 30, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

SUMMONS IN A CIVIL ACTION File No. 01-K-200, filed in United States District Court by plaintiff **Darren William Sadlier** vs defendants **Joey Chavez, Steven Holmes, Marc L. McCulloch, Jeff Brown, Unknown Female Police Officer, Rob Carter and Montezuma County** was received and reviewed.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) working on landfill road, (b) CR 43 - finished gravelling, (c) in CR 15 area finished mag-chloride to oil well (paid for by Kinder-Morgan), and (c) experiment to replace mag-chloride as a dust abatement was done on first mile of Hay Camp Road -- did not work -- corner was mag-chlorided. Discussed: (1) request to strip CR S -- will be done, (2) complaint about intersection of CR 24 and F.8 -- worked on last week -- will check, (3) question about applicable culvert permits for businesses at CR L and Mildred Road -- will check.

FOUR CORNERS MONUMENT: Ute Mountain Ute Tribe representatives **Troy A. Ralstin and Manuel Heart**, Four Corners Heritage Council member **Cleal Bradford**, and San Juan Forum member **David Eppich** met to discuss and request a resolution from the Board supporting the development of the Four Corners Interpretive Center at the Four Corners Monument Tribal Park. Funding information and resolutions from other entities were presented. After discussion, Comm Story made a motion to adopt **Resolution No. 4-2001**, requesting the San Juan Forum to work with the states of Colorado and New Mexico, on behalf of Montezuma County and southwest Colorado, to secure funding in the amount of \$500,000 from each state to match the federal appropriation for developing the Four Corners Interpretive Center. The motion was seconded by Comm Wilson and carried. "Trail of the Ancients" brochure and proposed change in designation was presented.

SHERIFF Joey Chavez presented **COPS-CIS** grant application for funding of School Resource Officers and "Agreement between Dolores School RE-4A, Cortez School District RE-1 and the Montezuma Sheriff's office for the "School Resource Officer Program." Comm Story moved to support and sign the grant application, seconded by Comm Wilson and carried.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc., **Charles Hubbard** gave an update on construction of the jail facility. Discussed landscaping. Stated construction is ahead of schedule. Sheriff **Chavez** was present.

HEALTH DEPARTMENT Director **Lori Cooper** presented renewal “**Letter #1 for the Consumer Protection Division**” Contract CPD0100006 between the Department of Health and the Board of County Commissioners, July 1, 2001 through June 30, 2002 for review. Comm Story moved to sign the contract, seconded by Comm Wilson and carried. Director Cooper gave information on “Pediatrics Trauma Week – May 14 – 17, 2001.” She invited the Board to the planned activities. Discussed receipt of Medicare refund in regard to the Home Health Care program that during this timeframe was taken over by Southwest Hospital Systems. Amount will be shared with them.

BOARD OF SOCIAL SERVICES was conducted. Director **Dennis Story** presented the “**2001 Memorandum of Understanding for the Colorado Works Program and the Colorado Child Care Assistance Program**” between the State of Colorado Department of Human Services and the Board of County Commissioners of Montezuma County for review. Comm Story moved to sign the MOU, seconded by Comm Wilson and carried. **Kathy Talcott** was present.

PLANNING Manager **Karen Welch** presented planning resolution **P-04-01E**, whereas **Dudley D. and Ruth E. Riffe**, owners of 77 acres would be granted an exemption to the subdivision regulations to record an exemption for 6.163 acres in Section 19, T.37N, R15W. Said 6.163 acre tract is separated from the main parcel by Hwy 145. Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried. Another draft copy (see attached) of the City of Cortez – Standards for the Urban Services Zone Agreement was presented and proposed changes were discussed.

PROPOSED HINDMARSH GRAVEL PIT PERMIT: Discussed additional mineral owners and question of designation of gravel -- surface/not surface -- mineral. Discussed requesting Bureau of Mined Reclamation for extension of time for the permit.

ABATEMENTS: Chief Appraiser **Mark Vanderpool** being present, petitions for abatement of property tax were presented for the following: (1) **Remigio F. Padilla, Jr.**, #5609-302-00-004, 2000, erroneous assessment \$1,795.71, and (2) **Remigio F. Padilla, Jr.**, #5609-302-00-006, 2000, erroneous assessment \$2,512.13. The Assessor’s office recommended approval for these petitions. Comm Story moved to approve these petitions, seconded by Comm Wilson and carried. (3) **Dale Greenwood Weishel**, #5611-264-03-002, 2000, erroneous assessment \$1,616.01. **Dale Greenwood Weishel** was present. The Assessor’s office recommended approval. Comm Story moved to approve this petition, seconded by Comm Wilson and carried.

ADJOURNED at 2:15 p.m.

Deputy Clerk
May 7, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 14, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 14, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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, May 7, 2001, were read. Comm Willson moved to approve these minutes, seconded by Comm Story and carried.

MONTEZUMA COUNTY PUBLIC TRUSTEE: Received from Public Trustee Bobbie Spore the quarterly report summary of Public Trustee fees (see attached) for the months of January, February and March 2001.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 409 – DOUBLE H WOMEN’S ADVENTURE RANCH, INC.: It being the time set aside, a Public Hearing is held to consider a High Impact Permit with respect to a guest resort with an educational focus. Said property is located in Sections 15 and 22, T.36W. R. 13N. on 141.73 acres lying on the east side of Road 42, Mancos, CO. The roll was called, the public notice was read, and the proceedings were taped for the record. Present were present property owner **Randy Spencer**, prospective property owners **Marcia L. Walker and Carey E. Boyce**, adjoining property owners, **Joe and Mary Jean Arado, R. Hoch, and Bob Colgan**, realtors **Jill Battle and Diane Purdy**, and Planning Manager **Karen Welch**. Manager Welch stated that the application has been presented to the Planning Commission. The Planning Commission recommended the High Impact Permit No. 409 proceed to the Board of County Commissioners with the recommendation that their list of conditions be adhered to.

Comm Lindsay invited Double H’s representative Ms. Walker to present the proposed project. Ms. Walker stated that the proposed ranch is a luxury guest resort that will offer professional instructions on outdoor adventure criteria -- a one-week experience. She addressed and discussed each recommended condition by the Planning Commission and presented appropriate information (financial letter, drawing of area, etc.). Photos were presented showing the lay of the land and proposed area for the buildings.

Public input was asked for and the following persons stated their concerns. **R. Hoch** asked about: (a) visual effects of the buildings and location of parking lot -- these were discussed, (b) whether property taxes in the area will be increased -- he was referred to the assessor’s office, and (c) a tour of the land -- this may be arranged. **Joe Arado** expressed concerns about the proposed use that is different to the use of the area at the present time, traffic, and maintenance of CR 42. These issues were discussed and Mr. Arado stated he has no objections to the project, if all the conditions of the high impact permit are met. **Bob Colgan** asked how enforceable are the conditions set forth in the permit – he was assured that they are enforceable. He stated if this is the case, he has no objections to the project.

Discussed the recommended condition by the Board, that a commercial Planned Unit Development (PUD) be submitted and attached as part of the permit.

After discussion, Comm Story moved to approve the proposed **High Impact Permit #409** (see attached) to the **Double H Women's Adventure Ranch, Inc.** with the following conditions, seconded by Comm Wilson and carried.

- (1) Attach commercial Planned Unit Development (PUD)
- (2) Timeframe: closing on purchase of property - 30 days; submission of preliminary PUD to Board of County Commissioners - 60 days from date of closing
- (3) Maximum capacity - not to exceed 120 persons per day
- (4) County Road 42: provide oil to construct 3 coats of chip seal - from Kelly Hill to end of facility driveway
- (5) Approved driveway permit from the Road Department
- (6) Approved engineered designed septic system, which will be monitored by the County
- (7) No outside concerts - must meet threshold standards for noise
- (8) Traffic thresholds - not to exceed 25 round trips per day
- (9) All UBC standards be met for all buildings constructed on the property

PLANNING Manager **Karen Welch** presented information on an exemption in 1994 for Gerald and Betty South. The exemption to the subdivision regulations created two tracts - 4 acre and a 7 acre - out of a 345 acre parcel. **Betty South** was present and stated they would like to create five additional 3-acre tracts. The following options were discussed: (a) combining the two tracts with the additional five tracts, which would constitute a major subdivision, and/or (b) a clustered PUD. No action was taken. Manager Welch presented another draft copy (see attached) of the City of Cortez – Standards for the Urban Services Zone Agreement for review.

DONALDSON MODERATE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Donaldson Moderate Subdivision, seconded by Comm Story and carried.

STEVENS SUBDIVISION: Comm Story moved to approve and sign the final plat for the Stevens Subdivision, seconded by Comm Wilson and carried.

HEALTH DEPARTMENT inspector **Diana Fahrion** met to discuss a complaint from Helen Henry, a county resident, about a neighbor's slaughter house operation – smell and dust. No action was taken.

PROPOSED OFFICIAL COUNTY ROAD MAP: **Rob Peterka** presented the proposed official county road map. He stated the Road Department has inspected the map and supports approval. A public hearing to consider approval for the revised map is scheduled for Monday, June 11, 2001, at 10:00 a.m. Discussed need for additional historical access map.

LIQUOR LICENSE: Deputy Clerk **Judy Follman** presented an application submitted by the **Montezuma County Sheriff's Posse** (a non-profit organization) for a \$25.00 fee (liquor) "Special Events Permit." The event will be held at the Sheriff's Posse grounds on Sunday, June 3, 2001, between 7:00 p.m. and midnight. Comm Wilson moved to approve the application, seconded by Comm Story and carried.

SENIOR NUTRITION Director **Sue Fletcher** presented information on applying for a CDOT transportation grant for 2001 and 2002. Discussed need for matching funds. Affirmed tentative approval. **Mary Holiday** was present.

SOCIAL SERVICES Director **Dennis Story** presented information on “Colorado Works Allocation Committee (WAC) SFY2001-02 Colorado Works Allocation and MOE Bid Sheet.” Comm Story moved to approve and sign the submission for the bid, seconded by Comm Wilson and carried.

ADJOURNED at 11:45 a.m. for a tour in McElmo Canyon – Wallace property in regard to the Canyon of the Ancients National Monument (BLM lands).

Deputy Clerk
May 14, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 21, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 21, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, May 14, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: General fund warrants #36565 thru #36744 in the amount of \$329,987.62; Road Department fund warrants #14594 thru #14696 in the amount of \$120,556.92; Landfill fund warrants #2506 thru #2537 in the amount of \$11,954.83; and Correction Facility fund warrants #40 thru #41 in the amount of \$277,680.40 were approved for payment.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) working on CR M and CR 44, (b) working on CR G (McElmo Canyon) bridge – should be setting steel next week, and (c) cooperating with the Forest Service and Dolores County - work on road to Ormiston Point gravel pit -- mag-chloride and spot gravelling. Discussed: (1) unauthorized weekend use of county equipment at gravel pit (in regard to gravel for Posse parking lot) – county will contact persons to inform them this cannot happen again; (2) fire department Station 2 request for use of roller for parking lot – Foreman Palmer will be contacted; (3) residents on CR 24 and F request for information on how to form a paving district – discussed process and will research statutes; and (4) proposed Hindmarsh gravel pit – no extension requested -- will appeal.

MAPPING/PLANNING: **Rob Peterka** presented the recently created Montezuma County Home Page web site and gave information about it.

LANDFILL Manager **Debby Barton** presented and discussed a booklet "Household Hazardous Waste Collection Day" prepared by Roy F. Weston, Inc., Grand Junction/Denver, CO. She recommended the program and asked if the Board wanted her to pursue interest and funding for program implementation by next spring. This was affirmed. Also presented and discussed was the "Profit and Loss Statement for 2001 versus 2000 for the month of April" (see attached).

HEALTH DEPARTMENT Director **Lori Cooper** presented a contract for review. Comm Wilson moved to sign the "**Public Health Nursing Contract**" #02-00073, effective July 1, 2001, seconded by Comm Lindsay and carried. Reported that the "9 Health Fair" and "Kids Safety Day" were both well attended.

PLANNING Manager **Karen Welch** presented a verbal request for an exemption to the subdivision regulations for **Vesta Butler** to combine a 1+ acre parcel (created in 1963) with an adjoining 1+ acre parcel to create a 2.5 acre parcel. Noted that physical constraints of the ditch lying to the south of the parcel precluded attaining of a minimum 3-acre tract. Tentative approval was given.

SAN JUAN SKYWAY ASSOCIATION COMMITTEE APPOINTMENT: Noted receipt of applications for the appointment. Comm Wilson moved to appoint **Tom Vaughan**, seconded by Comm Lindsay and carried.

ADJOURNED at 11:30 a.m.

Deputy Clerk
May 21, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 4, 2001

)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 4, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 21, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund payroll in the amount of \$194,228.54, District Attorney warrant #36777 in the amount of \$18,955.37, Treasurer warrant #36778 in the amount of \$137,568.74; Road fund payroll in the amount of \$58,113.18, Treasurer warrant #14697 in the amount of \$46,316.70; and, Landfill fund payroll in the amount of \$9,582.90, Treasurer warrant #2538 in the amount of \$7,480.86 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-12-01** to the Treasurer to pay \$1,792.47 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

CLERK'S report for the month of May 2001 was received.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) still gravelling on CR W, (b) working on CR G (McElmo Canyon) bridge, and (c) mag-chloriding in Pleasant View and Mancos areas. Discussed: (1) condition of - - Dolores/Norwood road, CR 24 (F), CR 36.5, CR 36 (Tibbets and Ortz area) – will check on these problem areas, and (2) the need to mag-chloride CR 28.

SHERIFF **Joey Chavez** presented a contract for review. Comm Story moved to sign the contract letter of allocation for Montezuma County **Community Correction** -- July 1, 2001 thru June 30, 2002, DCJ 00-04-22 between the Colorado Department of Public Safety of Criminal Justice and the Sheriff's Department. The motion was seconded by Comm Wilson and carried.

HERRINGTON SUBDIVISION: Comm Story moved to approve and sign the final plat for the Herrington Subdivision, seconded by Comm Wilson and carried.

FRANK SPORE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Frank Spore Subdivision, seconded by Comm Story and carried.

PLANNING Manager **Karen Welch** presented a verbal request for an "after-the-fact" exemption to the subdivision regulations on a 15.23 acre parcel created in 1984. Present were owners **Don and Liz Tozer**. The request was tentatively approved. Presented information on high impact permit applications: **(1) Alltel** to relocate to an adjacent tower on Menefee Mountain. Planning Commission recommended approval – no public input at their meeting. Comm Story moved to waive the public hearing for the High Impact Permit since the use is consistent with the current land use, seconded by Comm Wilson and carried. **(2) M&N Enterprises-Eagle Homes Company**, for model village and sales office – Planning Commission held public hearing for zoning – Public Hearing with the Board is tentatively scheduled for Monday, June 18, 2001, at 10:00 a.m.

PLANNING CONTINUED – Tentative approval was given for the following verbal requests presented by Manager Welch: (1) amend P-11-85 variance to the subdivision regulations for **Phillip and Sandra Black**, owners of 33 acres, to sell 16 acres to an adjacent landowner (Quinn) – this will not be a separate tract; (2) exemption to the subdivision regulations for **Savannah Partners**, owners of 230 acres, to sell 15 acres to an adjacent landowner (Patton) – this will not be separate tract; and, (3) amend P-40-80 variance to the subdivision regulations for **Tucker Constructions**, owners of 6 acres, to purchase from adjacent landowner 2 to 3 acres – this will not be a separate tract. **Noted:** (a) resolution letter in regard to the **McClellan/Wright** issue, (b) tentative approval to proceed – **Nick Lewis** - Mobile Home Park PUD (CR G.2), and (c) ad will be placed in newspaper for applicants to serve on Advisory Board for the Line Camp Gravel Pit.

POLICY AMENDED – ROAD IMPACT FEES (MINUTES OF MARCH 5, 1996 AND SEPTEMBER 9, 1996): Comm Story made a motion to adopt the following amended policy: A Road Impact base fee of \$800 shall be assessed on each additional lot created by subdivision, exemption, mobile home space or recreational vehicle space, plus \$50.00 per lot, per mile from the State Highway to the subdivision, exemption, mobile home space or recreational vehicle space entrance as shown in the below scale, except a lot with an existing residence shall not be so assessed. The motion was seconded by Comm Wilson and carried.

1 mile = \$50	6 miles = \$300	11 miles = \$550	16 miles = \$800
2 miles = \$100	7 miles = \$350	12 miles = \$600	17 miles = \$850
3 miles = \$150	8 miles = \$400	13 miles = \$650	18 miles = \$900
4 miles = \$200	9 miles = \$450	14 miles = \$700	19 miles = \$950
5 miles = \$250	10 miles = \$500	15 miles = \$750	20 miles = \$1000, etc.

POLICY AMENDED – ADMINISTRATION FEES FOR EXEMPTIONS: Comm Story made a motion to charge an Administration Fee of \$300.00 per parcel being described in an exemption and all road impact fees as dictated above, seconded by Comm Wilson and carried.

CORTEZ CEMETERY DISTRICT: Caretaker **Joe Clayton** presented information on the current enforcement of policies by the Cemetery Board members. Concerns voiced by the approximately 17 persons (see attached list) included problems with (a) removal of mementos, flowers, flags, etc. from graves, that in many cases are being taken care of by family members, (b) policies – not published, no input from public, not posted in a timely manner, and no consistent enforcement, (c) inappropriate placing of legal notice asking for applicants to be considered for appointment, (d) monthly meetings not posted, and (e) no Cemetery Board members names or telephone numbers posted on site for public information. Special District statute amended in 1990 was read and discussed. Noted that the Board of County Commissioners role is to appoint members to the district. Former caretaker **Floyd Johnson** stated that when he was employed by the District, he had a problem with (a) no by-laws, audits, or published rules, to his knowledge, (b) purchase of equipment without consideration by all the members (no bids), and (c) members being appointed that live outside the District. It was agreed that more attention needs to be given to appointments – at this time one member has been appointed early and one member’s position is delinquent. A meeting with the Cortez Cemetery District Board members and any other interested persons was tentatively scheduled for Monday, June 18, 2001, to discuss the concerns.

