

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 7, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 7, 2002, 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, December 17, 2001, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried. It was noted and affirmed that a correction is made on December 10, 2001, minutes - second page, heading "District Attorney/Sheriff Department Personnel, ninth sentence, word "adjusted" be deleted and replaced with "decreased."

PAYROLL: General fund payroll in the amount of \$195,573.60, District Attorney voucher #38155 in the amount of \$17,636.24, Treasurer voucher #38156 in the amount of \$151,429.26; Road department fund payroll in the amount of \$56,651.81, Treasurer voucher #15343 in the amount of \$49,817.08; and Landfill fund payroll in the amount of \$11,049.34, Treasurer voucher #2832 in the amount of \$8,097.94.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-01-02** to the Treasurer to pay \$1,791.87 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) putting up signs, and repairing equipment. Discussed complain about CR 28 (road to Lee's Mobile Home Park) – road has been mag-chlorided – need to wait until spring thaw to work on it.

LANDOWNER Kevin McComb (intersection of CR 23 and CR L) met to discuss proposed paving district to chip-seal CR 23. Road Department Foreman **Jay Palmer** was present. After discussion, Mr. McComb was informed of the public hearing scheduled for January 21, 2002, to address any public input about the proposed paving district.

PLANNING Manager **Karen Welch** presented draft findings for the **Stoner Creek Preserve** High Impact Permit Number 421 for review. Developer **Dan (Yogi) Kirst** was present and stated the project is on hold pending acquisition of a parcel of land. Final findings will reflect this information and will be presented on January 14, 2002, for review. Manager Welch presented a verbal request for **Wayne and Debbie Frans** to attach additional land from an adjoining parcel to a separate .33 acre parcel with a home to create a 3 acre parcel. The request was tentatively approved.

LANDOWNERS Jim and Kelly Candelarie asked for clarification on: (a) process for approval to construct commercial storage units, on a small parcel, and (b) how to certify that the units meet the UBC standard. They were informed that since there will be a "change of use," they will need to submit an application for a high impact permit and meet with the planning commission. It was noted that any qualified person may certify UBC standards.

HEALTH DEPARTMENT Director **Lori Cooper** presented the department's "Revenue Report for 2001" for review. Planned parenthood issues were discussed. A letter will be submitted to the legislature to encourage funding for the planned parenthood program.

COUNTY REVOLVING LOAN FUND: A request (see attached) from **Dale G. Strietzel, DDS**, (Mancos Family Dentistry -- Mancos Health Clinic) for financial support thru the County Revolving Loan Fund was discussed. Comm Wilson moved to approve a guaranteed \$25,000.00 loan, seconded by Comm Story and carried. Health Department Director **Lori Cooper** was present.

2002 ANNUAL FIRE OPERATING PLAN FOR MONTEZUMA COUNTY – COLORADO STATE FOREST SERVICE was presented by Sheriff **Joey Chavez**. Support for the plan was affirmed.

SHERIFF Joey Chavez stated that three appointments to the Community Corrections Board have expired. It was affirmed that the positions will be advertised. Discussed the request for additional space for the County Court, when remodel is done for the community corrections space at the old jail – will look at space today during the inspection tour.

SAN JUAN BASIN AREA AGENCY ON AGING (AAA): Comm Story moved to appoint Comm Glenn "Kelly" Wilson to the AAA Board, seconded by Comm Lindsay and carried.

SOUTHWEST WATER CONSERVATION BOARD (SWWCB): Comm Wilson moved to reappoint **John Porter** to the SWWCB, seconded by Comm Story and carried.

ADJOURNED for inspection tour of the new Jail Facility and the old jail/community correction facility.

LANDFILL Manager **Debby Barton** presented the "Profit and Loss Statement for 2001 versus 2000 for the month of December" and other graphs (see attached) for review.

OFFICE OF COMMUNITY SERVICES: Mike Preston presented information on applying for impact grant monies to help fund land use planning decisions in the Dolores River Valley water shed area.

MOUNTAIN JERRY MODERATE SUBDIVISION: Comm Story moved to approve and sign the final plat for the Mountain Jerry Moderate Subdivision, seconded by Comm Wilson and carried.

ADJOURNED at 3:45 p.m.

Deputy Clerk
January 7, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 14, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 14, 2002, 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 7, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ELECTION OF OFFICIALS FOR 2002: 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 2002: Comm Wilson moved to appoint Bob Slough as County Attorney and Thomas J. Weaver as County Administrator and Budget Officer, seconded by Comm Story 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 -- TPR: Comm Story Alternate: Comm Lindsay
Area Agency on Aging (AAA) Board: Comm Wilson (see minutes 1-7-02)
Legal Publications: Cortez Journal, Mancos Times, Dolores Star
Veteran's Officer: W. (Bud) Carriere – 3 years (2002-2003-2004)

ROAD DEPARTMENT Foreman **Jim Becher** reported on department activities: (a) received complaint after blading CR 22, (b) CR 29 & M intersection – 4-way stop signs are in place and painting done, and (c) will start this week asphalt patching of parking lots for Cortez School District. Discussed: (1) Oak Street Bridge: comment from resident that the bridge gets slick in the middle when it is icy - will check, (2) County Shop landscaping - several trees have died (will check on guarantee for replacement), (3) 2002 Road Plan – Board needs a copy, (4) road count data - Board needs to look at data, and (5) the need for another article in the paper explaining condition of county roads.

ADDENDUM TO THE MONTEZUMA COUNTY LAND USE PLAN: The Commissioners discussed with staff the possibility of drafting an addendum to the County Land Use Plan to specifically evaluate the impacts of potential development scenarios in the Dolores River Valley and the West Fork of the Dolores River and make application for energy impact grant monies for planning. Comm Story moved to draft the addendum and make application to the Department of Local Affairs for energy impact grant monies for planning, seconded by Comm Wilson and carried.

HEALTH DEPARTMENT Director **Lori Cooper** presented information about available state monies to the county to do services that have been deleted by the State for the Planned Parenthood program. The Board affirmed that, at this time, the monies will not be applied for. Action is tabled.

WESTERN SLOPE NO-FEE COALITION representatives **Kitty Benzas, Jan Holt and Rudy Ortiz** presented articles and resolutions supporting the repeal of fees. They asked the Board to adopt a resolution supporting a repeal of fees for recreational use of public lands. **Don Forth** was also present and expressed his opinion against the fees. After discussion a resolution was prepared. Comm Story made a motion to adopt **Resolution No. 1-2002**, whereas now therefore be it resolved, that the Board of County Commissioners of Montezuma County hereby requests that no recreational fees be imposed on Federal lands in our vicinity under the Recreational Fee Demonstration Program. The motion was seconded by Comm Wilson. Comm Lindsay voted “aye”, Comm Story voted “aye” and Comm Wilson voted “nay” – the motion carried.

NOXIOUS WEED CONTROL PROGRAM: Landowner **Pat Jans** stated that he hired a company that furnishes goats to help eradicate weeds on 50 acres of his ranch. He asked if he could apply for funds from the cost share weed control program. The Board advised him to present the question to the Noxious Weed Control Board.

SOIL CONSERVATION DISTRICT representative **Don Foth** presented a letter, for review and signature, to the State congressional members thanking them for their support with grant monies for the noxious weed control program in Montezuma County. The letter was signed.

PLANNING Manager **Karen Welch** presented written findings (see attached) in regard to the “Stoner Creek Preserve, LLC” High Impact Permit No. 421. **Peter Jamar** was present. Comm Story moved to approve, sign and attach the written findings to HIP No. 421, seconded by Comm Wilson and carried. Presented draft proposal changes to the Land Use Plan for review. These were discussed. Discussed proposed boundary changes involving three lots in the Lost Canyon Estates Subdivision. Tabled until all owners within the subdivision sign off on the proposed changes.

BOY SCOUT ROAD PROJECT – HAY CAMP AREA: Representative **R. T. Scott** presented information about the project and asked if the county could help them with some gravel. It was noted that the Boy Scout Organization would do the hauling. After discussion, Comm Wilson moved to provide 1,500 yards of 3” gravel from the Hay Camp gravel pit to help on the road project, seconded by Comm Story and carried. Mr. Scott was advised to contact Adm Weaver when they are ready for the gravel.

MONTEZUMA COUNTY TREATMENT CENTER (OLD JAIL/COMMUNITY CORRECTIONS FACILITY): Comm Story made a motion to sign the contract between Archetype Design Group, Inc./James A. Lichty, and the Montezuma County Commissioners for the renovations and improvements to the Montezuma County Treatment Center project. The motion was seconded by Comm Wilson and carried.

COMMUNITY CORRECTIONS: Sheriff **Joey Chavez** presented applications for vacancies on the Community Corrections Board. Comm Wilson moved to appoint Vici Worcester, Elsie Green, Fred Thomas, Rita Burke, and Graham Johnson to three-year terms (2002-2003-2004), seconded by Comm Story and carried.

INTERNATIONAL BUILDING CODE (IBC) WORKSHOP: **Wade Green, Frank Cavaliere, Bruce Smart, Hal Shepherd, Betty Farlow, Karen Welch, Dewayne Findley, and Rob Peterka** were present. Discussed the following in regard to adoption of the IBC for commercial/industrial properties as an addendum to the County Land Use Code: (a) water flow – sprinkler systems, etc.. (b) fees – permit, etc., (c) life, health and safety issues, and (d) inspections – City of Cortez vs. private.