THE PINON PROJECT, Seat Belt Project Coordinator **Toleda Cluff** presented a report on the seat belt pilot program “Montezuma County Clicks” and grant monies received. She asked that September 2001 be proclaimed as “Montezuma County Clicks - Seat Belt Month.” Comm Wilson moved to affirm the proclamation (see attached), seconded by Comm Story and carried.

INSURANCE AGENT Jim Engle met to discuss bid procedure for Montezuma County insurances. He asked to be appointed as “Agent of Record.” Mr. Engle will be notified that any action considered is tabled until next year’s bidding process.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc., **Charles Hubbard** gave an update on the facility -- construction is on schedule.

STATE REPRESENTATIVE Kay Alexander met with the Board and discussed the following items: (a) Canyon of the Ancients National Monument, (b) Re-districting, (c) growth, and (d) child foster care and elder care. **Judi Lichliter** was present.

PUBLIC HEARING – PROPOSED TWO-YEAR TRANSIT DEVELOPMENT PLAN (TDP): It being the time set aside, a public hearing is held to consider the adoption of a two-year Transit Development Plan (TDP). The roll was called, the public notice was read, and the proceedings were taped for the record. Present were Social Services Director **Dennis Story** and **Kathy Talcott**. Presented was Resolution No. 5-2001, whereas through an Intergovernmental Agreement between the Montezuma County Board of County Commissioners and the Archuleta County Board of County Commissioners, a contract was developed for an award of funding under Colorado Department of Transportation's Section 5313(b) grant funding for the purposes of compiling a first time Transit Development Plan for the two counties region. After discussion, Comm Story moved to adopt **Resolution No. 5-2001**, the Archuleta and Montezuma Counties Transit Development Plan, seconded by Comm Wilson and carried.

LIQUOR LICENSE: Deputy Clerk **Judy Follman** presented an application for renewal for a retail liquor license for the **Dawson Lake Store**. The Sheriff Department reported no unresolved problems with the establishment. Comm Wilson moved to approve the application, seconded by Comm Story and carried.

ATTORNEY Todd Starr informed the Board that his building (in the same block as the Courthouse) is for sale. He asked if they would be interested in purchasing it. After discussion, action was tabled.

CANYON OF THE ANCIENTS NATIONAL MONUMENT: The Board discussed updated information about the monument with **Mike Preston**.

SOUTHWEST COMMUNITY RESOURCES: Resignation letter from **Terri G** was noted. Position will be advertised.

STATUTES: Discussed statutes for special districts – paving and public improvement district act.

ADJOURNED at 4:20 p.m.

Deputy Clerk
June 4, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 11, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 11, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman - absent (attending CCI meeting)
G. Eugene Story, 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 4, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Lindsay and carried.

ROAD DEPARTMENT: **Lloyd Everett** met with the Board to discuss the following: (a) Ormiston gravel – rejected by the forest service – used on a portion of CR W, (b) CR 24 north of P – locked and guarded gate – will check on past information, and (c) complaint received about CR L – culvert plugged – will check. Noted that landscaping for County Shop is proceeding.

LANDOWNER Tony Lopez stated that CR P & 33 need to be bladed – dusty, rough, and big holes. **Lloyd Everett** was present -- road department personnel will check on it.

HEALTH DEPARTMENT Director **Lori Cooper** presented the following three contracts for review and action: (1) **"Five Year Master Contract"** dated July 1, 2001, between the Colorado Department of Public Health and the Board of County Commissioners of Montezuma County. Task order contracts will be submitted for any changes to the Master Contract. Comm Story moved to sign the contract, seconded by Comm Lindsay and carried. (2) **"EPSDT (Medicaid) Contract Change Order FY 2000-2001"** between the State of Colorado Department of Health and the Board of Montezuma County Commissioners. Comm Story moved to sign the contract, seconded by Comm Lindsay and carried. (3) **"Single Entry Point Agency Contract"** (long-term home care effective July 1, 2001. Comm Story moved to sign the contract, seconded by Comm Lindsay and carried.

LANDFILL Manager **Debby Barton** presented and discussed the "Profit and Loss Statement for 2001 versus 2000 for the month of May," notes for the month, and proposed web site (see attached). Mentioned (a) proposal to buy property (old landfill area) that is now being leased yearly from the Carver family - no action is taken, and (b) that she passed the test for landfill manager certification.

BOARD OF SOCIAL SERVICES was conducted.

PUBLIC HEARING – OFFICIAL COUNTY ROAD MAP: It being the time set aside, a Public Hearing is conducted to consider revising the Official County Road Map adopted June 5, 1995. The roll was called, the public notice was read, and the proceedings were taped for the record. Present were Planning/Mapping Department representative **Rob Peterka**, landowners **Gale Pock and Rita and John Pock**, and their attorney **Todd Plewe**, and (later) Road Department Foreman **Jim Becher**. **Rob Peterka** discussed the proposed electronic version map. The Pocks asked questions about their private road that is within the Canyon of the Ancients National Monument area. Recommendation was made to add a disclaimer that this is a road map, not a property map. This will be done. Comm Story moved to adopt the Official County Road Map dated June 11, 2001, seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** presented planning resolution **P-05-01E After-the-Fact**, whereas **Don and Elizabeth Tozer**, owners of a 15.31 acre tract would be granted an exemption to the subdivision regulations to record an After-the-Fact exemption in Section 32, T.36N., R.19W. Comm Story moved to adopt this resolution, seconded by Comm Lindsay and carried. Presented a verbal request for an exemption to the subdivision regulations from **Dean and Sally Bradshaw, Trustee** to split off and sell a 6 acre parcel from 400 acres. Request was denied – any development needs to be part of a AR35+ Cluster Incentive PUD. Noted and discussed: (1) Undivided interest by an original owner (now deceased) on 80 acres – should be settled by court, and (2) Hidden Valley Ranch For Boys (Dunn) --- no permit application has been received - letter will be written.

GOLD-WING ROAD RIDERS ASSOCIATION (HONDA MOTORCYCLE RALLY) promoter **Gary Gardner** gave a report on the rally that was well attended.

SHERIFF Joey Chavez asked for input on whether the communication contract with Tnextix (formerly Gateway) should be continued for the new jail facility, or whether the contract should be re-bid. After discussion, it was noted that Sheriff Chavez will ask Tnextix, if they want the contract to include the new facility. If they do not, the contract will be advertised for bids.

ADJOURNED at 12:00 noon.

Deputy Clerk
June 11, 2001

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 18, 2001**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 18, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 11, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ACCOUNTS PAYABLE: General fund warrants #36776 thru #36945 in the amount of \$127,094.92; Road Department fund warrants #14698 thru #14783 in the amount of \$103,513.57; Landfill fund warrants #2549 thru #2580 in the amount of \$9,612.48; and Correction Facility fund warrants #42 thru #44 in the amount of \$389,365.23 were approved for payment.

ROAD DEPARTMENT: **Lloyd Everett** discussed the landfill main cell fire. Stated that the road department needs to be notified, if and when, any equipment is needed. ******Later** in the day a resident on CR 26 and P stated that irrigation water is running over and down the roads. The road department will be informed.

LANDFILL - MAIN CELL FIRE: Noted the various agencies that have been notified – EPA, Department of Health, and local Health Department, etc. Adm Weaver contacted other landfill operators for suggestions on handling the fire. ****** Later** in the morning, he reported on his findings. These will be implemented with the use of road department equipment. Also noted that, at this time, trash will continue to be accepted at the landfill. (In regard to the fire, Adm Weaver was absent from the meeting from 9:55 to 11:40 a.m. and Comm Lindsay from 10:15 to 11:40 a.m.)

CITY OF CORTEZ DISPATCH CENTER: Police Chief **Roy Lane** reported that they have added new radio channels and asked if there were available E-911 funds to hire one additional dispatcher. As justification and information, he mentioned the following: (a) increase in use, (b) equipment paid off, and (c) funding is from the county and all the municipalities. Sheriff **Joey Chavez** was present and stated that he supports the additional personnel. The Board requested volume increase data comparison figures for the last two years. ****** Later** in the day, the data was submitted and reviewed. No action taken.

ORDINANCE NO. 1-96 – OPEN FIRE BAN: Sheriff **Joey Chavez** requested a ban on open fires based on competent evidence that the danger of forest and grass fires is high throughout the unincorporated areas of Montezuma County and that to protect the public health, safety and welfare it is necessary to reduce the danger of wildfires within those areas. He stated he has contacted the fire chiefs and they concur. Comm Story made a motion to adopt **Resolution 6-2001**, stating that Resolution No. 7-98 and the suspension of the ban on open fire is hereby canceled pursuant to Montezuma County Ordinance No. 1-96, and that the ban on open fires pursuant to Ordinance No. 1-96 continues in full force and effect. The motion was seconded by Comm Wilson and carried.

FAIR BOARD representatives **Darrell Dennison** and **Rob Yates** gave an update on fair board activities and the plans for the county fair. See attached list for others in attendance. A problem with a late tag-in for 4-H animals was discussed. Fair Board rules were reviewed and discussed. Noted that the Fair Board has the responsibility to enforce or change any rules stated in their rule book. **Liz Dennison** read her appeal for the late tag-in.

PUBLIC HEARING – EAGLE HOMES COMPANY (SUBSIDIARY OF M&N ENTERPRISES, INC.) PROPOSED MODEL VILLAGE AND MOBILE HOME SALES ENTERPRISE – HIGH IMPACT PERMIT: It being the time set aside, a public hearing is held to consider a High Impact Permit with respect to a proposed model village and mobile home sales enterprise submitted by Eagle Homes Company, a subsidiary of M&N Enterprises, Inc. Proposed development site is 27880 Hwy 160, Cortez, CO. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Manager **Karen Welch** gave information on the proposed project and stated that the Planning Commission's recommendation was that the proposal be presented to the Board of County Commissioners. Company representative **Mike Simmonds** presented a plat showing the site and proposed development. Additions had been made and he was told that any changes that had not been presented to the Planning Commission would not be considered. The original development plat and project were discussed. Comm Story made a motion to approve **High Impact Permit No. 410**, contingent on the completion of the project as presented which includes only the model village and the sales office and conditions set forth in the High Impact Permit (see attached), seconded by Comm Wilson and carried.

HOME BUILDERS ASSOCIATION representatives **Jim Candelaria, Carol Click, Betty Farlow and Cindy Green** stated they would like to see the county implement and enforce the Uniform Building Code (UBC) for residences built in the county. The proposal was discussed. The Board asked for evidence showing a need to impose these additional regulations on individual homeowners.

HEALTH DEPARTMENT Director **Lori Cooper** presented a contract for review. Comm Story made a motion to sign the **EPSDT (Medicaid) Contract Renewal No. 3, Routing #02-00118**, seconded by Comm Wilson and carried. She stated that the Health Department has issued an air quality alert to the public in regard to the landfill fire.

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

CORTEZ CEMETERY DISTRICT: Caretaker **Joe Clayton** and interested persons, **Bill and June Head, Patty Thomas, and Louise Long** met to again address issues with the Cemetery District Board (see minutes of June 4, 2001). It was noted that the Cortez Cemetery District Board members were invited to today's meeting, but no members attended. A meeting with the Cortez Cemetery District Board members and any other interested persons was tentatively scheduled for Monday, July 9, 2001 at 11:00 a.m. Cemetery District Board members will be contacted and invited to the meeting.

AREA AGENCY ON AGING (AAA) Attorney **Mike Green** asked if there was any possibility of acquiring new space for senior activities, since there is not much room for expansion at the Annex. Discussed – no action taken.

OFFICIAL COUNTY ROAD MAP adopted on June 11, 2001, was signed.

PLANNING Manager **Karen Welch** reported that a letter and a copy of the Land Use Code have been sent to the Hidden Valley Ranch For Boys (Dunn) with information on required permit application.

PROPOSED RANGELAND STEWARDSHIP COMMITTEE: Proposed members for the committee, **Gerald Koppenhafer, John Sutcliffe and Bruce Tozer** and Federal Lands coordinator **Mike Preston** met with the Board. Discussed the need for the formation of the committee to represent rangeland stewardship concerns in connection with the Canyon of the Ancients National Monument. Comm Story moved to appoint the following persons: **Gerald Koppenhafer, John Sutcliffe, Bruce Tozer and Sheldon Zwicker**, seconded by Comm Wilson and carried.

CANYON OF THE ANCIENTS NATIONAL MONUMENT: The Board noted updated information on correspondence in regard to the monument presented by **Mike Preston**.

GENERAL LIABILITY INSURANCE BIDS: Adm Weaver presented the only bid received. The bid was discussed. Comm Story moved to accept the bid received from Wolcott Insurance Services, Inc. (St. Paul, seconded by Comm Wilson and carried.

ADJOURNED at 3:15 p.m.

Deputy Clerk
June 18, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 25, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 25, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 18, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Lindsay and carried.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) blade patching - CR H.6 and Landfill road, (b) required mag-chloride finished, (c) County shop buildings – painting and outside water line installed, (d) problem on CR P fixed – still a problem on edge of CR 26 which will be checked, and (e) checked on problem on CR L – water draining into ditch -- noted that extensive work on CR L is scheduled. The Board complimented the road department for the work done to extinguish the landfill fire.

GAMING GRANTS: Social Service representatives **Kathy Talcott** and **LouAnn Everett** presented four applications for the gaming grants. After discussion the grant applications were prioritized as follows: (1) Road Department (\$74,000) - reconstruct intersection CR G and F and do work on Airport road, (2) Social Service (\$30,000) – temporary vouchers -- contract with local taxi company to transport clients to employment at the Casino, (3) Fire Districts (\$6,000) – obtain own radio frequency, and (4) Social Service (\$30,000) – hire one additional full time employee to help with the Food Stamp program.

LIQUOR LICENSE: Deputy Clerk **Judy Follman** presented an application for renewal for a 3.2% beer license for **Schroeder-Colorado, Inc./Eagle Claw Trading Post**, and an application for renewal for a retail liquor license for the **Schroeder-Colorado Inc./Eagle Claw Trading Post Retail Liquor Store**. The Sheriff's department reported no problems with this establishment. Comm Wilson moved to approve these applications, seconded by Comm Story and carried.

PLANNING Manager **Karen Welch** informed the Board that a resignation letter has been received from Planning Commission member **Joe Arado**. Comm Story moved to appoint alternate **Robert Riggert** to the remainder of Mr. Arado's term (end of 2002), seconded by Comm Wilson and carried. Noted no new applications have been received to serve on the Advisory Board for the Line Camp Gravel Pit. The notice will be run again in the newspapers. Presented verbal request to amend a 1982 variance to the subdivision regulations for **Joy and Larry Keeling**, owners of 48 acres, to sell 10 acres to an adjoining landowner, **Charles and Jean Peterson** (acreage will not be a separate parcel). Tentative approval was given. Discussed **Paul Butler, Jr.**'s verbal request for an after-the-fact exemption on a 5 acre parcel created before 1995. No action - until the application is received. **Loretta Murphy** was present.

SHERIFF Joey Chavez asked that "Resolution #187, 2001 Series Law Enforcement Contract" be resigned, since the original one submitted to the Forest Service has been misplaced. Chairman Lindsay signed the contract. Sheriff Chavez presented a list of furnishing that need to be purchased for the new jail facility. The list was discussed and reviewed – no problems were noted.

ALERT TEAM PROGRAM representative **Nate Swanson** presented a brochure on the program and explained the goals of the non-profit organization that serves people – emergency or in need. Sheriff Chavez and program promoter **Shelly Hancock** were present.

FLOOD PLAIN MAP: **Marilyn Boynton** presented information on the current flood plain map in connection with the proposed Line Camp gravel pit area. She feels that the flood plain map information report does not correlate with actual floods in the area.

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 fund from the county in the amount of \$20,000.00. After discussion, Comm Story moved to approve \$20,000.00 of matching funds for the year 2002 weed program, seconded by Comm Wilson and carried.

LANDOWNER Albert Campbell, owner of 3 acres with a home, asked consideration to move a boundary line to include 4 acres from his daughter's adjoining 19 acre parcel. The line change would result in his parcel being 7 acres and his daughter's 15 acres. Action tabled. Planning Manager **Karen Welch** and **Loretta Murphy** were present.

FIRE STRATEGY – PUBLIC AND PRIVATE LANDS: Federal Lands Coordinator **Mike Preston** and **Carla Harper**, and representatives from the following entities - Colorado State Forest Service, **Don Ochocki**, Forest Service/Bureau of Land Management – **Mike Znerold**, **Shauna Jensen**, **Phil Kemp**, **Don Geesling**, **LouAnn Jacobson** met to share information on fire strategy for the county. Discussed fire programs, hazardous fuel, USGS Hydrologic Unit map, water shed analysis, and Community Action Plan process. Noted the need to compile a plan and that fire strategy funding is available.