SENIOR CENTER (Annex) Director **Sue Fletcher** presented information on a transportation grant. Comm Story made a motion to adopt **Resolution No. 2-2002**, authorizing an Intergovernmental agreement with the State Department of Transportation, Division of Transportation Development, for the provision of public transportation services in non-urbanized areas to purchase a bus and cover operating and maintenance costs for such. The motion was seconded by Comm Wilson and carried. The insurance company will be notified.

ADJOURNED at 4:15 p.m.

Deputy Clerk
January 14, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 21, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 21, 2002, 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, January 14, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

MONTHLY REPORTS were received from the Treasurer and Sheriff for the month of December 2001.

ROAD DEPARTMENT: Randy Smith reported on department activities: (a) loader rebuilt and back for use, (b) painting loader and truck, (c) chopping brush, (d) blading roads, (e) crusher repaired – now at Hay Camp gravel pit, and (f) expanding Hay Camp gravel pit – trade in process.

APPLICATION for energy impact grant monies by Montezuma County for the Dolores River Valley Plan was signed.

COUNTY PROPERTY: Realtor **Lloyd Wallace** 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. Survey of the parcel was presented (see minutes of August 13, 2001). After discussion, a public hearing was set for Monday, February 25, 2002, at 10:00 a.m. for public in-put. It was reiterated (see minutes of February 12, 2001) that after the public hearing the parcel will be published for bids in the newspaper. Planning Manager **Karen Welch** and **Rob Petraka** were present.

TOWN OF DOLORES representatives **Ronda Lancaster** and **Kim Williford** presented an energy impact grant application in regard to the proposed project - Dolores Water System Upgrades. The application will be considered. **Jim Moore** was also present.

TOWN OF MANCOS City Manager **Tom Glover** presented an energy impact grant application in regard to the proposed project - Mancos Sewer Replacement Project, Phase II. The application will be considered.

ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT APPLICATIONS: Comm Wilson made a motion to prioritize the energy impact grant requests as follows: #1 Mancos – "Mancos Sewer Replacement Project, Phase II," #2 Dolores – "Dolores Water System Upgrades" and #3 Montezuma County – "Dolores River Valley Plan." The motion was seconded by Comm Lindsay and carried.

PUBLIC HEARING – PROPOSED LOCAL ROAD IMPROVEMENT DISTRICT: It being the time set aside, a public hearing was held for the purpose of considering the adoption of a resolution regarding the request for a local improvement district authorizing Montezuma County to make certain road improvements to CR 23 and K and assessing the property within said proposed district for the costs of said improvement in the total amount of \$35,617.00. The roll was called, the proof of publication read, and the proceedings were taped for the record. Representative **Archie Hanson**, road Foreman **Jay Palmer**, and approximately **twenty** other

interested persons were present. Mr. Hanson presented information on the project. It was noted that after completion of the project, the roads described therein will be maintained by the county. Comm Lindsay asked if any persons present opposed the project. There was no opposition. One letter from Kevin and Bunny McComb stating their opposition was received and noted for the record (see attached). **Ricky Lightfoot** expressed his support of the project. **Chuck McAfee** stated his support and said he felt it was consistent with other county projects. Other persons present expressed their support by a show of hands. Comm Wilson moved to approve the drafting of the appropriate resolution, seconded by Comm Lindsay and carried.

COUNTY LODGERS TAX BOARD representative **Sue Scott** stated that due to member John Kocourek's leaving the area there is now a vacancy on the Board. Resolution No. 19-88 and State statutes were reviewed. After discussion, it was affirmed that the vacancy will be advertised in the newspaper for applicants.

ADJOURNED at 12:00 noon.

Deputy Clerk
January 21, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JANUARY 28, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 28, 2002, 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 21, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) bridges – installing guardrails, posting and pipes – as result of State inspection report, and (b) doing regular maintenance work. Discussed: (1) suggestion to pre-treat Oak Street Bridge with mag-chloride to help with icy conditions, (2) Dolores/Norwood road: (a) condition - road being plowed down the middle – Foreman Sattley will check on, (b) gravel (no ¾" gravel available – will contact Forest Service), and (c) suggestion to re-classify and upgrade road with federal highway monies.

RESIDENT Chuck McAfee thanked the Board for upkeep on CR 20. He asked if gravel that is now in the barrow ditch could be pulled back up on the road. This was affirmed.

MONTEZUMA LAND CONSERVANCY representative **David Nichols** gave an update on the activities of the organization and asked for a donation of \$1,000.00 from the lottery funds to help pay for their programs. Discussed property tax base status for properties in the land conservancy program. Comm Story moved to donate \$1,000.00 from the lottery funds, seconded by Comm Wilson and carried.

PROPOSED LOCAL ROAD IMPROVEMENT DISTRICT CR 23 AND K: Discussed proposed resolution. Action tabled until Adm Weaver contacts Archie Hanson in regard to persons objecting to the district and payment of their portion of costs for said improvements.

SOUTHWEST COLORADO WORK FORCE BOARD representative **Clyde Church** gave an update on their activities, funding, and training/providers. He stated that they would welcome more representation from Montezuma County on their board. He presented and discussed a "Work Force Training" brochure.

HIGHWAY USERS TAX FUND (HUTF) REPORT was presented by **Rob Peterka** and discussed. The certification of the report was signed by the Board. The Board asked Mr. Peterka to present, at a later time, an updated report on total miles of county roads (paved, graveled, etc.)

TREASURER Bobbie Spore met to discuss transfer of funds for jail construction (see order below).

SALES TAX INTEREST ACCOUNT AND JAIL BOND RESERVE ACCOUNT FUND ORDER:
Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-02-02** to the Treasurer to transfer from the Sales Tax Interest Account - \$442,868.43, and transfer from the Jail Bond Reserve Account - \$47,803.90 to the Capital Improvement fund for jail construction. The motion was seconded by Comm Story and carried

CITIZENS FOR ACCOUNTABILITY AND RESPONSIBILITY (CFAR) representatives **Pat Kantor** and **Dave Wuchert** expressed their appreciation for the proposed Dolores River Valley development plan. Mr. Wuchert stated that after reviewing the plan he had suggestions in regard to appointed committees and flooding impact issues. He was informed that the proposed plan is a “work in progress.” Funding is the first priority, then input and suggestions will be addressed.

SENIOR PROGRAMS: Manager **Sue Fletcher** met regarding Community Service Block Grant (CSBG) funding. Comm Wilson, as an appointed member of the SW Resource Board, gave an overview of funding received by Montezuma County. Resolution 8-87 and contract (see March 3, 1987 minutes) were discussed and reviewed. Comm Story made a motion that Comm Wilson inform the SW Resource Board that Montezuma County funds are fully allocated to Senior services in Montezuma County, and Montezuma County expects the full allocation to continue. The motion was seconded by Comm Lindsay and carried.

RESIDENT Bill Jobin stated he would like to offer his services and serve on the committee for the proposed Dolores River Valley Plan. He was asked to leave his resume with Mike Preston.

PLANNING Manager **Karen Welch** presented Planning Commission recommendations for the following: (1) **Jay and Lea Stringer – “Farm Goods For Kids,”** High Impact Permit No. 310 for expansion of business -- proceed to the Board of County Commissioners for a public hearing. The public hearing is scheduled for Monday, February 11, 2002, at 11:00 a.m. (2) **Jim and Kelly Candelaria,** High Impact Permit for a commercial zoning request – proceed to the Board of County Commissioners for a public hearing. The public hearing is scheduled for Monday, February 11, 2002, at 10:00 a.m. The resignation of Lawrence (Larry) Wallington from the Planning Commission was noted. Comm Story moved to appoint alternate **Gerald Hart** to serve out Mr. Wallington’s 2002 appointment, seconded by Comm Wilson and carried. The Planning Commission certified the amendments to the Montezuma County Land Use Code (including the adoption of the commercial IBC) to the Board of County Commissioners for a public hearing. The public hearing is scheduled for Monday, February 25, 2002, at 2:00 p.m. A verbal request for an exemption to the subdivision regulations was presented for **Don and Ann Brown** to split 63 acres divided by a highway into 2 parcels (50 and 13 acres). Comm Wilson was recused because of a conflict of interest. The request was tentatively approved, contingent on zoning of the acreages. Presented planning resolution **P-01-02E**, whereas **Wayne L. Frans**, owner of 80.67 acres would like to record an exemption to the subdivision regulations for 2.81 acres that is not to be considered a separate tract for sale. The 2.81 acre tract will be adjoined to the Margaret E. Frans parcel containing .33 acres for a total of 3.17 acres in Section 36, T.37N., R.16W. Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried. Discussed scheduling for continued public hearing – Expansion of the **Dog Hotel** (Tom Overtington) for proposed High Impact Permit No. 52 (see October 1, 2001 minutes). The public hearing is scheduled for February 25, 2002, at 11:00 a.m. Noted that all septic permit applications will require a site plan effective March 1, 2002.