CANYONS OF THE ANCIENTS NATIONAL MONUMENT: Federal Lands Coordinators **Mike Preston**, and Forest Service/Bureau of Land Management representatives **Mike Znerold**, **LouAnn Jacobson**, **Shauna Jensen**, and **Cal Joyner** discussed some of the monument area issues. Noted there is a need to bring all the issues to the table and that agriculture viability is important in the county. Other items mentioned and discussed in connection with the monument were: (1) request from the Board to assume a co-leadership role with the federal entities in the development of the management plan, (2) the Resource Advisory Committee, and (3) the Rangeland Stewardship Committee.

ADJOURNED at 3:15 p.m.

Deputy Clerk
June 25, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 9, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 9, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 25, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund payroll in the amount of \$193,852.78, District Attorney warrant #36947 in the amount of \$17,154.56, Treasurer warrant #36948 in the amount of \$136,918.47; Road Department fund payroll in the amount of \$58,282.89, Treasurer warrant #14786 in the amount of \$46,270.37; and Landfill fund payroll in the amount of \$10,944.60, Treasurer warrant #2583 in the amount of \$7,761.98.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-13-01** to the Treasurer to pay \$1,792.47 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

GENERAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-14-01** to the Treasurer to transfer \$70,826.83 from the General Fund to the Social Services fund – quarterly HCBS (see attached). The motion was seconded by Comm Story and carried.

PROPOSED MAIL BALLOT: Comm Wilson made a motion to adopt **Resolution 7-2001** -- approval to conduct the Election of November 6, 2001 by mail ballot. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT: **Randy Smith** reported on department activities: (a) blade patching – Mancos, (b) Ormiston gravel pit - chips for CR 21 and crushing, and (c) chip sealing scheduled next week. Discussed: CR 23 and pot holes on CR M and N between Hwy 145 and 160 and CR G east of Hwy 666. Board relayed compliment to the Road Department for work on landfill road.

STATE REPRESENTATIVE Mark Larson met with the Board about the following issues: (1) Flood assessment in regard to the cumulative effect of gravel pits along the Dolores River. Representative Larson stated that the State of Colorado Water Conservation Board is available to review the water concerns and make recommendations if the concerns warrant a preliminary study on the cumulative impacts from the gravel pits along the Dolores River. Adm Weaver will contact and schedule an on-site meeting with a member of the Water Conservation Board. (2) Issue with HB 1436 – certified installers -- mobile home foundation.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc., **Charles Hubbard** gave an update on the facility – construction is on scheduled. Affirmed that change order will be done to pull landscaping from the contract. The landscaping project will be advertised for bids.

BOARD OF SOCIAL SERVICES was conducted.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 20001 versus 2000 for the month of June" (see attached) and a sample ticket that people bringing waste to the landfill are required to sign stating the load does not contain any hazardous materials, etc. These were discussed.

TOWN OF DOLORES PLANNING AND ZONING COMMITTEE: Members **Rob Peterka** and **Marianne Mate** presented a draft proposal for the "Town of Dolores – Standards for the Urban Services Zone Agreement." It is affirmed that before a final IGA between the Town of Dolores and Montezuma County is adopted the Town needs to commit to implementation of a sanitation plan for the area. No action was taken.

PLANNING Manager **Karen Welch and Loretta Murphy** presented information on the request from Gerald and Betty South, owners of 350 acres on Granath Mesa, for AR3-9 zoning on 21 acres. **Betty South** was present and read a letter of appeal to the denial of her zoning request at the Planning Commission. The Planning Commission recommended a public hearing. A public hearing is scheduled for Monday, August 13, 2001, at 10:00 a.m. ***** **Later** in the day, a verbal request from **James Woosley**, owner of 7+ acres, to amend exemption P-12-92 (Wofford) to adjust the boundary was tentatively approved. Presented Planning Commission recommendations for the following: **(1) Charles Mitchell** – approve zoning request, A80 on 350 acres. Comm Story moved to approve the request, seconded by Comm Wilson and carried. **(2) David and Pam Betts** – approve zoning request AR35+ on 40 acres. Comm Story moved to approve the request, seconded by Comm Wilson and carried. **(3) Sharon Hackett** – schedule public hearing for High Impact Permit application for storage units and a storage facility on a 11.49 acre tract. A public hearing is scheduled for Monday, August 13, 2001, at 10:30 a.m. **(4) Church of Jesus Christ of Latter Day Saints** – schedule public hearing for High Impact Permit application for a chapel on 5 acres. A public hearing is scheduled for Monday, August 13, 2001, at 11:00 a.m. **(5) Nick Lewis** – mobile home park PUD on a 3 acre tract – request must conform to City of Cortez standards for the Urban Services Zone. **(6) Mary Turtle** – approve zoning granting AR35+ development standards on 35.1 acres allowing for the phased development of 3 clustered sites – tabled – needs to clean up trash. Discussed verbal request from **Corrie Englehart**, owner of 20+ acres, to sell 1.7 acres split from parcel by highway (2-lot moderate subdivision) – action tabled.

CORTEZ CEMETERY DISTRICT Board members **George Wickstrom and Dick Vogel** and other interested persons (see attached list) met with the Board. The following concerns were discussed: (a) Flower Policy – committee formed, (b) financing – audit will be done this year, (c) terms – at present they are 3 years, which is not in compliance with State statutes, (d) the need to establish by-laws and have proper documentation of minutes and bills for public review, and (e) monthly meetings - are open to the public. After discussion, affirmed that the County Administration office will advertise in December 2001 for persons interested in serving on the Cemetery Board. The appointment effective January 1, 2002, will be for 6 years in accordance with State statutes.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** presented update on fire strategy program.

ADJOURNED at 2:30 p.m.

Deputy Clerk
July 9, 2001

Chairman

LOUIS F. AND KAREN S. GARON appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel # 5361-283-00-011. Comm Wilson moved to adjust the valuation for assessment to \$61,399.00, seconded by Comm Story and carried.

ZETROC DEVELOPMENT CORPORATION representative **Gene Johnson** appeared concerning the appeal on the “Notice of Valuation” for 2001 (Johnson Building) by the Assessor’s Office on commercial Parcel #3611-342-050-03. Comm Story moved to accept the Assessor’s office recommendation to adjust the valuation for assessment to \$569,000.00, seconded by Comm Wilson and carried.

The Board of Equalization recessed until Monday, July 23, 2001, at 1:30 p.m.

OFFICE OF COMMUNITY SERVICE: **Mike Preston** met for input on scheduling a range-health assessment tour with the Rangeland Stewardship committee.

PLANNING Manager **Karen Welch** presented schedule changes and information on the John Brach (Eagle’s Nest Adolescent Home) deposition.

WEED CONTROL PROGRAM: **Destri Tucker** presented a contract for signature. Comm Story moved to sign the “Agreement with Montezuma County and the Colorado Farm Service Agency” – control noxious weed infestation on property formerly owned by Bert Price, seconded by Comm Wilson and carried. Discussed and affirmed that letters need to be sent to municipalities about any weed infestations on their properties.

ADJOURNED at 3:00 p.m.

Deputy Clerk
July 16, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 23, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 23, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 16, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

SHERIFF report for June 2001 was received.

ROAD DEPARTMENT: **Randy Smith** reported on department activities: (a) chip-sealing, (b) worked on concrete at County yard, and (c) crushing at Ormiston gravel pit. Discussed the need to grade roads, if it rains.

HOME BUILDERS ASSOCIATION representative **Cindy Green** presented a letter from the organization with a suggested category list for representation from different entities for the committee (see minutes of July 16, 2001). Letter will be taken into consideration. Discussed time to run ad for appointments – affirmed 3 weeks.

HOMEOWNERS Rudy Baeumel met to complain again about the "Dog Hotel" - a business owned by his neighbor, Tom Overington. Planning Manager **Karen Welch** was present. Expansion of the facility was discussed. It was affirmed that a letter be written to inform Mr. Overington that since he has expanded the facility he now needs to apply for a high impact permit.

PLANNING Manager **Karen Welch** presented a planning resolution **P-06-01E**, whereas **R. Tucker Construction, Inc.**, owner of two adjoining tracts containing a total of 23.94 acres would be granted an exemption to the subdivision regulations to create from this total acreage two tracts with the following acreage - 8.18 acres and 15.76 acres. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Presented planning resolution **P-07-01E**, whereas **Larry and Joy Keeling**, owners of 45.99 acres, would be granted an exemption to the subdivision regulations to record an exemption for 10.09 acres, which is not to be considered a separate tract for sale. The ten-acre tract will be adjoined to Charles and Jean Peterson's 23.65 acre tract to the south for a total of 33.74 acres. Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried. Presented a verbal request for an "after-the-fact" exemption to the subdivision regulations for a 2.3 acre parcel owned by **Jeremy and Wendy Karchut**. Tentative approval was given contingent on an engineered designed septic system. Presented a verbal request from **T.J. Knight** for an exemption to the subdivision regulations for 2.9 acres, which is cut off from the remaining 43 acre tract by a canal. The 43 acre tract was sold to another party after the adoption of the county land use code. No action taken. Landowners will be informed that to be in compliance with the land code they need to create a 2-lot minor subdivision. Presented a verbal request from **Cordie Englehart** to create two tracts from a 9.3 acre parcel – 1.7 acre parcel cut off by the river and a 7.6 acre parcel. Tentative approval was given for the request to be presented to the Planning Commission as a 2-lot moderate subdivision. Discussed: (1) owner of dog resource operations' question about asphalt plant activities – determined that the plant is an on and off operation and an existing entity, (2) commercial zoning regulations -- contact CDOT about availability of signage to alert

newcomers about county land use code regulations, and continually run an article in the newspaper with information on such, (3) the need to meet on a regular basis with the Board of Realtors in connection with the application of the county land use code, and 9 (formerly Lodge of Dolores) – will write letter to request their application for a high-impact permit.

CITY OF CORTEZ Manger **Hal Shepherd** presented an Energy Impact Grant application in regard to the propose family Cortez Recreation Center. He presented information and drawings on the proposed facility and asked that the request be listed as the number one priority for the grant monies. No action was taken. The application will be considered along with other requests at a later time. He presented a Letter of Endorsement from the Friends of the Center (a citizens group for the proposed Recreation Center). The Board affirmed the endorsement and the letter is signed. Manager Shepherd also gave an update on the recent MCEDC meeting.

FAIRGROUNDS Manager **Daryl Buffington** discussed the following: (a) problem with kitchen use – manager should be notified when entities want use of the facility, and (b) will use sand, not sawdust, for show and sale arena.

LIQUOR LICENSES: Former **LODGE OF DOLORES, LLC** owners **Harry and Sandra Cole** met to discuss the liquor license that they had when they owned the Lodge. The property is now Hanu's Inc. (Cloud 9). After discussion, it was affirmed that their license was issued for the Lodge and that when the facility was sold, they no longer have a valid liquor license. ******Later** in the day, Deputy Clerks **Tammy Neely and Judy Follman** met to discuss the liquor license issue and affirmed that the Coles no longer have a valid liquor license. Also discussed was the approval of the temporary Hotel/Restaurant Liquor License for the Cloud 9 establishment, contingent on receipt of fingerprints information (see April 9, 2001 minutes). It was noted that the fingerprint information has not been submitted. The owners will be contacted and informed that they have ten days to submit the required fingerprints information.

BOARD OF EQUALIZATION: It being 1:30 p.m., the time set aside, the Montezuma County Commissioners reconvened on Monday, July 23, 2001, 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, Scott Davis and Darrell Mott** were in attendance.

MORRIS L. AND JOYCE M. LILE appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-284-01-015. Comm Story moved to adjust the valuation for assessment to \$435,610.00, seconded by Comm Wilson and carried.

WILLIAM B. AND JUANITA CLARK appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-341-01-001. **Lorrie Blackmer** was also present. Comm Story moved to adjust the valuation for assessment to \$98,000.00, seconded by Comm Wilson and carried.

CLARENCE P. AND DONNA A. BOWIE appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5341-193-00-067. Comm Story moved to adjust the valuation for assessment to \$45,650.00, seconded by Comm Wilson and carried.

H. BRUCE LIGHTENBURGER appeared concerning his appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-261-24-002. **Don Lightenburger and Heidi Lightenburger** were present. Comm Wilson moved to adjust the valuation for assessment to \$49,500.00, seconded by Comm Story and carried.

H. BRUCE LIGHTENBURGER appeared concerning his appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5359-103-22-202. **Don Lightenburger and Heidi Lightenburger** were present. After discussion, Mr. Lightenburger withdrew his appeal. Comm Story moved to accept the withdrawal, seconded by Comm Wilson and carried.

SOUTHWEST MTR HOTEL ASSOCIATES - H. BRUCE LIGHTENBURGER appeared concerning his appeal on the "Notice of Valuation" for 2001 by the Assessor's office on Parcel #5611-254-00-004. **Don Lightenburger and Heidi Lightenburger** were present. Comm Story moved to adjust the valuation for assessment to \$2,808,000.00, seconded by Comm Wilson and carried. 2

ABE D. AND ALICE A. SAUNDERS appeared concerning their appeal on the "Notice of Valuation" for 2001 by the Assessor's office on Parcel #5605-283-120-01. Comm Wilson moved to adjust the valuation for assessment to \$345,000.00, seconded by Comm Story and carried.

The Board of Equalization recessed until Monday, July 30, 2001, at 1:30 p.m.

ADJOURNED at 4:30 p.m.

Deputy Clerk
July 23, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 30, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 30, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, July 23, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-15-01** to the Treasurer to pay \$1,792.47 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Lindsay and carried.

MONTEZUMA COUNTY ECONOMIC DEVELOPMENT COUNCIL (MCEDC) former director **Bill Argo** gave an update on recent activities of MCEDC and thanked the Board for all their support when he was director.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: chip sealing on CR 36 (co-op with residents) - county supplying the gravel. Discussed complaints and dry condition of county roads – will blade with the water truck the worst rough spots.

AGREEMENT BETWEEN FOUR CORNERS MATERIAL AND MONTEZUMA COUNTY: Comm Wilson moved to sign the agreement dated July 30, 2001 – chip seal CR 36, seconded by Comm Lindsay and carried.

WAYNE SCHAAF MODERATE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Wayne SchAAF Moderate Subdivision, seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** presented Planning Commission recommendations for the following: **(1) Lebanon Schoolhouse Bed and Breakfast – Ken Hahn** – recognize existing use therefore waive public hearing for high impact permit. Comm Wilson moved to waive the public hearing and approve **High Impact Permit No. 412**, seconded by Comm Lindsay and carried. **(2) Paul Gagne and Sandra Cushman** – request to rezone 96 acres from AR3-9 to AR 10-34. Comm Wilson moved to approve the request, seconded by Comm Lindsay and carried.

CITY OF CORTEZ DISPATCH CENTER: Police Chief **Roy Lane** asked for a decision on his request (see June 18, 2001 minutes) for E-911 funds to hire one additional dispatcher. Comm Wilson moved to approve the request, seconded by Comm Lindsay and carried.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** gave an update on federal lands and Canyon of the Ancients National Monument issues. Reviewed list submitted for appointments to the Advisory Committee in regard to UBC issues.

BOARD OF EQUALIZATION: It being 1:30 p.m., the time set aside, the Montezuma County Commissioners reconvened on Monday, July 30, 2001, 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 present.

ERNST & YOUNG – MERIDIAN TRUST CO (CORTEZ SHOPPING CENTER) – Appraiser **Mark Vanderpool** presented an appeal from Manager **David L. Brown** concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-251-18-103K1. Comm Wilson moved to accept the Assessor’s office recommendation and adjust the valuation for assessment to \$1,988,900.00, seconded by Comm Lindsay and carried.

NATHAN Z. AND JAMES A. KORN – Appraiser **Mark Vanderpool** presented an appeal from the Korns concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5637-091-00-028. Comm Wilson moved to accept the Assessor’s office recommendation and adjust the valuation for assessment to \$38,770.00, seconded by Comm Lindsay and carried.

JESS L. HARKNESS (Jan Harkness) appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5359-222-02-011. Comm Wilson moved to adjust the valuation for assessment to \$156,750.00, seconded by Comm Lindsay and carried.

JACK AND RESSA MULLER – Appraiser **Scott Davis** presented an appeal from the Mullers concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5605-294-01-005. Comm Wilson moved to adjust the valuation for assessment to \$128,580.00, seconded by Comm Lindsay and carried.

RONALD EBBERTS (Barbara Ebberts) appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-022-00-094. Comm Wilson moved to adjust the valuation for assessment to \$28,830.00, seconded by Comm Lindsay and carried.

HAROLD WATKINS (Nanc E. Watkins) appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5359-212-00-09. Action was continued and the appeal was rescheduled for Monday, August 6, 2001, at 3:40 p.m.

HAROLD WATKINS (Nanc E. Watkins) appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5359-212-00-029A. Action was continued and the appeal was rescheduled for Monday, August 6, 2001, at 4:00 p.m.

RICHARD M. BIERY (Bonnie L. Biery) appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-241-20-012. Comm Wilson moved to accept the Assessor’s office recommendation and adjust the valuation for assessment to \$153,000.00, seconded by Comm Lindsay and carried.

The Board of Equalization recessed until Monday, August 6, 2001, at 11:00 a.m.

ADJOURNED at 4:30 p.m.

Deputy Clerk
July 30, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 6, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 6, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, July 30, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

PAYROLL: General fund payroll in the amount of \$193,002.69, District Attorney warrant #37133 in the amount of \$17,576.08, Treasurer warrant #37134 in the amount of \$149,687.45; Road department fund payroll in the amount of \$57,929.01, Treasurer warrant #14885 in the amount of \$50,067.22; and Landfill fund payroll in the amount of \$10,573.79, Treasurer warrant #2629 in the amount of \$7,316.67 were approved for payment.