BIDS - TWENTY-THREE (23) MONTH PROPOSAL FOR ELECTRICAL MAINTENANCE WORK: Bids were received from the following companies: (1) Cortez Electric, Inc. - \$30/hr, (2) Stanley electric L.L.C. - \$37/hr, (3) A & J Electric - \$40/hr, (4) Nice electric - \$45/hr, (5) T.C. Electric & const. Inc. - \$38/hr and (5) Matthews Electric of Southwest Colorado, Inc. - \$38/hr. Comm Story moved to award the bid to Cortez Electric, Inc. - \$30/hr, seconded by Comm Wilson and carried.

ADJOURNED at 12:30 p.m.

Deputy Clerk
January 28, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 4, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 4, 2002, 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 28, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: November – General fund warrants #37972 thru #38152 in the amount of \$120,680.90, Road department fund warrants #15270 thru #15341 in the amount of \$66,100.24, Landfill department fund warrants #2804 thru #2830 in the amount of \$17,971.18, and Correction facility fund warrants #94 thru #102 in the amount of \$33,707.29 were approved for payment. December – General fund warrants #38154 thru #38340 in the amount of \$178,051.87, Road department fund warrants #15354 thru #15431 in the amount of \$104,028.05, Landfill department fund warrants #2843 thru #2872 in the amount of \$18,800.87, and Correction facility fund warrants #103 thru #109 in the amount of \$47,967.49 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-03-02** to the Treasurer to pay \$1,792.47 (\$1,791.87 and \$.60) 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 \$203,245.78, District Attorney voucher #38345 in the amount of \$22,214.02, Treasurer voucher #38346 in the amount of \$150,161.47; Road department payroll in the amount of \$59,237.05, Treasurer voucher #15434 in the amount of \$49,547.67; and Landfill department payroll in the amount of \$12,074.29, Treasurer voucher #2876 in the amount of \$8,233.48 were approved for payment.

ROAD DEPARTMENT Foreman **Jay Palmer** reported that they are working on bridges. Discussed resident’s report of a big hole on CR N between CR 20-21 – will check.

COLORADO DIVISION OF WILDLIFE IMPACT ASSISTANCE GRANT APPLICATION was signed.

COMMUNITY CORRECTION FACILITY: Archetype Design Group representative **Jim Lichty** presented a spreadsheet showing the proposed remodel for the facility. He stated he would periodically send upgraded plans to the Board.

LIQUOR LICENSE: Deputy Clerk **Judy Folman** 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 Story and carried.

SENIOR CENTER (Annex) Director **Sue Fletcher** presented contract “Agreement” for Section 5310 funds. Comm Wilson made a motion to sign the contract “Agreement,” and noted Resolution No. 2-2002, (see minutes of January 14, 2002). The motion was seconded by Comm Story and carried.

CITY OF CORTEZ representatives **Rick Smith** and **Jim Snow** presented information and a map on the "Fiber Optic Network Project." Discussed local and State network. Planning department representative **Rob Peterka** who has been working with them on County connections was also present.

AG EXPO – FAIRGROUNDS Manager **Darryl Buffington** stated that the VoTech School notified him that they will no longer be a sponsor for the Ag Expo. Discussed fairground use fees for the event, since the work trade-out between the county and the school will no longer be in effect. The Board affirmed that the sponsors of the Ag Expo, a private function, will be charged the \$1,000.00 special event fee.

WOODS CANYON ARCHAEOLOGICAL representative **Jerry Fetterman** gave an update on use of monies from a historical grant supported by the Board four years ago. The grant was to compile history and prehistory information to be used in the area schools. He presented the CD "A Corner in Time -- Educational Game and Resource on the Prehistory and History of the Mesa Verde Area." Parts of the CD were viewed.

RESIDENT Miscelle Allison met to discuss several items including the proposed amendment to the land use code in regard to the International Building Code (industrial/commercial).

ADJOURNED at 2:00 p.m.

Deputy Clerk
February 4, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 11, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 11, 2002, 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 4, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

GENERAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-04-02** to the Treasurer to transfer \$68,483.83 from the General fund to the Social Services fund – quarterly HCBS (see attached). The motion was seconded by Comm Story and carried.

LOCAL GOVERNMENT LIMITED GAMING IMPACT ASSISTANCE PROJECT CONTRACT – AIRPORT ROAD 23: Comm Story made a motion to sign the LGGF #01-231 contract between Local Affairs and the Montezuma County Commissioners for gaming monies to reconstruct the intersection (CR G and CR 23) to the airport. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jim Becher** reported on department activities: (a) worked on CR U and S – used water truck, (b) prioritizing road work for year, and (c) worked on Hovenweep road – noted signage for Hovenweep now on CR BB. Discussed: (1) most of the county roads are dusty, (2) trees hanging over roadway on CR G – will check, and (3) roughness of CR N and CR 20.

BOARD OF SOCIAL SERVICES was conducted.

THE ARCHAEOLOGICAL CONSERVANCY site management coordinator **Steve Koczan** presented information about the conservancy that is the only national, non-profit organization dedicated to acquiring and preserving the best of our nation's remaining archaeological sites. Discussed Colorado preserves and preserves in Montezuma County (see attached). He asked the Board to support and sign an application for grant monies from the Colorado State Historical Society for the proposed project to acquire and preserve the Bement and O'Brien archaeological sites in Montezuma County (see attached). Comm Story moved to support and sign the application, seconded by Comm Wilson and carried.

SHERIFF Joey Chavez presented Colorado Division of Criminal Justice Statement of Grant Award (Local Law Enforcement Block Grant) – monies awarded for the mobile command center (bus) for review and signature. Comm Story moved to sign the grant, seconded by Comm Wilson and carried. Presented information on a Memorandum of Understanding (MOU) between the Montezuma County Landfill and the Montezuma County Sheriff department for utilization, operation, and closure agreements for a shooting range located within the landfill Certification of Designation (CD) boundaries. Other items discussed: (a) conducting FTO training, (b) starting Senior Citizen program and Elder Watch program, (c) jail facility is working out very well, (d) may need water softener – will continue to work with problem – if need to purchase softener, will ask Forfeiture Board for funding, and (e) asked if there is a problem with a request from Donna Foster to use the Justice Building parking lot for different projects – no problem.

EMERGENCY MEDICAL SERVICES (EMS) GRANT APPLICATIONS: **Edward Martinez** presented a grant application from the Southwest Memorial Hospital (Southwest Health System, Inc) for an ambulance. Also, noted receipt of a letter from the Mancos Ambulance Association stating they would be submitting an application for EMS grant monies, in the near future.

COUNTY LODGERS TAX BOARD: Comm Wilson moved to appoint **Greg Rath** to the lodgers tax board, seconded by Comm Story and carried.

PUBLIC HEARING – CANDELARIA CONSTRUCTION, INC. – PROPOSED HIGH IMPACT PERMIT NO. 424: It being the time set aside, a public hearing is held to consider a High Impact Permit application for a proposed expansion of use at Candelaria Construction, Inc., a business owned by Jim and Kelly Candelaria. Said property is on 2.58 acres situated on the south side of Road L, lying east of Road 25. The roll was called, the public notice read, and the proceedings were taped for the record. Present were owners, **Jim and Kelly Candelaria**, Planning Manger **Karen Welch**, and **Chuck McAfee**. Manager Welch presented Planning Commission recommendation for approval, contingent on mitigation of traffic and setback standards. Traffic and setback standards were discussed. The Candelarias explained the project – expansion of present structure from 5,000 sq ft to 7,500 sq ft (to house a mechanical shop) and the three proposed new buildings that would be for shop purposes only (would rent out to construction companies for storage of shop tools, equipment and vehicles). The Board asked for public input. Mr. McAfee asked about location of property and asked if the expansion would have any impact on ambulance access to the hospital. He was told where the property is located and that there would be no impact. There were no other questions. Comm Story moved to approve High Impact Permit No. 424, contingent on the expansion and buildings being built to code, seconded by Comm Wilson and carried.

COMMUNITY G BOARD representative **Lynn Williams** presented a change order letter FY 2001-2002 allocations – contract between the Department of Public Safety, Division of Criminal Justice and the Montezuma County Corrections Board covering the period July 1, 2001 thru June 30, 2002 for review and signature. Comm Story moved to sign the change order, seconded by Comm Wilson and carried.

PUBLIC HEARING – FARM GOODS FOR KIDS – PROPOSED HIGH IMPACT PERMIT NO. 310: It being the time set aside, a public hearing is held to consider a High Impact Permit application for a proposed expansion of Farm Goods for Kids, a business owned by Jay and Lea Stringer. Said property is located on 52.65 acres situated on the south side of Road G, lying west of Road 41. The roll was called, the public notice read, and the proceedings were taped for the record. Present were owner **Jay Stringer**, Planning Manager **Karen Welch**, and **Tim Miller**. Manager Welch presented Planning Commission recommendation for approval, contingent on addressing concerns about outside lighting, and traffic (dust abatement). Mr. Stringer explained the project – expansion of existing building from 3,750 sq ft with an additional 100'x100' building for the showroom, sale of sporting goods, fitness gear and outdoor furniture (threshold standards are still in compliance). He stated that (a) outside lighting would be aimed down ward, (b) he anticipated that the traffic would stay the same, and (c) he has future plans to pave the road in front of the business to control the dust. Discussed signage for a dangerous intersection close to the property – county will discuss problem with road department. The Board asked for public input. Mr. Miller expressed concerns about an increase of traffic in regard to the show room. Mr. Stringer stated the show room will be largely used to show products, etc. to business representatives. Comm Story moved to approve High Impact Permit No. 310, contingent on the business not exceeding the threshold standards in connection with lighting, traffic and dust, seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented a request from Glenn Wells to sell three acres (see planning resolution P25 1974) from a 4.89-acre parcel. The two parcels have separate legal descriptions. Present were **Glenn Wells** and his attorney, **Todd Plewe**. Discussed request. No action was taken.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 2001 versus 2002 for month of January" (see attached) and discussed other activities at the Landfill.