TREASURER report for July 2001 was received.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) blading roads (some weekend work) – will blade more when it rains again, (b) gravelling CR 37 today, (c) hauling out of Ormiston gravel pit, (d) stock piling gravel at Pleasant View shop, and (e) working on detour area around new bridge on CR G (McElmo Canyon – Wallace) – noted work on bridge is finished. Discussed road counts and areas needing chip and seal – will encourage paving districts and grants. Agreement with Dolores County presented. Comm Wilson made a motion to sign the "Exchange Agreement between Montezuma County and Dolores County" – Montezuma County acquisition of a 1994 Ford F250 pickup from Dolores County in exchange for snow removal and gravel from the Ormiston pit. The motion was seconded by Comm Lindsay and carried.

RESIDENT Marilyn Boynton, who is concerned about flood plain issues in the Dolores River Valley, stated that she did not believe the report in the newspaper about the origin of mercury in the area was correct.

RESIDENT Michelle Allison asked information about a Mesa Verde Park seminar. She was given a copy of the "Comprehensive Interpretive Plan."

MONTEZUMA COUNTY HOSPITAL DISTRICT: Noted letter (see attached) for comments about their application for a loan/grant to the USDA-Rural Development for a proposed Mancos Valley Health Clinic.

2000 CONGRESSIONAL REDISTRICTING – MAINTAINING THE THIRD CONGRESSIONAL DISTRICT: Comm Wilson made a motion to adopt **Resolution No. 8-2001--** whereas now therefore be it resolved that the Board of County Commissioners of Montezuma County opposes any plan for redistricting that would divide the Western Slope. The motion was seconded by Comm Lindsay and carried.

DUNCAN MINOR SUBDIVISION – AMENDED PLAT: Comm Wilson moved to approve and sign the final plat for the Duncan Minor Subdivision – Amended Plat, seconded by Comm Lindsay and carried.

J & K SUBDIVISION – FIRST AMENDED PLAT: Comm Wilson moved to approve and sign the final plat for the J & K Subdivision – First Amended Plat (Belsing), seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** stated that a public hearing, in regard to a high impact permit for the “Dog Hotel” business owned and operated by Tom Overington, has been scheduled for Monday, August 20, 2001 at 10:30 a.m.

HOME BUILDERS ASSOCIATION members **Jim Candelaria** and **Betty Farlow** met again about their proposal for the implementation and enforcement of the Uniform Building Code (UBC). They stated they have reviewed the county comprehensive land use plan and, as a result, feel that most of the building issues were addressed in it. They now feel there is no need for a committee (see July 16, 2001 minutes). The Board agreed with this and the establishment of a committee was revoked. They stated they have three issues with the land use plan in regard to building regulations in the county – they are: (1) voluntary, (2) do not cover residential, and (3) no policing. These were discussed. It is noted that a public hearing is held before any changes are made to the Land Use Plan. **Michele Allison** stated that she supports the “voluntary clause” in the land use plan. Discussed a proposal to submit the UBC question to the voters this November. All action was tabled. Planning Manager **Karen Welch** was also present.

BOARD OF EQUALIZATION: It being the 11:00 a.m., the time set aside, the Montezuma County Commissioners reconvened on Monday, August 6, 2001, to sit as the Board of Equalization. The roll was called and the proceedings were taped for the record. Assessor **Bob Cruzan**, Appraiser **Mark Vanderpool**, **Scot Davis** and **Darrell Mott** were present.

ARTHUR R. AND CHERYL A. ZAHN appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5079-363-03-007. Comm Wilson moved to adjust the valuation for assessment to \$42,500.00, seconded by Comm Lindsay and carried. In connection with this appeal, Assessor Cruzan asked permission to adjust the valuation for other parcels in the area, due to the topography of the land. This was affirmed.

BURR WOLFF, LP – CC PARTNERS – J. P. RAND: Appraiser **Mark Vanderpool** presented an appeal from Agent for Kmart **J. P. Rand** concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-253-00-004 (former Kmart Store). Comm Wilson moved to accept the Assessor’s office recommendation and adjust the valuation for assessment to \$1,023,900.00, seconded by Comm Lindsay and carried.

WAYNE E. LEE (Flora Virginia Lee) appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5357-313-02-013. Comm Wilson moved to adjust the valuation for assessment to \$12,800.00, seconded by Comm Lindsay and carried.

TERRIE J. RIOS appeared concerning her appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5609-051-000-01. Her father **Robert Conner** was present and gave her appeal. Comm Wilson moved to adjust the valuation for assessment to \$68,830.00, seconded by Comm Lindsay and carried.

MIDWEST LIMITED – EDWARD NOVOTNY AND BEULAH NOVOTNY appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-262-00-005. **Jacque Proffit**, representing Mr. Novotny’s interests was present. Comm Wilson moved to uphold the valuation of \$94,900.00 and change the classification from industrial to commercial, seconded by Comm Lindsay and carried.

MIDWEST LIMITED – EDWARD NOVOTNY AND BEULAH NOVOTNY appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-233-01-012. **Jacque Proffit**, representing Mr. Novotny’s interests was present. Comm Wilson moved to adjust the valuation for assessment to \$67,613.00, seconded by Comm Lindsay and carried.

MIDWEST LIMITED – EDWARD NOVOTNY AND BEULAH NOVOTNY appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-092-00-006. **Jacque Proffit**, representing Mr. Novotny’s interests was present. Comm Wilson moved to reclassify the land as agriculture and adjust the valuation for assessment to \$1,184.00, seconded by Comm Lindsay and carried.

SUNRISE INVESTMENTS – EDWARD NOVOTNY AND BEULAH NOVOTNY appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5359-162-00-024. **Jacque Proffit**, representing Mr. Novotny’s interests was present. Comm Wilson moved to deny the petition to adjust the valuation for assessment, seconded by Comm Lindsay and carried.

SUNRISE INVESTMENTS – EDWARD NOVOTNY AND BEULAH NOVOTNY appeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5611-0a43-00-008. **Jacque Proffit**, representing Mr. Novotny’s interests was present. Comm Wilson moved to reclassify the land as agriculture and adjust the valuation for assessment to \$142,130.00, seconded by Comm Lindsay and carried.

“**AFFIDAVIT**” – from **Edward George Novotny** was received and noted in regard to the petitions for Midwest Limited and Sunrise Investment (see attached).

HAROLD WATKINS (Nanc E. Watkins) reappeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5359-212-00-091. Comm Wilson moved to accept the Assessor’s office recommendation and adjust the valuation for assessment to \$409,550.00, seconded by Comm Lindsay and carried.

HAROLD WATKINS (Nanc E. Watkins) reappeared concerning their appeal on the “Notice of Valuation” for 2001 by the Assessor’s office on Parcel #5359-212-00-029A. Comm Wilson moved to deny the petition to adjust the valuation for assessment, seconded by Comm Lindsay and carried.

The Board of Equalization for 2001 adjourned at 3:45 p.m.

ADJOURNED at 4:00 p.m.

Deputy Clerk
August 6, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 13, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 13, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr. Vice-Chairman
G. Eugene Story, 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 6, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ACCOUNTS PAYABLE: General fund warrants #37126 thru #37374 in the amount of \$236,286.80; Road department fund warrants #14884 thru #14961 in the amount of \$171,455.35; Landfill fund warrants #2649 thru #2668 in the amount of \$12,339.70; and, Correction facility fund warrants #47 thru #52 in the amount of \$397,405.03 were approved for payment.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) blading, (b) bladed Hay Camp Mesa road – still rough (needs gravel), and (c) Stapleton Bridge road chip seal done. **Lloyd Everett** was present and discussed water running over culverts at the McElmo Canyon (CR G) bridge. He noted that there was no damage to the new bridge. **Chester Tozer** was present and stated he believes there was damage to the bridge from the week-end rain and that there are problems with the structure. He presented pictures of what he believes are the problem areas. **Later**, Engineer **Bud Roach** stated that he had inspected the bridge today, and he assured the Board that there is no problem with the structure. **Chester Tozer** was present.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc. **Charles Hubbard** gave an update on construction of the jail facility. Everything is on time and within the budget.

ASSESSOR'S OFFICE employee **Diana Mosher** met to present grievance information pertaining to a personnel problem. Nothing was accepted or discussed. The Board stated that they feel that Assessor Cruzan should be present. Action was tabled until Monday, August 27, 2001, at 10:00 a.m. **Peggy Young** was present.

COUNTY PROPERTY: Realtor **Lloyd Walker** met to discuss his proposal to sell a parcel owned by the county. Adjoining property owner **Jack Willett**, who is interested in purchasing the small parcel was present. Planning department employee, **Loretta Murphy** was present and stated that she could not locate any public access to the parcel. After discussion, it was affirmed that action is tabled until the county surveys the parcel to determine the exact acreage and any encroachments.

RESIDENT Gary Gardner stated that another motorcycle rally is planned for next year.

PUBLIC HEARING – GERALD AND BETTY SOUTH - ZONING: It being the time set aside, a Public Hearing is held by request of Gerald and Betty South, to consider their appeal to the Planning Commission's recommendation on June 28, 2001, to deny them AR3-9 zoning. The property is located at 30110 Road V.6, Dolores, CO in Section 3, T.37N., R.15W. The roll was called, the public notice read, and the proceedings were taped for the record. Present were **Betty South**, Planning Manager **Karen Welch** and **Rob Peterka**, and other interested persons **Paul Gagne**, **Raymond Churan**, **Sandra Cushman**, **Christa Cushman** and **Jess Dufur**.

Manager Welch presented information about the denial. Maps were presented. Comm Story moved to deny the appeal for AR3-9 zoning, seconded by Comm Wilson and carried.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 417 - STORAGE FACILITY BUSINESS – SHARON HACKETT: It being the time set aside, a Public Hearing is held to consider a High Impact Permit with respect to a proposed storage facility submitted by Sharon Hackett on Lot 6, Lois Carver Estate. The proposed development site is 24945 Road F, Cortez, CO. The property is located in Section 10, T.35N., R.16W. on 11.49 acres lying on the north side of Road F, west of Road 25. The roll was called, the public notice read, and the proceedings were taped for the record. Present were **Sharon Hackett, J. B. Hackett**, Planning Manager **Karen Welch**, and Road Foreman **Jay Palmer**. Manager Welch presented information about the proposal and noted that the Planning Commission sent it to the Board of County Commissioners for approval without the need for a public hearing, since there was no opposition at the Plan Commission meeting. Foreman Palmer gave information about requirements for road improvements and drainage problems. Discussed threshold standards in question – lighting and traffic, and need for a drawing of the proposal. Comm Wilson moved to continue the hearing to Monday, August 27, 2001, at 11:00 a.m., seconded by Comm Story and carried.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 414 - CHAPEL – THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS: It being the time set aside, a Public Hearing is held to consider a High Impact Permit with respect to a proposed chapel submitted by the Church of Jesus Christ of Latter Day Saints. Proposed development site is 12261 Hwy 145, Cortez, CO. Said property is located in Section 12, T.36N., R.16W. on 5 acres situated on the west side of Hwy 145, lying north of Road M. The roll was called, the public notice was read, and the proceedings were taped for the record. Present were **Walt Ertel, Sam Christensen, Tim Christensen, Wendy Johnson**, Planning Manager **Karen Welch** and **Rob Peterka**. Manager Welch presented information about the proposal and noted that the Planning Commission sent it to the County Commissioners with recommendation for approval pending mitigation of the standards that are exceeded. A rendering of the proposed chapel was presented. Discussed threshold standards that are exceeded – steeple height and lighting, size of building, and traffic. Tim Christensen gave information on mitigation with CDOT in regard to traffic thresholds – will continue to work with them. Rob Peterka noted that the land use code sets forth a height of 35 feet for any building in the county, and stated he opposes any variance for the proposed 61-foot steeple. After discussion, Comm Wilson moved to waive the threshold standard for the building square footage and the height of the steeple and approve the application for High Impact Permit No. 414, seconded by Comm Story and carried.

CITIZENS FOR ACCOUNTABILITY AND RESPONSIBILITY (CFAR) Chairperson **Pat Kantor** states that the organization appreciates the Board addressing their concerns and that they look forward to working with the Commissioners in the future.

SHERIFF Joey Chavez presented a proposed records fee schedule. Comm Story made a motion to accept the “Montezuma County Sheriff’s Office Records Fee Schedule” (see attached), seconded by Comm Wilson and carried.

HOME BUILDERS ASSOCIATION representative **Jim Candelaria**, several supporters and several non-supporters of the implementation and enforcement of the Uniform Building Code (UBC) (see attached list) met to discuss the UBC issue. Adm Weaver gave an update on contracting with the City of Cortez for inspections if the code is implemented, and noted there would still be a need to expand county staff. Discussed voluntary compliance with the option of UBC certification. After discussion, the Board stated there is a need to meet with representatives from all interested entities - financial institutions, real estate, builders, etc. – to develop a voluntary system. A meeting will be scheduled with all the entities in the near future.

REALTOR Susan Durall met to discuss a verbal request from **T.J. Knight** for an exemption to the subdivision regulations for a 2.9-acre tract, which is cut off from the remaining 43 acre tract by a canal. The 43 acre tract was sold to another party after the adoption of the county land use code. Planning Manager **Karen Welch** was present. Research about the parcel was done, and it was noted that variance P-60-83 was recorded on the property. An after-the-fact exemption for the 2.9 acres was affirmed, since the property had been split by a variance.

LANDFILL Manager **Debby Barton** presented the “Profit and Loss Statement for 2001 versus 2000 for the Month of July.” Manager Barton gave an update on landfill department activities, and stated that the annual Commissioner site visit is scheduled for Monday, September 24, 2001, at 1:30 – 3:00 p.m.

PLANNING Manager **Karen Welch** presented planning resolution **P-08-01E**, whereas **Savannah Partners, A Nevada Limited Partnership**, is the owner of 238.22 acres and would like to record an exemption to the subdivision regulations for 15.08 acres, in Section 7, T.35N., R.13W. This tract is not to be considered a separate tract for sale. The 15.08-acre tract will be adjoined to the Patton Family Trust/Anne T. Patton Trust parcel containing 80 acres for a total of 95.08 acres. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Presented planning resolution **P-09-01E**, whereas **James D. and Mandy S. Woosley**, owners of 7.77 acres, would like an exemption to the subdivision regulations to deed back to Joe Wofford, the original purveyor of the property, a total of 1.09 acres, leaving a tract for themselves containing 6.68 acres in Section 20, T.37N., R.16W, (exemption P-12-92 Amended was recorded on May 19, 1992). Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Noted complaint about suspected outfitter business in Spring Creek Subdivision – letter has been written to Doug Shell.

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

AUDITOR: After discussion, it was affirmed that Majors and Haley, P.C. will be retained as the county auditor for the amount of \$25,000 for 2001, \$26,500 for 2002, and \$28,000 for 2003 (see attached). Contract is to be renewed on an annual basis.

ADJOURNED at 4:00 p.m.

Deputy Clerk
August 13, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 20, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 20, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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, August 13, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

SHERIFF REPORT for the month of July 2001 was received.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) blading – Goodman Point (will continue to blade all roads) , (b) gravelling CR 10, (c) McElmo Bridge (CR G) – removing rest of pipe from detour, fixing slight damage due to rain around back slopes and noted that settling of pavement on south site was anticipated, (d) patched chip/seal on corner by fire station south of town – still have drainage problem, (d) will start blading forest service Schedule "A" roads today, and (e) installing storage vans – Cortez Shop. Discussed: (1) CR 24 condition, (2) trip to consider purchase of surplus equipment (State of Colorado) by Jim Sattley and Jay Palmer – found snow plows, (3) contact with Sharon Hackett in regard to High Impact Permit application for storage units – Board requested Foreman Palmer discuss his findings at the Wednesday road department meeting, before the continued Public Hearing with the Board on Monday, August 27th, (4) yearly blading of CR 18 – it will be bladed today, and (5) new bus routes.

BOARD OF SOCIAL SERVICES was conducted.

COMMUNITY COLLEGE – NEW ECONOMY INITIATIVE FOR RURAL COLORADO representative **Bernie Zurbriggen** presented information and a slide show about the initiative. Early needs include education and awareness for local elected officials about changing technology and the policies that affect local communities in connection with telecommunications. **Rob Peterka** was present.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 52 – EXPANSION OF THE DOG HOTEL – TOM OVERINGTON: It being the time set aside, a Public Hearing is held concerning the expansion of The Dog Hotel, a facility owned by Tom Overington. The facility is located at 33350 Hwy 184, Mancos, CO 81328. The property is located in Section 31, T.37N., R.14W on 10 acres situated on the south side of Hwy 184. The roll was called, the public notice read, and the proceedings were taped for the record. Owner of the facility **Tom Overington**, closest neighbors to the facility **Rudy and Susan Baeumel**, several supporters and non-supporters (see attached list), and Planning Manager **Karen Welch** were present. Adm **Tom Weaver** stated that the original facility was built before the adoption of the Land Use Code on July 20, 1998 – Resolution No. 2-98, therefore, only the expansion is subject to the code. Manager **Welch** presented a copy of the original letter permit and two letters supporting the facility that will be included for the record.

Discussed Land Use Code threshold standard No. 25 – Noise. It was noted that decibel readings have not been taken by the county. Mr. Overington gave information about the expansion and the operation of the facility. Mr. and Mrs. Baeumel stated that the barking dogs are infringing on their happiness and quality of life. Others expressed their support and non-support of the facility. The Board asked that Mr. Overington prepare a plan for sound-proofing and for better ventilation of the facility. Comm Wilson moved to continue the hearing to Monday, September 10, 2001, at 10:00 a.m., seconded by Comm Story and carried.

COMMUNITY PLAYGROUND- JOE ROWELL PARK, DOLORES, CO: Dolores Parks Committee member **Wendy Mimiaga** presented a schematic plan for the playground which will be built by the community. A grant application will be submitted to GOCO for funding. Ms. Mimiaga asked for a letter of support from the Board. Sheriff **Joey Chavez and Rob Peterka** was present. Comm Story moved to sign a letter of support, seconded by Comm Wilson and carried.

SHERIFF Joey Chavez asked that the Board suspend the fire ban. Comm Story moved to suspend the fire ban on open fires in Montezuma County, effective immediately, with the condition that it will be reinstated if needed, seconded by Comm Wilson and carried.

PLANNING Manager Karen Welch presented planning resolution **P-10-01E**, whereas **Thomas J. and Alma Kay Knight**, owners of 2.95 acres, would like to record an exemption to the subdivision regulations for a 2.95 acre tract in Section 7, T.36N., R.15W. Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried. Presented planning resolution **P-11-01E**, whereas **Jeremy and Wendy Karchut**, owners of 2.30 acres, would like to record and after-the-fact exemption to the subdivision regulations for a 2.30 acre parcel in Section 34, T.37N., R.14W. Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried. In regard to the Line Camp Gravel Pit and the appointment of a three member advisory group made up of Dolores River Valley landowners, it was noted that a public notice was run in the newspaper and four valid applications have been received. Interviews will be scheduled.

HOUSING AUTHORITY BOARD: Comm Wilson moved to certify the appointment of **Doug Hill** to the Housing Authority Board, seconded by Comm Story and carried.

ADJOURNED at 12:30 p.m.

Deputy Clerk
August 20, 2001

Chairman\

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 27, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 27, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman – absent afternoon
Glenn E. “Kelly” Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 20, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

TREASURER’S SIX-MONTH REPORT (January – July 2001): Finance Officer **Mary Ann Sanders** presented the reconciliation balance between the Treasurer’s fund and the County warrants.

ROAD DEPARTMENT Foreman **Jim Becher** stated they have finished chip/sealing. Discussed: (a) need to verify county road map with roads, (b) good condition of Stapleton Bridge Area, and (c) problem involving forest service Ormiston gravel pit pile - has been resolved.

LIQUOR LICENSE: Deputy **Judy Follman** 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 Wilson moved to approve the application, seconded by Comm Story and carried.

HEALTH DEPARTMENT Director **Lori Cooper** presented Change Order No. 2 to the Women, Infant, and Children (WIC) program for review. The change order was signed. Presented survey form for completion in connection with the Tobacco Use grant. Invited the Board to Colorado Coalition for the Medically Underserved Town Meeting on August 26th at the Annex, and the discussion meeting on “Senate Bill 224 – Health Care” on September 5th at Fort Lewis College.

ASSESSOR OFFICE employee **Diana Mosher** and Assessor **Bob Cruzan** met with the Board about grievances presented by Ms. Mosher.

NOXIOUS WEED CONTROL PROGRAM: Weed advisory committee member **Gayel Alexander** presented “Memorandum of Understanding” (MOU) between Montezuma County Board of County Commissioners, CSU Cooperative Extension Service, Mancos Soil Conservation District and Dolores Soil Conservation District” - cost share incentive program for rural landowners for the purpose of intensified control of noxious weeds on non-federal properties within Montezuma County. Comm Story moved to sign the MOU, seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** reported that **Sharon Hackett** has requested a continuance of the Public Hearing on her proposed High Impact Permit No. 417 – Storage Facility Business, scheduled for today. Comm Story moved to continue the Public Hearing until September 10, 2001, at 10:30 a.m., seconded by Comm Wilson and carried. Presented planning resolution **P-25-94 Amended**, whereas **Gerald and Betty South**, would be granted an amendment to the exemption to the subdivision regulations to allow for a 60’ wide easement for access and utilities along the west boundary of the East Tract, leaving a net acreage of 6.42 acres in Section 3, T.37N., R.15W. Comm Wilson moved to adopt this resolution, seconded by Comm Story and

carried. Presented Planning Commission recommendations for the following: (1) **Ray Simanson and Lislie Judice - High Impact Permit for Expansion of existing uses at Cloud 9 (formerly known as the Dolores Lodge)** - proceed to the Board of County Commissioners for a public hearing to address signage and traffic threshold standards which may be exceeded. The public hearing is scheduled for September 17, 2001, at 10:30 a.m. (2) **Scot Davis and Lillian Ramey – High Impact Permit for Therapeutic Wilderness Ranch** - proceed to the Board of County Commissioners for a public hearing to review the application. The Planning Commission denied the application on the basis of negative impacts to the neighborhood and the lack of adequate access. The public hearing is scheduled for October 8, 2001, at 1:30 p.m.

L & N SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the L&N Subdivision (Schultz), seconded by Comm Story and carried.

SOUTHWEST MEMORIAL HOSPITAL: Administrator **Bob Peterson** and Chief of Operations **George Brisson** presented Southwest Memorial Hospital financial documents – “Southwest Memorial Hospital Monthly Operations Report for the Period Ended June 30, 2001 and 2000, and Report for the Period Ended July 31, 2001 and 2000” for review. Discussed other activities – long range plans and current upgrading of facility.

HOME BUILDERS ASSOCIATION representative **Jim Candelaria** and approximately thirty persons, representing financial institutions, realtors, builders, supporters and non-supporters (see attached list) met to discuss a **voluntary** system in regard to the Uniform Building Code (UBC). After comments, it is affirmed that the first step for any proposed change to the Comprehensive Land Use Plan will need to be addressed at a public hearing. A public hearing to address changes, including this issue, will be scheduled for late winter.

ADJOURNED at 3:15 p.m.

Deputy Clerk
August 27, 2001

Chairman

CONTINUED PUBLIC HEARING – PROPOSED STORAGE FACILITY BUSINESS - HIGH IMPACT PERMIT NO. 417 – SHARON HACKETT: It being the time set aside, the public hearing is continued to consider a High Impact Permit with respect to a proposed storage facility submitted by Sharon Hackett. It was noted that all the Board was present and the proceedings were taped for the record. Present were **Sharon Hackett**, Planning Manager **Karen Welch** and Road Foreman **Jay Palmer**. Foreman Palmer gave an update on upgrading the road. Safety and sight distances on CR F and 25 were discussed. Comm Story made a motion to approve High Impact Permit No. 417, contingent on agreement between property owner and road department in regard to road upgrade. The motion was seconded by Comm Wilson and carried. The county will install three “dangerous intersection signs” at the intersection.

FAIR BOARD member **Daryl Dennison** presented information on over-expenditures in connection with the County Fair and presented information about the bills. Comm Wilson moved to pay the bills, seconded by Comm Story and carried.

LIQUOR LICENSE: Deputy **Judy Follman** presented an application for renewal for a 3.2% retail off premises license for “**Go West, Inc.**” dba **McPhee Marina**. The Sheriff Department reported no problems with the establishment. Comm Story moved to approve the application, seconded by Comm Wilson and carried.

PROPOSED DOLORES LIBRARY – TOWN HALL EXPANSION AND REMODEL: Library District Board Chairperson **Shawna Valdez**, member **Susan Localio** and Librarian **Carol Arnold** met to discuss the proposal. They presented a brochure showing the need, budget and proposed special district mill levy information. They asked that their application for an Energy Impact Grant be listed as the number one priority for the county. No action was taken.

2001 ABSTRACT OF ASSESSMENT: Assessor **Bob Cruzan** presented the assessment from the Colorado Department of Local Affairs – Division of Property Taxation. Comm Story moved to sign the assessment, seconded by Comm Wilson and carried.

ORDINANCE NO. 1-96 – SUSPENDED FIRE BAN: Comm Wilson moved to adopt **Resolution No. 09-2001**, a resolution suspending the ban on open fires in Montezuma County, seconded by Comm Story and carried.

DEMONSTRATION TO REPEAL FEES FOR RECREATIONAL USE OF PUBLIC LANDS PROJECT representatives **Rudy Ortiz** presented “Can’t See the Forest For The Fees” booklet. Others present who supported the project were **Skip Edwards, Kitty Benzas, Jan Holt, Leroy Martinez and Robert Funkhouser**. The booklet was reviewed. They asked the Board to adopt a resolution supporting a repeal of fees for recreational use of public lands. No action was taken.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc. **Charles Hubbard** gave an update on construction of the jail facility. He reported that the construction is on time with a tentative date for completion of October 10, 2001. Sheriff **Joey Chavez** was present and discussed installation of the communication system. The cornerstone ceremony is scheduled for Friday, September 14, 2001, at 2:00 p.m. and the Grand Opening is scheduled for Tuesday, November 6, 2001, at 10:00 a.m.

NOTICE OF INTENT TO SUE: **Timothy and Frances and Skyler Hawks** (Whimspire, Inc. – Sandra Johnson) vs Montezuma County Department of Social Services, SW Colorado Mental Health Center, Cortez, CO, and Riverbend Center for Youth, Durango, CO was received and noted. The intent will be sent to the Insurance Company.

THE PINON PROJECT, Seat Belt Project Coordinator **Toleda Cluff** and CDOT representative for the seat belt program, **Elinora Reynolds** gave an update on the program and presented promotional items. A photo was taken of the Board with the two representatives of the program.

OAK VIEW PHASE 111 SUBDIVISION: Comm Story moved to approve and sign the final plat for the Oak View Phase III Subdivision, seconded by Comm Wilson and carried.

RUSTIC RIDGE PHASE 11 SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Rustic Ridge Phase 11 Subdivision, seconded by Comm Story and carried.

PLANNING Manager **Karen Welch** presented a verbal request from **Vesta Butler** for an exemption to the subdivision regulations to sell 33 acres from an 81 acre parcel that is split by a county road. Request denied. Recommendation is that Ms. Butler zone the complete 81 acre parcel and submit plans for the property. Presented verbal request from **Vance McCabe** for an after-the-fact exemption to the subdivision regulations for a 25+ acre parcel – (total original acreage 60+ acres from which a 35+ acre parcel was split off and sold several years ago). Sale date of the 35+ acre parcel vs the date of the Land Use Code will be checked. No action taken. Presented verbal request from **Jack Morrill** for an exemption to the subdivision regulations to sell an 18 acre parcel to an adjoining neighbor, sell a three acre parcel to another adjoining neighbor, and to retain three acres plus his home. The request was tentatively approved.

SOUTHWEST REGIONAL LIBRARY SERVICE SYSTEM - CORTEZ PUBLIC LIBRARY: Comm Wilson moved to sign the 2002 County Equalization Grant, seconded by Comm Story and carried.

ADJOURNED at 4:15 p.m.

Deputy Clerk
September 10, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 17, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 17, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, September 10, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ACCOUNTS PAYABLE: General fund warrants #37377 thru #37584 in the amount of \$477,153.45; Road department fund warrants #14963 thru #15059 in the amount of \$177,211.98; Landfill department fund warrants #2681 thru #2707 in the amount of \$10,048.30; and Correction facility fund warrants #53 thru 65 in the amount of \$330,012.90 were approved for payment.

ROAD DEPARTMENT: Foreman **Jim Sattley** reported on department activities: (a) Hay Camp Mesa Road has been mag-chlorided (b) Black-topping on County Road P will begin this week as well as shoulder work and putting in of a guard rail along same road.

DEPARTMENT OF SOCIAL SERVICES: Colorado Social Services Field Administrator Representative-**Jim Snyder** presented the Board with "**An Orientation to Colorado Human Services**" up-to-date reference manual outlining the States responsibilities to the 64 different counties and their communities and their contacts. Director **Dennis Story** was present.

BOARD OF SOCIAL SERVICES was conducted.

LANDFILL: Manager **Debby Barton** presented "Montezuma County Landfill Profit and Loss Statement for 2001 versus 2000" for month of August (see attachment); presented "Memorandum for Record" reviewing bid documents in favor of **Montgomery Watson Harza** for RFP 1-Cell 2A Construction Design, Specifications, and Bid Documents. Comm Story moved to approve bid, seconded by Comm Kelly and carried (see attachment). Presented draft for "Rate Structure Effective 1 January 2002" (see attachment). Questions have been asked recently in regards to the Landfill fees. Discussed and approved the distribution of literature on where the funding "does" and "does not" come from when questions arise for fees.

HEALTH DEPARTMENT DIRECTOR Lori Cooper spoke on the following issues: (a) presently working with all entities involved on updating State Emergency Procedures; (b) Colorado State Department of Justice reported receiving \$300,000 for Emergency Equipment to be made available to all counties in Colorado; (c) Vaccines (for children) coming out of New York put on hold due to last weeks tragedy; (d) flu vaccine still on hold; and (d) State of Colorado on "**HIGH ALERT**" for Bio-Terror in wake of last weeks tragedy.

PUBLIC HEARING: HIGH IMPACT PERMIT NO. 415 FOR THE EXPANSION OF CLOUD 9 (FORMALLY KNOWN AS LODGE OF DOLORES) - RAY SIMANSON AND LESLIE JUDICE: It being the time set aside, a Public Hearing is held concerning the expansion of use consisting of a Golf Skills Development Center, Outdoor Amphitheatre and Yoga Retreat Center and Day Spa at proposed site of Cloud 9, 19581 Road 31, Dolores CO 81323. Whereas the property is located in Section 3, T37 N, R15 W on 29.5 acres situated on the west side of Road 31, lying north of Road V.6. The roll was called, the public notice read, and the proceedings were taped for the record. New owners of the facility **Ray Simanson** and **Leslie Judice**, neighbor to present facility **Sandy Cushman**, private citizen **Rob Peterka**, and Planning Manager **Karen Welch** were present. Manager Welch presented information about the proposal and stated that the Planning Commission recommended approval contingent on compliance with the threshold standards and signage. Proposed expansion diagram submitted and discussed. Manager Welch presented letter of opposition from Steven and Kathy Nowlin (see attached). Rob Peterka spoke with no opposition and stated he hasn't heard any negative comments from anyone in the Dolores area. Neighbor Sandy Cushman in favor. She was only concerned with how violations will be handled. Comm Story moved to approve high impact permit with stipulations added; (a) no noise emanating from the property after dark; (b) proper security be implemented when such functions occur; (c) no violation of liquor laws; (d) conduct business (rural-residential) as "good neighbors" with the interest of the town of Dolores in mind and (e) work with Town of Dolores in regard to intersection traffic - Highway 145. Comm Wilson seconded and carried.

HIGH WATER SUBDIVISION: Comm Story moved to approve and sign the final plat for the High Water Subdivision (Charlie Rogers), seconded by Comm Wilson and carried.

PLEASANTREE MINOR SUBDIVISION: Comm Story moved to approve and sign the final plat for the Pleasantree Minor Subdivision (Larry and Joy Keeling), seconded by Comm Wilson and carried.

FAWN MEADOWS MINOR SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Fawn Meadows Subdivision (Chapelin), seconded by Comm Story and carried.

CONTINUED PUBLIC HEARING-EXPANSION OF THE DOG HOTEL-TOM OVERINGTON-PROPOSED HIGH IMPACT PERMIT NO. 52: Scheduled on site inspection held at 1:30 pm. Continued hearing to be on Monday October 1, 2001 at 10:00 a.m.

SAN JUAN SKYWAY HERITAGE INITIATIVE: COLORADO HERITAGE PLANNING GRANTS PROGRAM APPLICATION - Comm Story moved to sign the application, seconded by Comm Wilson and carried.

ADJOURNED at 2:15 p.m.

Deputy Clerk
September 17, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER, 24, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 24, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 17, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ROAD DEPARTMENT: **Randy Smith** reported on department activities: (a) blade patching, (b) planting trees at county shop, (c) doing general maintenance, and (d) crushing. Discussed: (1) request to lease Mancos gravel pit – denied, (2) purchase of snow plows from State, (3) Hindmarsh gravel pit, (4) CR 23, and (5) CR P and CR L projects.

PROPOSED MONTEZUMA COUNTY COMMISSIONER'SGG: **Rob Peterka** presented maps and information on proposed redistricting. The redistricting maps were prepared on census blocks with minor modifications according to population numbers. These were discussed.

MESA VERDE MUSEUM ASSOCIATION, INC. representative **Tracey Hobson**, and National Park Service representative **Jane Anderson** asked the Board to support and sign the following five applications for grant monies from the Colorado State Historical Society: (1) Collections Upgrade for Research Center, (2) A New Site Survey Within the Bircher and Pony burned Areas, (3) Spruce Tree House Architecture A.D. 1240-1250, (4) Condition of Plaster in Five Cliff Dwellings in Mesa Verde National Park, and (5) Mesa Verde Centennial Project. Comm Story made a motion to support and sign the applications, with the condition that the association present, within 12 months, an overview project report of what has been accomplished with past grant monies and schedule an on-site inspection of these projects with the Board and a newspaper representative. The condition was affirmed. The motion was seconded by Comm Wilson and carried.

SHERIFF DEPARTMENT – COMMUNITY CORRECTION: Sheriff **Joey Chavez** and **Vici Worcester** met to discuss funding from different entities for the community correction center. Ms. Worcester gave an update on the current community correction program. She presented sub-contracts between the Montezuma County Community Corrections, and Colorado Department of Public Safety, Division of Criminal Justice with COMCOR, INC., Hilltop House/SWCCC, INC. and San Luis Valley Community Corrections/IRT. Comm Story moved to sign the contracts, seconded by Comm Wilson and carried.

COMMUNITY CORRECTIONS BOARD Chairman **Lynn Williams** met to discuss terms and appointments to the Community Corrections Board. The first appointments will have staggered terms (1 – 2 – 3 years) with the right to be reappointed. The Community Corrections Board will compile and present a list of prospective applicants to the Commissioners.