JAIL FACILITY – Board attended an inspection tour.

INTERNATIONAL BUILDING CODES (IBC) were reviewed and discussed.

COUNTY HEALTH-DENTAL-LIFE INSURANCE information is presented by Finance Officer **Mary Ann Sanders**. Information was discussed.

Deputy Clerk
February 11, 2002

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
FEBRUARY 25, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 25, 2002, 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 11, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ACCOUNTS PAYABLE: General fund warrants #38341 thru #38539 in the amount of \$327,113.63, Road department fund warrants #15433 thru #15531 in the amount of \$220,194.84, Landfill fund warrants #2874 thru #2912 in the amount of \$29,305.44, and Community Corrections fund warrants #110 thru #112 in the amount of \$21,917.66 were approved for payment.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) doing regular work and (b) working on CR L. **Ed and "Pete" Levesque**, residents on CR L (gravel section) were present to discuss the condition of this section of CR L. The Levesques were informed about county policy for upgrade of road – county would provide the gravel. Discussed: (1) a proposal to install a water storage tank on private property in the Granath Mesa area in connection with fire protection: It was determined that there is a need for a high impact permit process – private landowners will be informed of this, and (2) presentation of final road plan for 2002 – scheduled within next 2 weeks. The Board complimented the road department personnel for their working together as a team.

HEALTH DEPARTMENT Director **Lori Cooper** presented a change order to the Women, Infant and Children (WIC) Contract PO FAA WIC 10030 (10-1-01 thru 9-30-02). Comm Story moved to sign Change Order No. 3, seconded by Comm Wilson and carried. Director Cooper also gave an update on other programs – (1) Family Planning: Valley-Wide Health Resources in Mancos, CO will receive and administer the funding, (2) made application and received grant monies from Area Aging for respite care for care takers, (3) received grant monies for "Caring for Colorado – Pre-natal Home Care" program, and (4) noted that installation of new computer system (fiber-optic) is about completed.

SOUTHWEST MEMORIAL HOSPITAL - SOUTHWEST HEALTH SYSTEMS: Administrator **Bob Peterson** and Chief of Operations **George Brisson** presented a proposal for expansion of the hospital, which would be funded by tax exempt bonds, and the following documents (see attached) for review: "Conceptual Site Plan, Anticipated Borrowing Needs, Budget Changes, and Cash Flow Projections for Fiscal Years 1999 to 2009 revised 1/15/02." Also presented were financial documents – "Monthly Operating Report for the Twelfth Month Period Ended December 31, 2001 and 2002, Volume Comparison – 2001 to 2000, Return on Assets (Net Income/Total Assets), Acid Test Ratio (Cash/Current Liabilities), Current Ratio (Current Assets/Current Liabilities), CHA Comparative Charge Information (3rd quarter 2001-updated 1/25/02), and Total Asset Turnover (X) Southwest Memorial Hospital (060018) definition and explanation" (see attached) for review. The presented documents were reviewed and discussed. It was noted that they need the support of a government entity to obtain funding by tax exempt bonds. Also present were Montezuma County Hospital District Board (MCHD) members **Fred DeWitt** and **Lois Rutledge** and Southwest Health System Board (SHS)

members **Walt Henes** and **Laura Brown**, and **Joan Luhman**, who expressed their support. No action was taken. The Commissioners stated they will attend scheduled SHS and MCHD board meetings for further discussion with them about the proposed project.

PUBLIC HEARING – SURPLUS COUNTY PROPERTY: It being the time set aside, a public hearing is held for the purpose of determining whether or not to sell surplus property adjacent to Block 23, North Third Street, Town of Dolores, located in Section 9, T.37N., R.15W. Montezuma does not have clear title to this property. The roll was called, the public notice read, and the proceedings were taped for the record. Planning Department representative **Loretta Murphy** stated the property was surveyed and presented the plat. Also present were **Jack and Helen Willett** and Planning Manager **Karen Welch**. Mr. and Mrs. Willett, whose property adjoins the parcel, expressed their desire to purchase the property. A letter from **Cynthia Ranson**, another adjoining property owner, was received (see attached) and her definite interest in securing this parcel is noted. After discussion, Comm Story made a motion to advertise this parcel in the local newspapers for sealed bids to sell the County owned interest by quitclaim deed to the highest bidder. The motion was seconded by Comm Wilson and carried.

CORTEZ SANITATION DISTRICT representative **Bob Diederich** met to discuss the county signing off on the 201 Report to the State Health Department in regard to the expansion of the southwest sanitation plant. After discussion, it is affirmed that the District needs to go through the high impact permitting process for the expansion. Planning Manager **Karen Welch** was present.

QUITCLAIM DEED: Comm Story made a motion that the quitclaim deed between Montezuma County Board of County Commissioners of the County of Montezuma, grantor, and the City of Cortez, a Colorado Municipality, grantee (see attached) be signed. The motion was seconded by Comm Wilson and carried. Commission of Deeds Story signed the quitclaim deed.

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. The roll was called 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**, approximately **five** other interested persons (see attached list) and Planning Manager **Karen Welch**. Mr. Overington and Attorney Shaner stated that the conditions requested by the Board (see minutes of October 1, 2001) have been complied with. Mr. Baeumel stated that he concurs with this, but he feels these conditions are only a temporary solution to the problem – hay and tarp covers deteriorate over time. He feels that a more permanent solution should be required. He also stated that the noise level is better, but feels there is no reason for his household to be subjected to any noise. Manager Welch reiterated the information on like facilities in Montezuma and La Plata counties in regard to noise thresholds and read the threshold standards for noise from the Land Use Code. Threshold standards for noise levels were discussed. It was noted that maybe these are too high for this type of business. Mr. Overington stated that he has plans to install swamp coolers before the end of April 2002. Comments from the public – three had questions and two expressed that they felt the noise level was too high. After discussion, it was the consensus that the noise level should be monitored more in depth, at different times of the day, etc. Comm Story moved to continue the hearing for a 30-day review of the noise level threshold, seconded by Comm Wilson and carried. The public hearing is continued to Monday, April 1, 2002, at 10:00 a.m.

LIQUOR LICENSE: Deputy Clerk **Judy Follman** presented an application for renewal of a 3.2% beer license “on and off premises” for the **Wild Wild Rest** establishment. The Sheriff’s office reported no problems with this establishment. Comm Wilson moved to approve this application, seconded by Comm Story and carried.

SHERIFF Joey Chavez gave background information on an employee assistance program that he is considering and stated he wanted other departments to know that it is available. He introduced **David Guy and Don Henderson** to the Board. Mr. Henderson, who is a volunteer at the sheriff's office to help with problems, explained some of his duties and stated that some times there are situations that need more expertise. Mr. Guy presented information on his company "Discovery Employee Assistance Program" which is a program to assist employers and employees toward a better workplace. No action was taken.

ABATEMENT: Chief Appraiser **Mark Vanderpool** being present, a petition was presented for **Adrian C. Gibson**, concerning his appeal on the "Notice of Valuation" for 2001 by the Assessor's office on Parcel #5359-3230-0021. Mr. Gibson was present. Comm Story moved to adjust the valuation for assessment to \$16,000.00, seconded by Comm Wilson and carried.

PLANNING COMMISSION APPOINTMENTS: Planning Manager **Karen Welch** presented five responses received from the public for the two advertised vacancies on the Planning Commission. The receipt of applications by persons whose terms have expired were noted and recommendations were made: Comm Story made a motion to appoint **Dudley Millard** to a 3-year term (2002-2003-2004) and **Vernal Aulston** to a 3-year term (2002-2003-2004), and based on a recommendation from Manager Welch, appoint **Wade Wilson, Harry Siebert and Rudy Ortiz** as alternates. The motion was seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** stated that the advertising for Montezuma County landowners interested in serving on a working group to develop criteria for the Dolores River Valley Plan will be continued for two more weeks.

PUBLIC HEARING – AMENDMENTS TO THE MONTEZUMA COUNTY LAND USE CODE: It being the time set aside, a public hearing is held on amendments to the Montezuma County Land Use Code. The roll was called, the public notice read, and the proceedings were taped for the record. Present were Planning Manager **Karen Welch** and approximately **sixty-four** other interested persons. Manager Welch read the proposed changes to the code (see attached). Each change was discussed with audience participation. The proposal to change UBC to IBC received the most comments. Receipt of a signed petition -- "Notice to the Montezuma County Commissioners" was noted (see attached). It was affirmed that the public hearing be continued to Monday, April 8, 2002, at 1:30 p.m.

EMERGENCY MEDICAL SERVICES (EMS) GRANT APPLICATIONS: Discussed prioritization of grant applications received from Pleasant View Fire District, Southwest Health System, Inc., Mancos Ambulance Association, and the Cortez Fire Protection District. Comm Lindsay was recused because of a conflict of interest. Comm Wilson made a motion that all the departments be funded, since they all have an equal need. The motion was seconded by Comm Story and carried.