ENERGY IMPACT GRANT APPLICATIONS: Comm Story made a motion to prioritize the energy impact grant requests as follows: #1 Dolores - library, #2 Cortez - recreation center, and #3 Mancos - health clinic. The motion was seconded by Comm Wilson and carried

ARRIOLA COMMUNITY CENTER representative **Chan Chaffin** gave an update on the center. Discussed need for lottery monies. Comm Story moved to give \$2,500.00 in lottery funds to help with the project, seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented a verbal request from **Gerald Nolan** for an after-the-fact exemption to the subdivision regulations on a 13-acre tract when P-51-80 was recorded. Request was tentatively approved, contingent on zoning for the parcel. **Gerald Nolan** was present.

SOUTHWEST COMMUNITY RESOURCES: Comm Wilson made a motion to support the Division of Housing Home Grant application that Southwest Community Resources is submitting for \$30,000 for use to rehabilitate Homeward Bound. The motion was seconded by Comm Story and carried.

LANDFILL inspection tour was conducted at 1:30 p.m.

ADJOURNED at 3:00 p.m.

Deputy Clerk
September 24, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 1, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 1, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 24, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund payroll in the amount of \$198,846.68, District Attorney voucher #37587 in the amount of \$17,559.95, Treasurer voucher #37588 in the amount of \$156,103.84; Road Department fund payroll in the amount of \$58,147.17, Treasurer voucher #15064 in the amount of \$50,172.01; and Landfill fund payroll in the amount of \$10,963.58, Treasurer voucher #2710 in the amount of \$7,684.98 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-17-01** to the Treasurer to pay \$1,792.47 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) landscaping at county shop, (b) gravelling, and (c) hauling asphalt. Discussed: (1) purchase of equipment and use, (2) County shop improvements, (3) request for locating dog pound at county shop – not enough room – other areas were discussed – National Guard – will discuss with City, (4) installation of pipe and disturbance on CR 42, (5) Town of Mancos agreement for gravel exchange from Mancos gravel pit, (6) help with Town of Mancos skate board area, and (7) blading of Sheriff Posse parking lot.

FAIR BOARD member **Darryl Dennison** gave an update on the Fair Board appointments. They have received a resignation from Lanea McCluhan. An ad asking for applicants resulted in receipt of an application from Joe Stevenson. Application was discussed. Comm Story moved to appoint **Joe Stevenson** to a 4-year term to the Fair Board, seconded by Comm Wilson and carried. It is noted that the Fair Board now has seven members.

ROCKY FORD MINOR SUBDIVISION: Comm Story moved to approve and sign the final plat for the Rocky Ford Minor Subdivision, seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented Planning Commission recommendations for the following: (1) **Andrew and Beth Carter** – request to zone 40 acres AR35+ - approve. Comm Story moved to approve the request, seconded by Comm Wilson and carried. (2) **Vesta Butler** – request to zone 81 acres AR35+ - approve. Comm Story moved to approve the request, seconded by Comm Wilson and carried. (3) **RAC Transport** – application for High Impact Permit – public hearing set for Monday, October 15, 2001, at 10:00 a.m. Discussed policy on cluster incentive PUDs.

LIQUOR LICENSES: Deputy Clerks **Judy Follman and Tammy Neely** presented an application for renewal of a retail liquor license for **Log Cabin Liquors**. The Sheriff's department reported no problems with the establishment. Comm Story moved to approve the application, seconded by Comm Wilson and carried. Presented an application from **G.Whil Liquors** for a "change of location" which will be next door to the present location. Comm Story moved to waive a public hearing, contingent on re-signing application in the appropriate place, seconded by Comm Wilson and carried.

TOUR – GRAVEL PITS - DOLORES RIVER AREA: Adm Weaver gave a report on the tour of gravel pits in the Dolores River area. Present for the tour were representatives from the State of Colorado Water Conservation (flood plain) and other interested persons and entities.

CONTINUED PUBLIC HEARING – EXPANSION OF THE DOG HOTEL – TOM OVERINGTON – PROPOSED HIGH IMPACT PERMIT NO. 52: It being the time set aside, the public hearing is continued concerning the expansion of The Dog Hotel, a facility owned by Tom Overington. It was noted that all the Board was present and the proceedings were taped for the record. Present were **Tom Overington**, his Attorney **James Shaner**, close neighbors to the facility **Rudy and Susan Baeumel and Erika Baeumel**, and Planning Manager **Karen Welch**. Manager Welch stated she has contacted other like facilities in Montezuma and La Plata counties and gave a report on her findings for noise thresholds, etc. Owner Overington gave his plan to correct the issues: (a) installation of a swamp cooler next summer, (b) close windows in the winter, (c) install hay in front of fencing to block view and sound, (d) check into sound insulation for the inside, and (e) install covers over two run areas. Mr. Baeumel presented a letter which expressed his concerns (see attached). Discussed: (1) Mr. Overington's six personal dogs that he does not keep enclosed in the facility, and (2) need to comply with the Land Use Code: High Impact Permit for expansion – Address question of whether facility exceeds noise thresholds. Comm Wilson made a motion to continue the hearing for a 90 day (January 2002) review of the following conditions: (1) installation of hay, (2) installation of run covers, (3) 7:00 a.m. to 7:00 p.m. only time dogs are allowed outside the building in the runs, (4) rotation of dogs using runs (not all out at the same time), and (5) dogs kept in the facility at night. The motion was seconded by Comm Story and carried.

ADJOURNED at 12:00 noon.

Deputy Clerk
October 1, 2001

Chairman

CERTIFICATION AND ATTESTATION

I, Nelda Jenkins, certify and attest that the attachments are the true and correct copy of transcripts of the public hearing held before the Montezuma Board of County Commissioners on April 29, 2002, and the minutes of the Montezuma Board of County Commissioners for the following dates: April 1, 2002, and April 29, 2002, in regard to the proposed Spencer Subdivision.

DATED this 3rd day of June 2002.

(SEAL)

Deputy County Clerk and Recorder
Montezuma County, Colorado

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 8, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 8, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 1, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

GENERAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue Order Number 0-18-01 to the Treasurer to transfer \$71,495.40 from the General fund to the Social Services fund – quarterly HCBS (see attached). The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) working on CR 22 (Crow Canyon) – widening and redoing culverts, (b) CR 23 – getting ready for project (special district paving) next year, (c) finishing blading on Schedule A – Forest Service roads, and (d) graveling. Discussed: (1) CR W – work finished, and (2) update on proposed Hindmarsh gravel pit.

MONTEZUMA COUNTY GRAVEL LEASE CONTRACT - GARDNER ADDENDUM FOR RE-NEGOTIATED PRICE/YD: Comm Wilson made a motion to sign the addendum between the County and Lavena E. Saunders, Mona A. Rogers and Nola K. Welsh (see attached). The motion was seconded by Comm Story and carried.

BOARD OF SOCIAL SERVICES was conducted.

CITIZEN Jim Andrus met to discuss security at the Cortez Airport. He feels there should be "no vehicle parking or standing" signs posted at the cross over approach on CR G to the runway. Enforcement and increased lighting were discussed. No action taken. The Board advised Mr. Andrus to also discuss his concerns with the City of Cortez.

REGION 9 – ECONOMIC DEVELOPMENT DISTRICT OF SOUTHWEST COLORADO – BEANPOLE PROJECT: Director **Ed Morlan** and Steering Committee member **Rick Smith** (City of Cortez) presented information on the following: (1) Draft Inter-Governmental Agreement, (2) Beanpole Contract – Novation Agreement, (3) Memorandum of Understanding between Region 9 EDD and La Plata County for Region 9 EDD to serve as the "responsible administrator" for the Beanpole contract, and (4) Beanpole Project Status Report as of October 3, 2001. Mr. Smith presented the "2001 Fiber Optic Network Project Map." This was discussed. Changes in the agreement were noted and will be done. Director Morlan asked that the Board consider signing the finalized Inter-Governmental Agreement. Comm Wilson moved to sign the final Inter-Governmental Agreement to Contract for Beanpole Implementation Funds Pursuant to Section 29-1-201, et. Seq., Colorado Revised Statutes, seconded by Comm Story and carried. 2

PLANNING Manager **Karen Welch** presented Planning Commission recommendation for request from **Gerald and Betty South**, owners of 340+ acres propose to develop a cluster PUD on 50 acres and asked for AR10-34 zoning on the remaining 293+ acres – approve. Comm Story moved to approve the zoning request, seconded by Comm Wilson and carried. Discussed proposed amendments to the Land Use Code - UBC, etc.

LAKESIDE MOBILE HOME PARK AND ESTATES: Sanitation Manager **Mick Periman**, Colorado Department of Health (Durango) inspector **Greg Brand**, owner **Drew Cleland, Robert McAtee**, and Rick Johnson Engineering, Inc, representatives **Rick Johnson and Dan Peters** met to discuss the sanitation situation in the Park. Also present was Planning Manager **Karen Welch**. Engineers Johnson and Peters presented the "Lakeside WWTP (Waste Water Treatment Plant)" proposal that will be submitted to the Colorado State Department of Health. Inspector Brand stated that the document is being presented to the Board of County Commissioners for their consideration and written comments/recommendations within 60 days. The WWTP proposal also will be submitted to other interested entities for their comments/recommendations. He said that the WWTP proposes a two-part plan: (1) a preliminary interim plant and (2) a future connection to the Sanitation District system. Discussed: site application, interim plant approval, State discharge permit with conditions – certified operator, etc., improved conditions at the park, and alternatives for funding of future improvements. A tentative meeting was scheduled for November 19, 2001, at 10:00 a.m. with Greg Brand at which time the Board will submit their comments and recommendations.

JAIL FACILITY: Local architect, representing Archetype Design Group, Inc. **Charles Hubbard** and Sheriff **Joey Chavez** gave an update on the construction of the jail facility. Problems involving fire alarms, emergency generator and lighting are being corrected. Walk through of the facility with Archetype Design Group, Inc. representative **Mike Pollard** is tentatively scheduled for tomorrow. **Change Order Number GC-01** (see attached copy) was presented. Comm Wilson made a motion to sign Change Order Number GC-01 between Contractor - Weeminuche Construction Authority, Architect - Archetype Design Group, Inc. and owner - Montezuma County Commission, which deducts landscaping allowance from contract in the amount of \$25,000.00. The motion was seconded by Comm Story and carried.

PUBLIC HEARING – THERAPEUTIC WILDERNESS RANCH (A.S.P.I.R.E) – AT RISK YOUTH – SCOT DAVIS AND LILLIAN RAMEY – PROPOSED HIGH IMPACT PERMIT: It being the time set aside, a public hearing is being held to consider a High Impact Permit for the proposed Therapeutic Wilderness Ranch (A.S.P.I.R.E.) for at-risk-youths submitted by Scot Davis and Lillian Ramey. The proposed facility is located at 36090 Hwy 160, Mancos, CO 81328. The roll was called, the public notice read and the proceedings were taped for the record. Present were **Scot Davis, Lillian Ramey, David Finlay**, their Attorney **Erin Johnson**, Planning Manager **Karen Welch**, and approximately **thirty-six** other interested persons. Noted receipt of letters from **Angela Harper, Thomas Harper, Chris Rubino and Marian Rubino** stating they are against the proposal (see Planning Department's high-impact-permit file). Manager **Karen Welch** presented the Planning Commission's recommendation not to approve the permit based on the following reasons: (1) safety of residents in the area in regard to any escape, (2) health and safety of participants, and (3) inadequate private road to the facility. Attorney Johnson gave a general overview of the proposal for twelve (2 local and 10 non-local) at-risk-youths at a time in a fifteen-week program. It was stated there would probably be 3 fifteen-week programs a year, that would include academic, full living, and educational wilderness training. Site plan was submitted and discussed. Mr. Davis, Ms. Ramey and Mr. Finlay gave their credentials. They also presented other information pertinent to the proposed facility (one home and two cabins), vehicle use, administration of medications, recruitment of students, and activities. The following persons spoke **against** the approval of the proposed facility: **Ted Neergaard, Gary Stevens, Vernon Dunn, Angela Harper, Barbara Shaner, Jim Shaner, David Shuken, Tina Bowen, Julia Shuken, Geoffry Carlson, and Danielle Dillon**. The following persons spoke **in favor** of the proposed facility: **Brad Finch, Tracey Wood, Donna Sue Spear, and Megan Huber**. Sheriff **Joey Chavez** presented and referred to a Sheriff Department inter-office memo that set forth findings and concerns after an on-site evaluation of the proposed facility (see attached). The Board stated the need to address any Land Use Code threshold that would be exceeded, and use of easement – commercial vs residential. After discussion, Comm Story moved to continue the public hearing to Monday, October 29, 2001, at 1:30 p.m., seconded by Comm Wilson and carried.

ADJOURNED at 4:00 p.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 15, 2001**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 15, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 8, 2001, were read. Comm Lindsay moved to approve these minutes, seconded by Comm Wilson and carried.

TREASURER'S report for September 2001 was received and noted.

MONTEZUMA COUNTY PUBLIC TRUSTEE quarterly fee report for July, August and September, 2001 was received and noted (see attached).

ROAD DEPARTMENT Foreman **Jim Becher** stated striping for paved roads will be contracted and start soon. Noted that special paving districts are getting prepared for work to start next year.

LANDFILL Manager **Debby Barton** presented the "Profit and Loss Statement for 2001 versus 2000 for the month of September," "Notice of Inspection – Colorado Department of Public Health & Environment Hazardous Materials and Waste Management Division, Solid Waste Unit," and "Quarterly Reports" for review.

HOME BUILDERS ASSOCIATION representative **Betty Farlow** presented and read a letter from president Jim Candelaria (see attached). Also present were **Cindy Green** and Planning Manager **Karen Welch**. Discussed: (a) IBC (International Building Code), and (b) tentative plan to schedule in early January a public hearing to address any changes in the Land Use Code. Ms. Farlow stated they would be doing an educational campaign in favor of adoption of mandatory building codes.

RESIDENT Marilyn Boynton stated that FEMP representative John Liou contacted her about the present county flood plain map, which he stated might be out-dated. He invited her and the Board to a meeting in Moab, UT to discuss the concern.

PUBLIC HEARING – RAC TRANSPORT TERMINAL – PROPOSED HIGH IMPACT PERMIT NUMBER 419: It being the time set aside, a public hearing is being held to consider HIP No. 419 for the proposed RAC Transport Terminal. The site for the proposed facility is Lot 8 of the McDonald Subdivision, located at 11090 Road 25, Cortez, CO 81321. The roll was called, the public notice read, and the proceedings were taped for the record. Present were RAC representative **Jake Wirt**, Mark Jones Architect representative **Jill Cooper**, Planning Manager **Karen Welch** and **four** other interested persons. Noted receipt of letter from **Curtis and Lisa Story** stating they were against the facility. Manager **Karen Welch** presented the Planning Commission's recommendation for approval if there is compliance with all the threshold standards. Mr. Wirt gave a general overview of the facility – upkeep of the property, noxious weed control, lighting, set backs, noise (time frame for arrival and departure of trucks). Ms. Jill Cooper stated that the facility will be built

to the 1997 UBC and be inspected by their office. Public comments are as follows. **Richard McClellan** stated that there are lots of rocks on the north side of the property and proposed a wooden fence as a buffer instead of trees or shrubs. Business owner in the area, **Florence Bane** stated she was in favor of the facility. Neighbors of the proposed facility, **Martin Winslow** and **Thomas Heidelberg** expressed their concerns. Their comments included the following concerns: lighting - set backs – noise – traffic - screening between the facility and private residential properties (offer was made - free fill dirt to help with landscaping) – adverse effect to property values - hazardous materials (clean up in case of accident) - expansion of use and facility – time frame for arrival and departure of trucks. Pictures of the area and another RAC facility were presented and discussed. Comm Story made a motion to approve the high impact permit with compliance to all threshold standards and the following conditions: **(1)** appropriate landscaping for screening between facility and neighboring properties to the north and northeast, **(2)** no arrival or departure of trucks after 9:00 p.m., **(3)** lighting directed down and diverted to the building, and **(4)** install any signage on CR L deemed necessary by the road department. The motion was seconded by Comm Wilson and carried.

PREDATOR CONTROL: Comm Story made a motion to sign “Cooperative Agreement No. 02-7308-0310-RA Work Plan/Financial Plan for the period January 1 – December 31, 2001” between the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services and the Montezuma County Commissioners, Colorado. The motion was seconded by Comm Wilson and carried.

MONTEZUMA COUNTY GRAVEL LEASE CONTRACT – MELVA WILLBANKS: Comm Story moved to sign the contract between the County and Melva Willbanks, seconded by Comm Wilson and carried.

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

HOLIDAY LISTS: Financial Officer **Mary Ann Sanders** presented the following in regard to county holidays: **(1) Amended 2001 Holiday List:** It was affirmed that Monday, December 31, 2001, will be added to the 2001 holiday list and all county offices will be closed on that date. **(2) 2002 Holiday List:** Comm Story moved to approve, as submitted, the “Official County Holiday Schedule for 2002” (see attached), seconded by Comm Wilson and carried.

ADJOURNED at 12:00 noon.

Deputy Clerk
October 15, 2001

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 22, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 22, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, October 15, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: General fund warrants #37586 thru #37766 in the amount of \$131,748.84; Road department fund warrants #15061 thru #15170 in the amount of \$196,896.45; Landfill department fund warrants #2719 thru #2750 in the amount of \$13,635.67; and Correctional facility fund warrants #66 thru #73 in the amount of \$167,323.00 were approved for payment.

SHERIFF DEPARTMENT: Undersheriff **Sam Hager** presented for review and signature the "Equipment Agreement Between Colorado State Forest Service, Mancos Fire Protection District, Board of Montezuma County Commissioners and Sheriff of Montezuma County" (Dodge truck). Comm Wilson moved to sign the agreement, seconded by Comm Lindsay and carried.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) still sealing cracks (Mancos district), (b) hauling gravel from Ormiston gravel pit, (c) working on CR 23 (special paving district) – repairing, replacing and installing culverts, ditching and building shoulders, and (d) checking with property owners for expansion of Hay Camp gravel pit. Landowner **Neva Kindred** stated that a hill on CR P is very rough and asked that it be graded. She was assured that it will be checked on this week.

HOME BUILDERS ASSOCIATION OF MONTDOLORES representatives **Jim Candelaria** and **Betty Farlow** met again to discuss their proposal for the adoption of the International Building Code (IBC) by the county. **Neva Kindred** stated she is against any mandatory codes for residential properties. Pros and cons were discussed. Planning Manager **Karen Welch** was present.

PLANNING Manager **Karen Welch** and landowners **Charles Campbell** and **Elaine Brown** presented information on a request by Mr. Campbell for a variance on the width of an access easement (driveway) for his proposed 2-lot subdivision. Action was tabled. **Rob Peterka** was also present.

BUCKSKIN RIDGE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Buckskin Ridge Subdivision (Baxstrom), seconded by Comm Lindsay and carried.

MONTEZUMA COUNTY SHERIFF'S OFFICE AND DETENTION CENTER, CORTEZ, CO "Certificate of Substantial Completion for Project No. ADGI #912" submitted by Archetype Design Group, Inc. to Montezuma County Commission and contractor Weeminuche Construction Authority was signed.

ADJOURNED at 12:00 noon.

Deputy Clerk
October 22, 1000

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 29, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 29, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 22, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) will pick up, this week, equipment purchased from CDOT, (b) working on CR 23 – preparing for next year's project, (c) blading – with use of water truck, (d) sealing cracks, (e) hauling gravel from Orimiston, (f) crushing gravel at Hay Camp and working on expanding pit, and (g) hauling 3" pit gravel to fairground. Discussed recommendation for a 4-way stop sign at CR M and CR 29 – will contact Sheriff. Noted that mag-chloride put on Hay Camp Road is holding up good.

LANDOWNERS Michael and Kay Phelps, their attorney **Todd Starr, Jeanie Jones, Ramon Brown and Sam Green** met to discuss a parcel of landlocked land on a private road in the area of CR 26.

COMMUNITY CORRECTIONS BOARD Chairperson **Lynn Williams** presented term length information for Community Corrections Board members and May 2000 appointments (see attached). It was noted that currently there are three vacancies for members. Chairperson Williams will notify the Sheriff that the vacancies need to be advertised.

LIQUOR LICENSE: Deputy Clerk **Judy Follman** presented an application submitted by the "**Helping Hands People**" (a non-profit organization) for a \$25.00 fee (liquor) "Special Events Permit." The fund raising event will be held at the Four Seasons Greenhouse and Nursery on Thursday, November 29, 2001, between 5:00 p.m. and 8:00 p.m. Comm Story moved to approve the application, seconded by Comm Wilson and carried.

TELECOMMUNICATIONS WORKSHOP: **Rob Peterka** gave information on the telecommunications workshop he attended this month. Some items discussed at the workshop were, economy issues, uses of internet and E-mail, current proposals and projects in Colorado and user statistics.

PROPOSED MONTEZUMA COUNTY REDISTRICTING: **Rob Peterka** presented the final redistricting map for review. Discussed need for specific lines – disclaimer will be changed. Map will be presented next week for final approval.

PLANNING Manager **Karen Welch** presented Planning Commission recommendation to approve the **Stoner Creek Preserve** (golf course and PUD) – application for High Impact Permit. The public hearing is set for Monday December 3, 2001 at 1:30 p.m. Developer **Yogi Kirst** was present and gave data about the proposed project.

PURA VIDA - A CLUSTER INCENTIVE PLANNED UNIT DEVELOPMENT: Comm Story moved to approve and sign the final plat for the development (Gellatty and McGrath), seconded by Comm Wilson and carried.

RESIDENT Miscelle Allison asked for copies of letters submitted at July 23rd and October 8th BOCC meetings which were submitted by the Home Builders Association. These were given to her. She also reiterated that she feels the Board should continue to support voluntary UBC for residential properties.

JAIL FACILITY – LANDSCAPING: Bids were received as following for landscaping at the facility: (1) Classic Gardens - \$55,818.58 and (2) Southwest Plants - \$55,869.00. Comm Story moved to award the bid to Classic Gardens, contingent on proof of performance bond, workmen compensation, and general liability insurance, seconded by Comm Wilson and carried.

AMENDED AND RESTATED AGREEMENT IN PRINCIPLE CONCERNING THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT AND BINDING AGREEMENT FOR ANIMAS-LA PLATA COST SHARING (DRAFT): Comm Story moved to sign the final agreement, which will be submitted next week, seconded by Comm Wilson and carried.

CONTINUED PUBLIC HEARING – THERAPEUTIC WILDERNESS RANCH (A.S.P.I.R.E.) – AT RISK YOUTH – SCOT DAVIS AND LILLIAN RAMEY – PROPOSED HIGH IMPACT NUMBER 418: It being the time set aside, the public hearing is continued concerning the High Impact Permit for the proposed Therapeutic Wilderness Ranch (A.S.P.I.R.E.) for at-risk-youths submitted by Scot Davis and Lillian Ramey. The roll was called and the proceedings were taped for the record. Present were **Scot Davis, Lillian Ramey, David Finlay**, their attorney **Erin Johnson**, Planning Manager **Karen Welch**, and approximately **thirty-eight** (see attached list) other interested persons. Engineer **Bud Roach** presented information on needs for access and road surface. Attorney Johnson gave information about their proposed road and access. Manager Karen Welch presented research information obtained from like facilities (see attached). This information was discussed. Discussed water supply, sanitation, requirement that all new construction be to the UBC and inspected by a private inspector, and screening of applicants. The following persons spoke **in favor** of the proposed facility: Southwest Open School - students **Michael Lawrence, Marco Yazzie, and Regina Yanito** and teachers **Christine Stramel and Shawn Edwards** and Southwest Mental Health representative **Mary Buchran and Karen Lovelien**. The following persons spoke **against** the proposed facility: **Ted Neergaard, Barbara Shanner, Jim Shanner, Connie Neergaard, Angela Harper, David Bowen, Nellie Allum, David Henneman, Gary Stevens, and Geoffry Carlson**. Issues mentioned and discussed were the need for this facility in the community, staffing, security of facility, and the risk of the health and safety of residents in the neighborhood. Comm Story made a motion to **deny** the application for the high impact permit based on the adverse effect and risk of the health and safety of the neighborhood. The motion was seconded by Comm Wilson, and carried.

DISTRICT ATTORNEY Joe Olt presented his budget proposal for the District Attorney's office.

COLORADO DEPARTMENT OF TRANSPORTATION (CDOT): CDOT representative **Richard Reynolds** introduced new CDOT Commissioner **Steve Parker**, and other employees – **Ed Demming, Mitch Kumar, John Novara, Laurie Blanz, Jim Saunders, and Carl Watson**. Also present was Town of Mancos representative **Tom Glover**. Mr. Reynolds presented a chart and gave an update on budget issues, projects and funding. Discussed completion of recent projects. Future projects in southwest Colorado that need to be addressed at the upcoming transportation meeting were mentioned and discussed.

ADJOURNED at 5:00 p.m.

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 5, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 5, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, October 29, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

PAYROLL: General fund payroll in the amount of \$189,729.38, District Attorney voucher #37770 in the amount of \$17,906.15, Treasurer voucher #37771 in the amount of \$149,821.06; Road department fund payroll in the amount of \$59,549.61, Treasurer voucher #15171 in the amount of \$51,889.81; and Landfill fund payroll in the amount of \$11,477.03, Treasurer voucher #2752 in the amount of \$7,913.24 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-19-01** to the Treasurer to pay \$1,792.47 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Lindsay and carried.

BOND INTEREST FUND NO. 152 ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-20-01** to the Treasurer to transfer \$266,170.00 from the Bond Interest Fund No. 152 to the General Fund for the operation of the Montezuma County Jail and Community Correction for 2001. The motion was seconded by Comm Lindsay and carried.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) working on mountain roads, (b) most of equipment purchased from CDOT is now in county – discussed condition, etc. of the equipment, (c) still working on CR 23, and (d) county shop landscaping completed – discussed need to look at improvement of other shops. Discussed: (1) complaint about condition of CR X (between CR 21 and 22) – will check, and (2) need for additional 4-way stop signs – recommended road department meet with Sheriff's department to discuss these areas. Requested informational sheet on each district's roads – paved, graveled, etc. Received compliment on CR 25 project.

NOXIOUS WEED CONTROL PROGRAM: County Weed Program Manager **Ron Lanier** met to discuss cost-share monies and stated that those funds have been expended for 2001. He stated that there were a few of the 3,000 approved applications that are still outstanding. He asked for approval to pay remaining cost-share amounts from income generated by the weed program. This was affirmed. He reported that they will be upgrading the weed truck – computer, etc. Mentioned upcoming Colorado Weed Member Association meeting scheduled for early December 2001. It was affirmed that budgeted funds from the weed control program will cover travel expenses for any board member who wishes to attend. Discussed weed control program and funding in regard to Cortez, Dolores, and Mancos municipalities. Requested Manager Lanier to prepare information for submission to City of Cortez on weed program.

COUNTY CONTRIBUTIONS TO LOCAL PROGRAMS: Several departments were asked to submit information about county contributions that benefit the entire community.

SOCIAL SERVICES Director **Dennis Story** presented, for review, a lease agreement for space. Comm Wilson moved to sign the modified "Lease Agreement between Slavens, Inc., and Montezuma County Department of Social Services" for January 1, 2002 to December 31, 2002, seconded by Comm Lindsay and carried.

PROPOSED MONTEZUMA COUNTY REDISTRICTING: **Rob Peterka** presented the final Commissioners redistricting map for review. Comm Wilson moved to sign the Official County Commissioners Districts Map, mapped as of October 2001 and records referred to on that map (see attached), seconded by Comm Lindsay and carried.

ADJOURNED at 12:00 noon.

Deputy Clerk
November 5, 2001

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 19, 2001**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 19, 2001, at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, November 5, 2001, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: General fund warrants #37768 thru #37967 in the amount of \$183,302.45, Road department fund warrants #15180 thru #15259 in the amount \$77,885.24, Landfill department fund warrants #2761 thru #2793 in the amount of \$24,820.02 and Correction facility fund warrants #74 thru #93 in the amount of \$463,291.65 were approved for payment.

TREASURER REPORT for month of October 2001 was received and noted.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) sealing cracks and fixing signs, (b) ordered plastic runners for corner of CR 29 and M – will check with Sheriff department for 4-way stop approval for the corner, (c) hauling gravel to CR 23, and (d) working on Hay Camp road.

EMERGENCY MEDICAL SERVICE (EMS) representatives **Gary Woolsey and Tom Stephenson** presented a proposal for a private ambulance service, which will replace the ambulance now provided by Southwest Hospital Systems (SHS). They asked the Board for a letter of support. This was affirmed.

LANDFILL Manager **Debby Barton** presented the following reports: (a) Profit and Loss Statement for 2001 versus 2000 for the month of October, (b) Montezuma County Landfill Financial Information Summary, (c) Activity Sheet – City of Cortez, (d) Break out of Tonnages by Customer and/or Waste Type, (e) Proposed Rate Structure Effective January 1, 2002 versus 2001, (f) Cortez Fire Protection District Cost Avoidance Disposal Charges, and (g) information "Guidance on Precautions for Solid Waste Workers Handling Wastes Potentially Contaminated with Anthrax" for review.

SOUTHWEST HEALTH SYSTEMS – SOUTHWEST MEMORIAL HOSPITAL: Administrator **Bob Peterson** and Chief of Operations **George Brisson** presented Southwest Memorial Hospital financial documents – "Monthly Operating Report and Operating Indicators for the Period Ended September 30, 2001 and 2000, Volume Comparison 2001 to 2000, Return on Assets, Acid Test Ratio, Current Ratio, and Monthly Operating Report for Period Ended October 31, 2001 and 2000" for review. Discussed remodeling projects and purchase of downtown building. Architect **Charles Hubbard** was present.

MONTEZUMA LAND CONSERVANCY: **David Nichols and Nina Williams** introduced themselves as the new directors of the organization. They gave an update on their activities and asked for a donation of \$1,000.00 from the lottery funds to help pay for their programs. Action was tabled until county budget process is completed.

LAKESIDE MOBILE HOME PARK AND ESTATES: Sanitation Manager **Mick Periman**, Colorado Department of Health (Durango) inspector **Greg Brand**, owner **Drew Cleland, Del Cook**, and Cortez Sanitation District Interim Manager **Jay Conner** met to discuss the Park's sanitation situation (see minutes of October 8, 2001). Discussed future development, fees/application and conditions for permit on Lakeside Waste Water Treatment Plant proposal, which will be submitted to the Colorado State Department of Health. ***** **Later** in the day Sanitation Manger **Mick Periman** met to discuss finalization of conditions, etc. to be included in the written comment letter.

SHERIFF Joey Chavez presented the Southwest Colorado Mental Health Service Agreement for review. Comm Wilson moved to sign the Sheriff Department "Professional Mental Health Service Agreement," between Southwest Colorado Mental Health Center, Inc., and Montezuma County for 2001/2002, seconded by Comm Lindsay and carried. COPS-CIS grant application was signed (see minutes of May 7, 2001).

LANDOWNER Jack Morrill met to discuss proposed boundary changes between his and neighboring properties. Tentative approval was affirmed with no upgrade of current access. Planning Manager **Karen Welch** was present.

BOARD OF SOCIAL SERVICES was conducted.

MONTEZUMA COUNTY CLICKS – HONORARY PROCLAMATION was signed.

FAIR BOARD representatives **Darrell Dennison and Rob Yates** met to discuss two vacancies on the Fair Board. Noted was resignation from Gary Apple, advertised notice of vacancies, and two applications for review. Comm Wilson moved to appoint **Jana Belcher** for the remaining three (3) years of Gary Apple's term and **Brenda Knapp** for a four (4) year term, seconded by Comm Lindsay and carried.

LIQUOR LICENSE: Deputy Clerk **Judy Follman** presented (1) an application for Transfer of Ownership for the "Hotel/Restaurant Liquor License" for the **Roundup Junction Restaurant, Inc.** from Susan Hansen to Justin and Susie Honaker and (2) an application for a temporary liquor license for the establishment. Deputy Clerk **Tammy Neely** was present. Ownership was discussed. The Sheriff Department reported no problem with the establishment. *******Later** in the afternoon Deputy Clerk Follman presented documents showing ownership. It was affirmed that no public hearing would be required. Comm Wilson made a motion to approve the application for Transfer of Ownership for the "Hotel/Restaurant Liquor License and a Temporary Liquor License for the Roundup Junction Restaurant, Inc., contingent on receipt of fingerprint information. The motion was seconded by Comm Lindsay and carried.

WEBER CANYON RANCH CLUSTER INCENTIVE PLANNED UNIT DEVELOPMENT: Comm Wilson moved to approve and sign the final plat for the Weber Canyon Ranch Cluster Incentive PUD, seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** presented planning resolution **P-12-01E**, whereas **Vesta Butler**, owner of 81 acres which is bisected by CR R, would like to record an exemption to the subdivision regulations for the northern portion of the parcel comprising 32.67 acres, leaving the southern portion which is in excess of 35 acres in Section 36, T. 37N., R.16W. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Presented two verbal requests as follows: (1) **Trent Carver** – property boundary change – tentative approval, and (2) **Siglindee Dorencamp** – sell Dawson Lake Store/one acre commercial property – tentative approval contingent on no residential use of mobile, septic system permit, and CDOT change of use permit. **Siglindee Dorencamp** was present.

JUSTICE BUILDING – REPLACE CARPET: Four bids, with option, were received to replace carpet in the Justice Building as follows: (1) River Valley Interiors -- $\$887.69 + \$7,483.93 = \text{total } \$8,371.62$, (2) Tom's Floor Covering -- $\$1,176.27 + \$8,554.04 = \text{total } \$9,730.31$, (3) House of Carpets = total $\$9,491.53$, and (4) Top Line Floors = total $\$10,229.60$. **Bill Bedker** was present. Comm Wilson moved to accept the bid from the River Valley Interiors in the amount of $\$8,371.62$, seconded by Comm Lindsay and carried.

ADJOURNED at 4:00 p.m.

Deputy Clerk
November 19, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 3, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 3, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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 19, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

SUMMONS from District Court, Montezuma County, CO, received November 27, 2001, from plaintiff-appellant **Scott Davis and Liallian Ramey dba ASPIRE** vs defendant-appellee Board of County Commissioners, Montezuma County, CO was noted. A copy was sent to the insurance company.