ADJOURNED at 6:00 p.m.

Deputy Clerk
February 25, 2002

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 4, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 4, 2002, 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, February 25, 2002, 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 0-05-02** to the Treasurer to pay \$1,790.13 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Lindsay and carried.

E-911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-06-02** to transfer \$32,401.00 from the ETA Fund (E-911 Dispatch) to the General Fund and pay the City of Cortez (see attached invoice). The motion was seconded by Comm Lindsay and carried.

PAYROLL: General fund payroll in the amount of \$208,275.37, District Attorney warrant #38542 in the amount of \$17,657.54, Treasurer warrant #38543 in the amount of \$156,485.46; Road department fund payroll in the amount of \$59,237.05, Treasurer warrant #15534 in the amount of \$49,547.67; Landfill fund payroll in the amount of \$10,830.42, Treasurer warrant #3913 in the amount of \$8,052.34 were approved for payment.

ROAD DEPARTMENT Foreman **Jay Palmer** reported on department activities: (a) working on CR L (bringing road up to county specs), (b) CR 23 - ready for chip/seal, (c) sealing cracks, (d) will overlay Wallace bridge, (e) starting a and d lanes – intersection to Airport, (f) working on rough roads – using water truck, and (g) two trucks are in shop for repairs. Discussed complaint about CR 32 – need moisture and warmer weather before problem can be fixed.

PLANNING Manager **Karen Welch** presented a verbal request from **Leon Risenhoover** for an exemption to the subdivision regulation to split off a 3-acre parcel that CR R divides from the rest of his property. The request was tentatively approved. Presented a verbal request from **Tom Colbert** for an exemption to the subdivision regulation to deed 3 to 5 acres to his daughter Stephanie Martinez's adjoining 5-acre parcel. The request was tentatively approved. Manager Welch asked for clarification for notice of invitation to bid on Dolores property. It is affirmed that a "no build" clause will be put in the notice. Manager Welch presented Planning Commission recommendations for the following to proceed to the Board of County Commissioners for public hearings for high impact permits: **(1) LDS Church:** The public hearing is scheduled for Monday, March 18, 2002, at 10:00 a.m. **(2) William Edgerton** (LePew Septic Tank Service) – expansion of business: The public hearing is scheduled for Monday, March 18, 2002 at 11:00 a.m. **(3) Four Corners Materials** (cement plant) - expansion of business: The public hearing is scheduled for April 8, 2002 at 10:00 a.m.

RESIDENT Miscelle Allison presented a questionnaire letter in regard to the February 25, 2002, public hearing addressing changes in the Land Use Code. She asked for the questions in the letter to be answered by the Board in a timely manner. **Linda Cunningham** was also present.

ALERT TEAM PROGRAM promoter **Shelly Hancock** presented information on the program and explained the goals of the non-profit organization that serves people – emergency or in need. She asked if the county would sponsor one week of funding for food. She noted that services would be extended to county residents. It was affirmed that no funding is available, but the county would allow use of the Senior Center’s facility (kitchen, etc.) for meals, and would work with persons and churches volunteering help and food. She also presented information on “Cities of Character.”

ABATEMENTS: Appraisers **Mark Vanderpool and Scott Davis** being present, presented petitions for abatement of property tax and recommended approval for the following: **(1) Dean and Barbara Kirk (5611-343-02-002)**, 2001, erroneous assessment, \$4,152.18. **Dean Kirk** was present. Comm Wilson moved to approve this petition, seconded by Comm Lindsay and carried. **(2) Ronald and Diana Ramsey (5611-271-00-006)**, 2001, erroneous assessment, \$1,137.98. Comm Wilson moved to approve this petition, seconded by Comm Lindsay and carried. **(3) Beulah V. Becher-Vanderpool (5359-103-00-016)**, 2001, erroneous assessment, \$5,621.81. Comm Wilson moved to approve this petition, seconded by Comm Lindsay and carried. **(4) Louis C. Caughey (5609-183-00-020)**, 2001, erroneous assessment, \$1,906.63. **Louis Caughey** was present. Comm Wilson moved to approve this petition, seconded by Comm Lindsay and carried. The roll was called and the proceedings were taped for the record.

ADJOURNED FOR LUNCH with the Dolores County Commissioners. Discussed trade – Montezuma County gravel for two Dolores County used trucks.

DISTRICT ATTORNEY Joe Olt presented information on an available “Community Gun Violence Program” grant in the amount of \$120,000.00. He asked the Board for approval of matching funds to make it possible to accept the grant and hire an additional prosecutor. The request was denied.

SHERIFF Joey Chavez presented “Let’s All Fight Drug Use” booklet and gave information about the program. He also stated that he supports the Alert Team program.

SB 02-141: Comm Wilson made a motion to adopt and sign **Resolution No. 3-2002**, to oppose SB 02-141, in connection with the oil and gas royalty bill, seconded by Comm Lindsay and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk
March 4, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 11, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 11, 2002, 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 4, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

TREASURER six-month report (July 2001 thru December 2001) was received and noted.

PROPOSED DOLORES RIVER VALLEY PLAN AGENDA (see attached) was presented and discussed.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) filling cracks – CR G (McElmo Canyon), (b) working on Airport intersection – culvert in, (c) blading, (d) doing clean up work, (e) working on CR L and (f) Dolores West Fork Road – will continue to work on rock slide and contact forest service for any help they might contribute. Discussed: (1) 2002 Road Plan – pending, and (2) inspection, etc. of CR M – in regard to proposed LDS Church Chapel.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 2002 for the month of February" (see attached) and discussed other activities at the Landfill. Support letter for Electronics Recycling Project was affirmed. Discussed proposal for a sewage storage site by private companies. No action taken.

BOARD OF SOCIAL SERVICES was conducted.

CITIZENS FOR ACCOUNTABILITY AND RESPONSIBILITY (CFAR) representative **Pat Kantor** expressed support for the proposed Dolores River Valley Plan. She presented the organization's request for a moratorium on considering any further high impact permits in the area until the plan is finalized. The Board affirmed that a working group is being formed and the request would be considered as input when the plan moves into the planning process. She also asked that consideration be given to the suggestion to have FEMA re-map the Dolores River Valley. No action was taken.

PLANNING Manger **Karen Welch** presented the following items for discussion: (a) Dolores River Valley Plan working group members from the Planning Commission (3 names presented) – no action, (b) Dog Hotel – Tom Overington – decibel monitoring, (c) Land Use Code in regard to grand-fathered businesses (zoning and proposal to request site plans). The proposal from the Kelly Ridge Ranch Subdivision to change the eastern easement from 60' to 30' was tentatively affirmed.

ABATEMENT: Chief Appraiser **Mark Vanderpool** being present a petition for abatement of property tax was presented for **Amador and Barbara Garcia, (#5611-251-18-100)**, 2001, erroneous assessment, \$1,344.75. The assessor's office recommended approval. 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.

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

ADJOURNED at 12:20 p.m.

Deputy Clerk
March 11, 2002

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MARCH 18, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 18, 2002, 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 11, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: General fund warrants #38541 thru #38710 in the amount of \$374,291.36; Road department fund warrants #15533 thru #15619 in the amount of \$50,826.02; Landfill fund warrants #2920 thru #2949 in the amount of \$13,921.00; and, Correction facility fund warrant #113 in the amount of \$16,118.38 were approved for payment.

ROAD DEPARTMENT Foreman **Jim Becher** reported on department activities: (a) blading, and (b) crushing. Discussed: (1) complaint about CR P (Goodman Point) – very rough: suggestion discussed that main artery gravel roads need to be kept in good condition – will discuss with road department; (2) need to do blade patching on CR L east of CR 29 – will do as much as possible with funding available; and (3) condition of CR BB, CR 10, CR CC and CR S.

DOLORES RIVER VALLEY PLAN: Resident **Galen Larson** reiterated request (see minutes of March 11, 2002) from CFAR representatives for moratorium on considering any further high impact permits in the area until the plan is finalized. CFAR representatives **Susan Localio, Dave Wuchert and David Stolz** supported the request for the moratorium. ******Later** in the afternoon, it was affirmed that imposing a moratorium is not feasible.

WRIGHT PALEOHYDROLOGICAL INSTITUTE representative **Eric Bikis** presented the completed "Mesa Verde Paleohydrology Sagebrush Reserve Site – 5MV1936" book. He asked the Board to support and sign a grant application from the Colorado Historical Society to help fund Site DO18 project at Mesa Verde National Park. The project is to determine the purpose and function of Site DO18 that was judged to be a potential reservoir of the Pueblo I period. Comm Wilson moved to support and sign the application, seconded by Comm Story and carried.

LIQUOR LICENSE: Deputy **Tammy Neely** presented an application for renewal of a retail liquor license for **Smitty's Liquor**. The Sheriff Department reported no problem with the establishment. Comm Wilson moved to approve the application, seconded by Comm Story and carried.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 434 – 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 application for a chapel proposed by the Church of Jesus Christ of Latter Day Saints. The location of the proposed chapel is approximately .4 mile west of Hwy 145, lying on the north side of road M on property owned by Walter and Barbara Ertel. Said property is located in Section 12, T.36N., R.16W. on 4.51 acres. The roll was called, the proof of publication read, and the proceedings were taped for the record. Present were representatives for the proposal, **Walt Ertel, Tim Christensen, San Christensen and Wendy Johnson**, Planning Manager **Karen Welch** and adjacent neighbors **Andy and Frankie Logan**. Manager Welch presented information about the proposal and noted that the Planning Commission sent it to the County Commissioners with the recommendation for approval pending mitigation of the threshold standards that are exceeded – steeple height, size of building, and traffic. The Logans expressed their opposition to the project in regard to the increase of traffic on CR M. Comm Story moved to approve the application for High Impact Permit No. 434, contingent on specified mitigating measures, seconded by Comm Wilson and carried. Planning Manager Welch will draft High Impact Permit No. 434 for review and signature.

SENIOR CENTER Manager **Sue Fletcher and Mary Holaday** met to discuss bus purchase. Action tabled.

CORTEZ CULTURAL CENTER representatives **Cindy Bradley, Jerry Cohoe and Mary Hanson** presented letters (see attached) asking for lottery funds to support the Pueblo to Pueblo Run and Hawkins Preserve projects. Comm Story moved to donate lottery funds in the amount of \$2,750.00, seconded by Comm Wilson and carried.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 283 – EXPANSION OF USE OF LEPEW SEPTIC TANK SERVICE – WILLIAM EDGERTON: It being the time set aside, a Public Hearing is held to consider a High Impact Permit application for expansion of use of LePew Septic Tank Service. The site of the proposed expansion is 4155 Hwy 160 South, Cortez, Colorado, on property owned by William Edgerton. Said property is located in Section 20, T.35N., R16W on 5.00 acres situated on the east side of Hwy 66 lying north of Road D. The roll was called, the proof of publication read, and the proceedings were taped for the record. Present were owner **William Edgerton**, Planning Manager **Karen Welch and approximately 15** interested persons. Manager Welch presented information on the proposal and noted that the Planning Commission sent the application to the Board of County Commissioners with the recommendation that a public hearing be held to address the following: traffic, tanks holding effluent (leaking – breaking), odors, compatibility with current land uses, future expansion, visual impact, and weed control. Approximately eight persons spoke against the proposal and seven for the proposal. Comm Story moved to approve the application for the High Impact Permit No. 283 for two years, with the right to review and renewal, seconded by Comm Wilson. Planning Manager Welch will draft High Impact Permit No. 283 for review and signature.

PLANNING Manager **Karen Welch** presented planning resolution **P-02-02E**, where as **Stephanie G. Martinez**, owner of 5.60 acres – originally recorded on November 19, 1951, would like an exemption to the subdivision regulations, to adjoin an additional 7.35 acres in Section 12, T.35N., R.14W. to the original parcel for a total of 12.95 acres. This exemption does not create a separate parcel for sale. Comm Wilson moved to adopt this resolution, seconded by Comm Wilson and carried.

COUNTY PROPERTY: Planning Manager **Karen Welch** presented two bids received for the county's interest in a 1.1-acre parcel adjacent to Block 23, North 3rd Street, Dolores, CO, located in Section 9, T.37N., R.15W., (see minutes of February 25, 2002). The following bids were opened: (1) Cynthia Ranson - \$1,000.00 and (2) Jack Willett - \$2,225.00. Comm Wilson made a motion to award the bid to Mr. Willett and that the county's interest in said property be conveyed by a Quitclaim deed to him. The motion was seconded by Comm Story and carried.

HEALTH DEPARTMENT Director **Lori Cooper** met to discuss a personnel problem. She presented a copy of the Joint Budget Committee proposed cuts to balance the State budget.

PROPOSED DOG POUND: It was affirmed that a joint application between the City of Cortez and Montezuma County will be made for grant monies for the project.

COLORADO HISTORICAL SOCIETY: Information was received that the Bement Archaeological Site, Mancos, CO and the O'Brien Archaeological Site, Dolores, Co have been listed in the Colorado State Register of Historic Properties.

SOUTHWEST SIGHT & HEARING: Letter supporting development of the Southwest Sight and Hearing program to provide services for low-moderate income families in Archuleta, Dolores, and Montezuma Counties was signed.

ADJOURNED at 2:45 p.m.

Deputy Clerk
March 18, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 1, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 1, 2002, 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 18, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

PAYROLL: General fund payroll in the amount of \$205,848.35, District Attorney warrant #38713 in the amount of \$18,492.34, Treasurer warrant #38714 in the amount of \$154,684.80; Road department fund payroll in the amount of \$59,631.70, Treasurer warrant #15621 in the amount of \$49,294.01; and Landfill fund payroll in the amount of \$11,483.47, Treasurer warrant #2951 in the amount of \$7,786.31 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-07-02** to the Treasurer to pay \$1,790.13 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 CR P – hauling gravel and will mag-chloride in near future, (b) graded roads, and (c) installed new school crossing signage. Discussed: (1) 2002 County Road Plan proposals (still compiling) and (2) paint machines.

LEWIS-ARRIOLA COMMUNITY CENTER – LOTTERY FUNDS: Representative **Chan Chaffin** gave an update on the progress of the center's building project and use. Discussed the need for road department equipment to help with some of the landscaping. He was told to contact Foreman Becher. Discussed request for lottery funds. Comm Story moved to give \$2,500.00 in lottery monies to help with the project, seconded by Comm Wilson and carried.

LIQUOR LICENSES: Deputies **Judy Folman** and **Tammy Neely** presented an application for renewal of a retail liquor license for **Hilltop Liquor** and an application for renewal of a 3.2% beer license for the **Skyline Foodmart**. The Sheriff Department reported no problem with these establishments. Comm Wilson moved to approve the applications, seconded by Comm Story and carried. Discussed violation by G. Whil Liquors (retail liquor license) – application for "transfer of location" - did not move within the approved 60-day time-frame.

SHERIFF Joey Chavez presented the annual contract with the Forest Service for review. Comm Wilson made a motion to sign the "**Annual Cooperative Law Enforcement Agreement and Financial Plan**" and "**Exhibit A – Financial Plan**" between the Montezuma County Sheriff Department and the USDA, Forest Service, San Juan National Forest from January 1, 2002 thru December 31, 2002. The motion was seconded by Comm Story and carried.

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. The roll was called and the proceedings were taped for the record. Present were **Tom Overington**, his attorney **James Shaner**, neighbors to the facility **Rudy and Susan Baeumel**, approximately **eight** other interested persons (see attached list) and Planning Manager **Karen Welch**. Manager Welch presented a report (see attached) on sound levels at the Dog Hotel conducted by an independent firm using a dosimeter. Mr. Overington presented his own report (see attached) with readings taken at his fence. These reports were reviewed and discussed. The reports showed no evidence that the establishment is now exceeding the threshold standards set forth in the Land Use Code. Mr. Baeumel stated that they appreciate the time spent on the issue and that the noise level has been down in the last month. Others also expressed their appreciation. Comm Story made a motion to approve the application for High Impact Permit No. 52, contingent on specified mitigating measures. The motion was seconded by Comm Wilson and carried. Planning Manager Welch will draft High Impact Permit No. 52 for review and signature.

MESA VERDE MUSEUM ASSOCIATION, INC. representative **Rebecca Carr** asked the Board to support and sign a re-application for grant monies from the Colorado State Historical Society to survey 5 cliff dwellings (Balcony House, Long House, Step House, Square Tower House, Ruin 12) in the Mesa Verde National Park. Discussed the Board's request (see minutes of September 24, 2001) for an on-site inspection of projects. Comm Wilson moved to support and sign the re-application, seconded by Comm Story and carried.

LEPEW SEPTIC TANK SERVICE owner **William Edgerton** met with the Board for his proposal to further alleviate odors when he expands his operation under the approved High Impact Permit (HIP) No. 283 (see minutes March 18, 2002). His proposal is to construct an enclosed dump-site building. Two sites were discussed. Comm Story moved to include in the HIP approval for an enclosed dump-site building at one of the two sites discussed, seconded by Comm Wilson and carried. Planning Manager **Karen Welch** was present and will incorporate this action into the HIP.

PROPOSED SPENCER SUBDIVISION: Attorney **Jon Kelly**, representing James Spencer (see minutes September 27, 1999 – Summons), met to set a Public Hearing date in regard to the decision of the Court of Appeals about the proposed subdivision. The public hearing was scheduled for Monday, April 29, 2002, at 11:00 a.m.

PLANNING Manager **Karen Welch** presented the following recommendations from the Planning Commission: (1) **Don and Ann Brown** – AR10-34 zoning for 13 acres – affirmed; and (2) that the following proceed to the Board of County Commissions for public hearings for high impact permits: (a) **Boy Scouts** – hearing scheduled for Monday, April 15, 2002 at 10:30 a.m., (b) **A-Z Storage** – hearing scheduled for Monday, April 15, 2002 at 11:00 a.m., and (c) **Chuck Neal** – hearing scheduled for Monday, April 15, 2002 at 11:30 a.m. Verbal request from **Cordy Englehart** for an exemption to the subdivision regulations to split off a 24.9-acre parcel divided by the highway from 323 acres was tentatively approved.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 422 – IMPROVEMENTS OF THE CORTEZ SANITATION DISTRICT WASTEWATER SYSTEM: It being the time set aside, a Public Hearing is held concerning a High Impact Permit application for improvements of the Cortez Sanitation District Wastewater System. The site of the facility is 2902 S. Broadway, Cortez in Section 3, T.35N., R.16W., which is situated on the east side of South Broadway. The roll was called, proof of publication read, and the proceedings were taped for the record. Cortez Sanitation District representatives **Bob Diederich and Jay Conner** and Planning Manager **Karen Welch** were present. Manager Welch presented the Planning Commission's recommendation that items exceeding threshold standards should be addressed. These were discussed. Comm Story moved to approve the application for the high impact permit contingent on specified mitigating measures, seconded by Comm Wilson and carried. Manager Welch will draft High Impact Permit No. 422 for review and signature. Mr. Diederich presented "Application for Site Approval for Modification/Expansion of: An Existing Domestic Wastewater Treatment Plant" and "Application for Site Approval for Construction or Expansion of: Lift Stations and Interceptor Sewers" for review and signature. These were signed (see attached).