PAYROLL: General fund payroll in the amount of \$194,495.22, District Attorney voucher #37970 in the amount of \$18,314.15, Treasurer voucher #37971 in the amount of \$152,238.46; Road department fund payroll in the amount of \$56,183.41, Treasurer voucher #152161 in the amount of \$49,467.64; and Landfill fund payroll in the amount of \$11,118.24, Treasurer voucher #2795 in the amount of \$8,085.99 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-21-01** to the Treasurer to pay \$1,792.47 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) working on reinstalling gate on Chicken Creek Road, (b) will work on CR P this week, and (c) plowing, sanding and blading roads. Discussed: (1) Salter Y - plowing of snow to corrals, (2) suggestion to put out working signs when blading roads – will discuss, (3) 4-way stop at CR 29 and M - have received approval from the Sheriff to install stop signs (change in plans – will paint white line and perhaps use flashers instead of plastic runners, because of snow removal problems), and (4) compliment on culvert work on CR 21.

EMERGENCY MEDICAL SERVICE (EMS) representative **Ed Martinez** presented and read a letter from the employees of the Southwest Memorial Ambulance (see attached). Discussed the proposal and the request for a letter of support from the Board. The Board requested Mr. Martinez obtain a letter from the Southwest Health Systems (SHS) Board expressing their approval/disapproval for the proposal. Mr. Martinez affirmed such would be acquired and submitted to the Board.

SOUTHWEST LIVESTOCK CATTLEMEN ASSOCIATION: Advisory Board member **James Suckla** met to discuss issues in regard to several Freedom Act articles and grazing/possessory interest.

ABATEMENT: Assessor office representative **Dona Dunsmore** being present, a petition for abatement of property tax was presented for **Rainer, Sutcliffe, Rainer LLC**, 1999, erroneous assessment, \$1,210.18 and 2000, erroneous assessment, \$1,365.48. The Assessor's office recommends approval. Comm Wilson moved to approve this petition, seconded by Comm Lindsay and carried.

REALIGNMENT OF COUNTY ROAD F - AIRPORT: **Russ Machen** presented information on the request for realignment. Comm Wilson moved to adopt **Resolution No. 10-2001 – A Resolution for the Realignment of County Road F**, seconded by Comm Story and carried.

WEED CONTROL PROGRAM Manager **Ron Lanier** presented “2001 Montezuma County Weed Cost-Share Program, Financial Report” and “Weed Variety Infestation 2001 Report” (see attached). Discussed reports, weed mapping, budget and weed control/public lands.

CATHERINE LICHLITER SUBDIVISION: Comm Wilson made moved to approve and sign the final plat for the Catherine Lichliter Subdivision, seconded by Comm Story and carried.

PLANNING Manager **Karen Welch** presented written findings in regard to the ASPIRE summons. Comm Story moved to approve and sign the submitted written findings (see attached), seconded by Comm Wilson and carried.

CORTEZ CEMETERY DISTRICT BOARD: Applications received from the advertised public notice of a vacancy on the Cortez Cemetery Board were reviewed. Comm Wilson was recused because of a conflict of interest. Comm Story moved to appoint **Louise Long** to a 3-year term (2002-2003-2004) to the Cortez Cemetery District Board, seconded by Comm Lindsay and carried.

STATUTES were reviewed in regard to impact fees (capital facilities).

PUBLIC HEARING – STONER CREEK PRESERVE – PROPOSED HIGH IMPACT PERMIT NUMBER 421: It being the time set aside, a public hearing is being held to consider a High Impact Permit application for Stoner Creek Preserve. The proposed development will consist of a recreational facility, golf course and residential uses. The physical address of the property is 25955 Hwy 145, Dolores, CO. Said property is located in Sections 5 and 6, T.38 and 39N, R.13W on 390 acres, more or less, and is situated on the south side of Hwy 145. The roll was called, the public notice read, and the proceedings were taped for the record. Present were developers of the project **Peter Jamar and Dan Kirst**, attorneys **Tom Kinney and Bart Johnson**, Wright Water Engineers, Inc. representatives **Jonathan Jones and Charles Lawler**, owners of 70 acres of the proposed area **Marvin and Pat Redburn**, Planning Manager **Karen Welch** and **thirty-two** other interested persons. Manager Welch gave an overview of the application and stated that the Planning Commission members voted to recommend approval of the permit to the Board of County Commissioners with a public hearing being set to consider the following conditions – (1) all State and Federal permits are obtained including, but not limited to, Colorado Department of Transportation, Army Corp of Engineers, Colorado Department of Public Health and Environment, FEMA, and (2) a performance/reclamation bond is posted prior to starting construction. **Peter Jamar** introduced **Dan Kirst and Marvin Redburn**. He gave a background of the project and presented a map showing the proposed development of the property (proposed location of the cabins, golf course, roads - information about water and engineered septic systems - use of the property). Comm Lindsay noted letters **against** the proposal from **Tim Hovezak and Leslie Sesler** (see attached). Approximately **eleven** persons spoke in **support** of the proposal, **several** expressed questions, and **two** stated they did **not support** the proposal. Supporters of the proposal stated they felt it would be good for the economy of the area and that they would rather see this type of development instead of gravel pits. Non-supporters stated their concerns and questions about the following: size of homes, water rights, cost of using facility, sanitation, use should remain rural, flood plain, use of pesticides (monitoring), set backs from the river, need for standards to protect the area (development of long-term plan) and storm water run off (parking lot). These were discussed. After a recess, Wright Water Engineer Jonathan Jones presented “Stoner Creek Preserve Golf Course: Water Quality Protection Program” (see attached). This was discussed. The Board requested that the developers prepare an explicit written “Water Quality Monitoring Plan” for review. The Board affirmed that the public hearing be continued to Monday, December 10, 2001, at 1:30 p.m.

ADJOURNED at 4:15 p.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 10, 2001**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 10, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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, December 3, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

SOUTHWEST MEMORIAL HOSPITAL: Jackie Bloink expressed concerns about patient safety at the hospital.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) piling 3" gravel – Roundup, and (b) blading roads. Discussed: (1) Salter Y – plowing snow to corrals (some of area in Dolores County). **Jim Candelaria** was present and stated his thanks for the plowing. The Board will discuss the road maintenance in this area with the Dolores County Board of County Commissioners the next time they met with them. (2) condition of Dolores/Norwood road – needs gravel, (3) new purchased trucks – all doing great, (4) CR G (east of CO2 plant) – when icy it needs sanding earlier and maybe should consider mag-chloride, (5) complaint CR N – traffic and speed the problem.

LANDFILL Manager **Debby Barton** presented the following reports (see attached): (a) Profit and Loss Statement for 2001 versus 2000 for the month of November, (b) Financial Information Summary, (c) State of Colorado letters in regard to Landfill inspection and County reply, and (e) Safety pamphlet for review. Discussed the proposed Rate Structure Effective January 1, 2002.

LANDFILL RATE STRUCTURE: Comm Story moved to adopt the "Landfill Rate Structure Effect January 1, 2002" (see attached), seconded by Comm Wilson and carried.

ROAD 23 IMPROVEMENT DISTRICT representative **Archie Hanson** presented information about the proposed improvement district petition -- petition with exhibits "A" - map, "B" list of property owners and signed petitions, and "C" payment schedule (see attached). The project was discussed. It was noted that all monies for the proposed district will be collected and paid to the county before any improvements are started. A public hearing was schedule for Monday, January 21, 2002, at 10:30 a.m.

LEADERSHIP MONTEZUMA representatives **Christine Acott and Joan Luhman** presented information about the organization and asked for support and a donation to help sponsor the Leadership Montezuma opening retreat at the Crow Canyon Archaeological Center. Comm Story moved to support the organization and give \$2,000.00, seconded by Comm Wilson and carried.

PUBLIC HEARING – 2001 AMENDED BUDGET AND 2002 BUDGET: It being the time set aside, a Public Hearing was conducted regarding the 2001 amended budget and the proposed 2002 budget. The roll was

called, the proofs of publications read, and the proceedings were taped for the record. Sheriff **Joey Chavez**, Undersheriff **Sam Hager**, Social Services Director **Dennis Story and Kathy Talcott** were present. **2001 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. Comm Wilson read the resolution for the record. There being no protest against the proposed amended budget, a motion was made by Comm Wilson to adopt **Resolution #11-2001**, authorizing the Supplemental Budget and Appropriation. The motion was seconded by Comm Story and carried. **2002 Budget:** Finance Officer **Mary Ann Sanders** presented the proposed 2002 budget. Comm Wilson read the resolutions for the record. There was no protest against the proposed budget and no changes were made. Comm Wilson made a motion to adopt **Resolution #12-2001**, To Adopt a Budget for Montezuma County, Colorado For the Calendar Year Beginning on the First Day of January 2002 and Ending on the Last Day of December 2002. The motion was seconded by Comm Story and carried. Comm Wilson made a motion to adopt **Resolution #13-2001**, To Set Mill Levies. The mill levy is set at 14.254 - same as last year's mill levy. The motion was seconded by Comm Story and carried. Comm Wilson made a motion to adopt **Resolution #14-2001**, To Appropriate Sums of Money (\$18,361,180.00) in accordance with Local Government Budget law on December 10, 2001. The motion was seconded by Comm Story and carried.

BOARD OF SOCIAL SERVICES was conducted.

LAKESIDE MOBILE HOME PARK AND ESTATES: Sanitation Manger **Mick Periman** presented a written comment letter to the Colorado State Department of Health in regard to the Lakeside Waste Water Treatment Plant proposal for review. The letter was signed.

UNITED WAY FUND representatives **Tara Ammon and Christine Acott** presented a brochure and information about the various programs supported by the organization. Comm Story moved to give \$1,000.00 to the United Way Fund, seconded by Comm Wilson and carried.

HEALTH DEPARTMENT Director **Lori Cooper** presented the "Emergency Mutual Aid and Assistance Agreement for Local Colorado Public Health Agencies" for review. Comm Wilson moved to sign the agreement, seconded by Comm Story and carried. She gave an update on the flu shot program.

JIM ADAM'S SUBDIVISION: Comm Story moved to approve and sign the final plat for the Jim Adam's Subdivision, Tract 3, Merritt Properties, seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented verbal requests as follows: (1) **Jeff Painter** – attach .42 acres from adjoining landowner (will not be a separate tract) – tentative approval, (2) **Neil and Terry Jones** – boundary adjustment between adjoining properties - tentative approval.

EMERGENCY MEDICAL SERVICES (EMSP) SUBSIDY PROGRAM FOR COUNTIES: Comm Story made a motion to sign Contract Renewal Letter No. 4 for FLA 0200211 between the State of Colorado Department of Public and Health and Environment EMSP Division and the Board of County Commissioners, for January 1, 2002 through December 31, 2002. The motion was seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** presented draft of Memorandum of Understanding between the Bureau of Land Management and Montezuma County in regard to the "Canyon of the Ancients National Monument Resource Management Plan" and "Authorities" Attachment 2 (NEPA Section 101 added) for review.

DISTRICT ATTORNEY/SHERIFF DEPARTMENT PERSONNEL: District Attorney **Joe Olt** and **Hugh Richards** met with the Board. District Attorney Olt stated that Mr. Richards resigned from the Sheriff's department effective December 7, 2001 and was hired by him effective December 10, 2001. Questions in regard to Mr. Richards' vacation and comp time were discussed. ***** **Later in the day**, Sheriff **Joey Chavez** presented questions about the same issue. It was affirmed that Mr. Richards resigned the Sheriff's office as of December 7, 2001 and was hired by the District Attorney's office as of December 10, 2001. The Sheriff's office will pay for earned vacation and comp time through December 7th. The District Attorney's office will be responsible for all earned vacation time beginning December 10th forward. It was also noted that the District Attorney's 2001 budget will be short and the 2002 will be decreased for the shortfall. Finance Office **Mary Ann Sanders** was present both times.

CONTINUED PUBLIC HEARING – STONER CREEK PRESERVE – PROPOSED HIGH IMPACT PERMIT NUMBER 421: It being the time set aside, a public hearing is being continued to consider a High Impact Permit application for the Stoner Creek Preserve. The roll was called and the proceedings were taped for the record. Present was developer **Peter Jamar**, Planning Manager **Karen Welch** and **five** other interested persons (see attached list). Manger Welch stated that Water Engineer Steve Harris has been contacted to serve as a consultant to the Board and will review any presented Water Quality Protection Plan on the County’s behalf. Mr. Jamar presented the “Commitment for Stoner Creek Preserve Golf Course Water Quality Protection Plan” and “Golf Course – Surface Water and Ground Water Monitoring Locations Map” for review. The plan and the map were discussed and it was noted that these will be sent to Engr Harris for his review and comments. The Board affirmed that the public hearing be continued to Monday, December 17, 2001 at 10:30 a.m.

ADJOURNED at 3:30 p.m.

Deputy Clerk
December 10, 2001

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 17, 2001

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 17, 2001, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman
G. Eugene Story, 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, December 10, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

TREASURER and **SHERIFF** monthly reports for November 2001 were received and noted.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) sanding and (b) crusher is still at Hay Camp.

RESIDENT Herman Rosas, who is employed at the Landfill, presented his business proposal to pick-up residential neighbors' trash and take it to the landfill on his day off. He stated he would only take trash to the landfill during regular hours and would abide by the same rules as other trash haulers. Landfill Manger **Debby Barton** was present. Conflict of interest and workmen comp concerns were discussed. Other trash haulers would be notified that the county is not involved with Mr. Rosas' business. Manager Barton stated she would prepare an "Agreement of Understanding" for presentation to the Board. It was noted that the county does not have the authority to control what a person does on his time off. Mr. Rosas stated he would keep the Board informed about the business on a monthly basis.

CORTEZ CEMETERY DISTRICT BOARD: It was noted that Louise Long, who was appointed to the District Board on December 3, 2001, does not live in the district, and therefore is not qualified to be a member. Other applications were reviewed again. Comm Wilson was recused because of a conflict of interest. Comm Story moved to appoint **Patty Thomas** to a 3-year term (2002-2003-2004) to the Cortez Cemetery District Board, seconded by Comm Story and carried.

LANDOWNER Charles Albert Campbell gave information about the proposed 2-lot Campbell Minor Subdivision (development for the Campbell Family Trust and Elaine Campbell Brown). Planning Manager **Karen Welch** was present. Mr. Campbell asked that the 30' easement requirement be waived. Manager Welch presented a sketch plan and stated the Planning Commission recommended approval contingent on a 30' easement. After discussion, tentative approval was given for the 2-lot subdivision, contingent on a 30' easement with a maximum running surface of 18'.

HARRIS WATER ENGINEERING owner **Steve Harris** gave information on his review of the proposed Stoner Creek Preserve Water System and Sewage Disposal System, and his recommended revisions to the Golf Course Water Quality Protection Plan.

HEALTH DEPARTMENT Director **Lori Cooper** presented the “**Immunization Contract**” between the Department of Health and the Montezuma County Board of Commissioners effective January 1, 2002 thru December 31, 2002, for review. Comm Wilson moved to sign the contract, seconded by Comm Story and carried.

LETTER to Attorney Jon Lewis Kelly in regard to Scot Davis and Lillain Ramey, dba A.S.P.I.R.E. was signed (see attached).

MONTEZUMA COUNTY FAIRGROUNDS ADVISORY COMMITTEE “2002 Recommendations” were reviewed. Comm Story moved to approve the recommendations (see attached), seconded by Comm Wilson and carried.

AREA AGENCY ON AGING – SENIOR CENTER: Request for \$400.00 to buy items needed for the pool table given to the center by the Masonic lodge was presented and discussed (see attached). Comm Wilson moved to donate lottery funds in the amount of \$400.00, seconded by Comm Story and carried.

CONTINUED PUBLIC HEARING – STONER CREEK PRESERVE – PROPOSED HIGH IMPACT PERMIT NUMBER 421: It being the time set aside, a public hearing is being continued to consider a High Impact Permit application for the Stoner Creek Preserve. The roll was called and the proceedings were taped for the record. Present were developer **Peter Jamar** and **Dan (Yogi) Kirst**, attorneys **Tom Kinney** and **Bart Johnson**, Wright Water Engineers, Inc. representatives **Jonathan Jones** and **Bob Wright**, Harris Water Engineering owner **Steve Harris**, Planning Manager **Karen Welch** and twenty other interested persons. Engineer Harris gave an overview of his review of the proposal Water System, Sewage Disposal System and Water Quality Protection Plan (see attached) and his recommended revisions. Discussed need for baseline soil sample report and timely submission of the results to the county or their representative. It was affirmed that lab results will be mailed immediately and a Year End Report submitted once a year. Other concerns mentioned by the public were oversight, emergency response and personnel training in regard to pollution, adequate testing, and water monitoring – long-term cumulative effects. Comm Story made a motion to approve the Stoner Creek Preserve High Impact Permit Number 421, contingent on written findings that will be prepared for review on Monday, January 7, 2002. The motion was seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented planning resolution **P-23-Amended**, whereas **Neil and Terry Jones**, owner of 3.27 acres (see resolution P-23-84) would like to record an exemption to the subdivision regulations to amend said exemption to allow for inclusion of the circular driveway in the legal description of their parcel. The amended parcel will contain 3.39 acres in Section 4, T.36N., R.16W. The second parcel, containing 2.91 acres, also described in the above mentioned resolution, will remain unchanged. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Presented Planning Commission information and recommendation for the following two requests: **(1) Tierra Properties** – request to develop a general PUD consisting of 19-20 home sites on 1/2 acre parcels, etc. - request was withdrawn by the developers, and **(2) Dan Jones & Sons Landscaping Products** – approve high impact permit as presented and waive public hearing – Comm Story moved to approve the request as recommended by the Planning Commission and waive the public hearing, seconded by Comm Wilson and carried. Timeframe for public hearing to address proposed Land Use Code changes was discussed. Initially proposed changes to the code will be presented at the January planning commission meeting.

UNIFORM-INTERNATIONAL BUILDING CODE statutes were discussed.

ADJOURNED at 12:30 p.m. -- Commissioners Christmas Open House.

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