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT – KINDER MORGAN CO2 COMPANY WELL SITES: It being the time set aside, a Public Hearing is held concerning a High Impact Permit application with respect to Kinder Morgan CO2 Company Well sites YF#3, HE#5, HB#4, SC#10 and YE#5. The roll was called, the proof of publications was read, and the proceedings were taped for the record. Present were Kinder Morgan representative **Bob Clayton, Sherman Zwicker, Nate Porter, Penny Welch,** and Planning Manager **Karen Welch.** Manager Welch presented the Planning Commission's recommendation that a public hearing be held to address the traffic threshold (dust abatement, speed, trash, etc.). Mr. Clayton presented a map of proposed sites. Manager Welch presented information from an interested person, who was concerned about the traffic threshold. Traffic threshold, dust abatement, speed, and trash concerns were discussed. Mr. Zwicker and Mr. Porter both stated they supported the project. Ms. Penny Welch expressed concerns about mag-chloride and effect on farming area and asked for information about the roads to be used. These items were discussed. Comm Wilson moved to approve the application for the high impact permit contingent on specified mitigating measures, seconded by Comm Story and carried. Manager Welch will draft a High Impact Permit for review and signature.

ADJOURNED at 3:30 p.m.

Deputy Clerk
April 1, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 8, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 8, 2002, 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 1, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

GENERAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-08-02** to the Treasurer to transfer \$79,594.00 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 **Jay Palmer** reported on department activities: (a) working on CR P.5 and CR P – graveling and mag-chloride, (b) working on Mancos roads – dry blading and putting up signs, (c) crushing, and (d) working on CR L. Discussed: (1) complaint about CR 31: dusty and rough – will continue to blade and will mag-chloride, (2) CR 27: need for stripe and condition of road (will check on reimbursement for asphalt from company that had a large amount of dirt hauled on CR 27 for a property fill-in project).

LIQUOR LICENSES: Deputy Clerks **Judy Folman and Tammy Neely** presented the following: (1) application for renewal of a Resort Complex liquor license for the **Echo Basin Ranch**. The Sheriff and Health departments reported no problems with this outlet. Comm Wilson moved to approve this application, seconded by Comm Story and carried; and (2) 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 department reported no problems with this establishment. Comm Wilson moved to approve these applications, seconded by Comm Story and carried.

HOME BUILDERS ASSOCIATION representatives **Jim Candelaria and Betty Farlow** presented information in regard to the IBC. They asked that it be considered at the public hearing to be held later in the day that will be addressing land use code amendments. This was affirmed.

BOARD OF SOCIAL SERVICES was conducted.

RON KOTARSKI, JR. MEMORIAL FUND representative **Gina Kotarski and Wendy Mimiaga** gave a presentation on the proposed Town of Dolores, Joe Rowland Park, community playground project. They asked for help with funding of the project. Comm Story moved to donate \$5,000.00, seconded by Comm Wilson and carried.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 430 – FOUR CORNERS MATERIALS: It being the time set aside, a Public Hearing is held concerning a High Impact Permit application for Four Corners Materials. Said property is located in Section 23, T.36N., R.16W., on 19.04 acres situated on the south side of Road L, lying east of Road 25. The roll was called, the proof of publication read, and the proceedings were taped for the record. Four Corners Materials representative **Mike Stengel**, their Attorney **Michael Chapman**, approximately **seven** other interested persons (see attached list) and Planning Manager **Karen Welch** were present. Manager Welch presented the Planning Commission's recommendation that items exceeding the threshold standards should be addressed. Attorney Chapman gave an overview of the business. **Mike Stengel** presented and discussed the "narrative supplement to threshold standard evaluation" (see attached). Representative for the neighborhood, **Pat Boots** presented neighborhood concerns (see attached). These were discussed. Comm Story made a motion to approve the application for High Impact Permit No. 430, contingent on specified mitigating measures. The motion was seconded by Comm Wilson and carried. Planning Manager Welch will draft High Impact Permit No. 430 for review and signature.

HEALTH DEPARTMENT Director **Lori Cooper** presented a request for approval to sign an agreement (see attached) between the Dolores County Nursing Service and Montezuma County Health Department. The agreement is to apply to Montezuma County, acting as lead agency for Dolores County, for monies from the "Communities of Excellence" grant for one year. The purpose of the one-year grant from "Communities in Excellence - Tobacco Control" is to assess the need in Dolores County for tobacco control, and to develop a five-year plan for delivering tobacco prevention. Comm Story moved to sign the agreement, seconded by Comm Wilson and carried.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 2001 versus 2002 for the month of March 2002, Financial Information Summary (3/1 - 3/30, 2002), and Quarterly Reports" (see attached) for review and discussion.

KINDER MORGAN CO2 COMPANY WELL SITES representative **Bob Clayton** made reference to the approved High Impact Permit (see minutes of April 1, 2002). He asked for approval to amend the permit to show a change of location for the YE#5 well -- from BLM land to adjacent private land (just across the fence). He presented a letter from the landowner approving use of his land. Comm Story moved to approve the amendment to the permit, seconded by Comm Wilson and carried. Planning Manager **Karen Welch** was present and will incorporate this action into the HIP.

PLANNING Manager **Karen Welch** presented planning resolution **P-03-02E**, whereas **C. Ann Brown**, owner of 63.22 acres, would be granted an exemption to the subdivision regulations to obtain a legal description for that portion of the parcel which is bisected by Hwy 160 lying on the south side of Hwy 160 containing 13.95 acres in Section 28, T.36N., R.15W. Comm Wilson was recused because of a conflict of interest. Comm Story moved to adopt this resolution, seconded by Comm Lindsay and carried. Presented the following High Impact Permits (see attached) for signature. (1) **No. 52 – The Dog Hotel/Tom Overington:** condition - noise levels stay within their current status, noting that random testing could occur. (2) **No. 422 - Cortez Sanitation District:** conditions – clear title to property and water quality standards meet State of Colorado Department of Health. (3) **No. 283 – LePew Septic Tank Service/William D. Edgerton:** condition – approval for 2 years with the right to review and renewal, limited to Mr. Edgerton's current business base (request later to amend with an option to build a 1500 sq ft structure to enclose the receiving station was affirmed).

FORFEITURE BOARD was conducted.

SHERIFF Joey Chavez presented the "2002 Annual Fire Operating Plan for Montezuma County – Colorado State Forest Service" for review. No action was taken. Discussed the fire danger in the county.

PUBLIC HEARING CONTINUED – AMENDMENTS TO THE MONTEZUMA COUNTY LAND USE CODE: It being the time set aside, a continued public hearing is held on proposed amendments to the Montezuma County Land Use Code. The roll was called and the proceedings were taped for the record. Present were Planning Manager **Karen Welch** and approximately **twenty-eight** other interested persons (see attached list). The meeting was opened to the public for any new input. Received comments about the proposal to change UBC to IBC. Comm Story made recommendations as follows: (1) to **not** adopt the IBC, and (2) to amend the Land Use Code as follows: adopt changes per attached amended Land Use Code, including - change

UBC to "1997 UBC" and delete any mention of the City of Cortez. It was noted that permits in compliance with the 1997 UBC will be required and enforced for industrial and commercial construction. Comm Wilson moved to approve the above recommended amendments to the Land Use Code (see attached), seconded by Comm Story and carried.

FOUR STATES AGGREGATE LLC--LINE CAMP GRAVEL PIT – HIGH IMPACT PERMIT NO. 385: Aryol Brumley and Terry Gorsuch presented a request for a 5-year extension to the operational period for HIP No. 385. The request was denied. It was clarified that the original approved application reflects that the 5-year period starts when all the permits are in place.

R B OLIVER LAKE SUBDIVISION: Comm Story moved to approve and sign the final plat for the R B Oliver Lake Subdivision (Oliver), seconded by Comm Wilson and carried.

LANDOWNER P. G. West met to discuss the condition of CR 31. He asked if there was anything the residents could do. He stated that the dust is bad and it is very rough. He was told the road department will continue to work on the problems. Discussed possibility of a paving district. He mentioned a trash problem, and stated the neighbors would pick up the trash, if the county could provide the bags. He was asked to contact road department (Lloyd Everett) for the bags. Discussed trash problem in BLM's Cache Canyon area. Mr. West mentioned he might take aerial photos of the area and then address the problem with BLM personnel.

ADJOURNED at 4:30 p.m.

Deputy Clerk
April 8, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 15, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 15, 2002, 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 8, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) finishing up work on CR L, (b) re-arranging tire shop (Cortez), and (c) doing catch up work. Discussed the proposed 2002 Road Plan. *** **Later** Foreman **Jay Palmer** met to discuss a request for the road department to clean out an irrigation ditch – person needs to contact the ditch company.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented annual precipitation totals in the County and a comparison chart for the last 4 years. Noted that the county is very dry.

LIQUOR LICENSE: Deputies **Judy Follman and Tammy Neely** presented an application for renewal of a Hotel/Restaurant liquor license for **Stoner Creek**. The Sheriff and Health Departments reported no problems with the establishment. Comm Wilson moved to approve the application, seconded by Comm Story and carried.

CONCERNED CITIZENS **Miscelle Allison and Marvin Smith** met to discuss "Prospects for Waste & Materials Management in the Year 2020" paper, and proposed Southwest Memorial Hospital expansion.

DOLORES RIVER VALLEY – FLOOD PLAIN: **Marilyn Boynton** stated she feels some homes are being built too close to the river. She also mentioned flood plain mapping.

2002 ANNUAL FIRE OPERATING PLAN FOR MONTEZUMA COUNTY – COLORADO STATE FOREST SERVICE: Comm Story moved to sign the "2002 County Fire Operating Plan," seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented a letter in regard to Cortez Sanitation District's new wastewater plant. The letter was signed (see attached). Resolution No. 4-2002 was presented. Comm Wilson made a motion to adopt **Resolution No. 4-2002 – Amending Resolution Nos. 2-98 and 12-2000, The Montezuma County Land Use Code** (see attached). The motion was seconded by Comm Story and carried. Presented the following High Impact Permits (see attached) for signature: (1) **No. 430 - Four Corners Materials – SW Group, Inc.:** conditions – all mitigation measures being implemented and adhered to. (2) **No. 427 – Kinder Morgan #HB#4 and HE#5:** conditions – obtaining the appropriate permits, dust mitigation/abatement, traffic, speed, litter and signage. (3) **No. 428 – Kinder Morgan #YF#3 and YE#5:** conditions – obtaining the appropriate permits, dust mitigation/abatement, traffic, speed, litter and signage. (4) **No. 429 – Kinder Morgan**

#S10: conditions – obtaining the appropriate permits, dust mitigation/abatement, traffic, speed, litter and signage.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 431 - GREAT SOUTHWEST COUNCIL, BOY SCOUTS OF AMERICA: It being the time set aside a public hearing is held concerning a High Impact Permit application for a campground facility for Great Southwest Council, Boy Scouts of America. The site of the proposed facility is 36990 Road S, Dolores, Colorado 81323. Said property is located in Section 15, T.37N., R.14W. on 40.0 acres situated on the east side of Road S, lying northeast of Hwy 184. The roll was called, the proof of publication read, and the proceedings were taped for the record. Boy Scouts of America representative **R. T. Scott**, Lost Canyon Ranch Manager **Randy Milligan**, and Planning Manager **Karen Welch** were present. Manager Welch presented the Planning Commission's recommendation that a public hearing be held to review the application. Mr. Scott gave information about the proposed campground (site map, utilities and access). The traffic threshold standard and need for signage was discussed. Mr. Milligan stated that Road S is rough and there are spots that need new gravel. Comm Story made a motion to approve the application for High Impact Permit No. 431, contingent on specified mitigating measures. The motion was seconded by Comm Wilson and carried. Planning Manager Welch will draft High Impact Permit No. 431 for review and signature.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 131 – A TO Z STORAGE: It being the time set aside a public hearing is held concerning a High Impact Permit application for an expansion of use for A-Z Storage, 27486 Hwy 160, Cortez, Colorado 81321. Said property is located in Section 30, T.36N., R.15W. on 4.23 acres situated on the south side of Hwy 160. The roll was called, the proof of publication read, and the proceedings were taped for the record. A-Z Storage representative **Maggie Love** and Planning Manager **Karen Welch** were present. Manager Welch presented the Planning Commission's recommendation that a public hearing be held to review the application. Manager Welch gave information about the proposed expansion. Ms. Love presented information about the area involved for the additional units. Discussed the threshold standards that were exceeded. Comm Story made a motion to approve the application for High Impact Permit No. 131. The motion was seconded by Comm Wilson and carried. Planning Manager Welch will draft High Impact Permit No. 131 for review and signature.

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. Comm Wilson made a motion to adopt **Resolution 5-2002** (see attached). The motion was seconded by Comm Story and carried.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 360 – CHARLES NEAL DBA OLD WEST REALTY: It being the time set aside a public hearing is held concerning a High Impact Permit application for an expansion of use for Charles Neal's property, dba Old West Realty, 22333 Road S, Dolores, Colorado 81323. Said property is located in Section 20, T.37N., R.16W. on 12.56 acres situated on the north side of Road S, lying east of Hwy 666. The roll was called, the proof of publications was read, and the proceedings were taped for the record. Present were owner **Charles (Chuck) Neal, Tiffany Neal, Del Kraft, Daniel Waldorf**, and Planning Manager **Karen Welch**. Manager Welch presented the following: (1) Planning Commission's recommendation that a public hearing be held to review the application. (2) Planning Commission's request that no construction be done over a buried irrigation line. (3) Information on expansion of the business by 8 units – 2 for personal use (hobby shop and farm equipment repair shop) and the remaining 6 for rental. (4) Engineer inspection stating structure meets UBC standards (see attached). (5) Telephone note from neighbor expressing opposition to the expansion. Mr. Neal presented photos of the units and site map. These were discussed. Public comments were asked for. **Del Kraft** submitted a letter stating her opposition (see attached) and expressed concerns about traffic, fumes from repair shop, and stated she would like for the

neighborhood to remain residential. **Daniel Waldorf** expressed his concerns about traffic, security lights, change of the community, and noise. Set backs and zoning of the neighborhood were discussed. The Board asked Mr. Neal to submit a specific site plan (location and landscape). The public hearing is continued to Monday, April 29, 2002, at 10:00 a.m.

ADJOURNED at 2:30 p.m.

Deputy Clerk
April 15, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 22, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 22, 2002, 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, April 15, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: General fund warrants #38712 thru #38916 in the amount of \$175,047.32; Road department fund warrants #15622 thru #15705 in the amount of \$69,964.03; Landfill fund warrants #2960 thru #2983 in the amount of \$10,951.71; and Correction facility, no expenses for March -- were approved for payment.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) working on Airport road project, and (b) plan to start mag-chloride program around the first of May – discussed costs associated with the program.

HEALTH DEPARTMENT Manager **Lori Cooper** presented change orders for two contracts between the Department of Public Health and Environment and the Board of County Commissioners of Montezuma County for review and signature: (1) Letter No. 1 for "Public Health Nursing Program Contract, (2) Letter No. 1 for Environment Health Officer Program Contract. Comm Wilson moved to sign both of the "Change Orders," seconded by Comm Lindsay and carried.

LOST CANYON ESTATES SUBDIVISION – RE-PLAT OF LOTS 36, 37 & 38: Comm Wilson moved to approve and sign the Lost Canyon Estates Subdivision – Re-plat of Lots 36, 37 & 38 (Tobiasson and Erb), seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** presented the following High Impact Permits (see attached) for signature: (1) **No. 431 -Great Southwest Council, BSA – Campground for Boy Scouts of America:** condition – understanding the issues of Road S. (2) **No. 131 - A to Z Storage – Michael W. Anderegg, etal:** no condition – approved as presented.

ABATEMENTS: Appraiser **Mark Vanderpool** being present, presented petitions for abatement of property tax and recommended approval for the following: (1) **Billy F. Ragland (5359-104-00-002H1 – 1/2 interest),** 2001, erroneous assessment, \$1,109.46, and **Donna L. Ragland (5359-104-00-002H2 – 1/2 interest),** 2001, erroneous assessment, \$1,109.46. Comm Wilson moved to approve these petitions, seconded by Comm Lindsay and carried. (2) **Hospice of Montezuma, Inc. (5611-342-00-008),** 2001, erroneous assessment \$1,676.75. Comm Wilson moved to approve this petition, seconded by Comm Lindsay and carried. The roll was called and the proceedings were taped for the record.

LIQUOR LICENSE: Deputy Clerks **Judy Follman and Tammy Neely** presented a new application for a retail liquor store license for **“Mac’s Liquor” (Karl McGee)**. It was affirmed that a public hearing is scheduled for Monday, June 3, 2002, at 10:00 a.m. and a one-half mile radius is set for the investigation by the Sheriff’s department with Mr. McGee doing the neighborhood polling.

FARM SERVICE AGENCY representative **Paul White** met to discuss the drought conditions in the county. He asked for a letter of support for relief “disaster designation.” The letter will be sent with an application for help available from the Non-Insurable Agriculture Program (NAP), if the drought conditions continue. This was affirmed.

SB 02-141: Comm Wilson moved to vacate **Resolution No. 3-2002**, (see March 4, 2002 minutes), seconded by Comm Lindsay and carried.

ADJOURNED at 1:30 p.m.

Deputy Clerk
April 22, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
APRIL 29, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 29, 2002, 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 22, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-09-02** to the Treasurer to pay \$1,790.13 and \$1.80 (2 billings) for a total of \$1,791.93 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ESCROW ACCOUNT ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-10-02** to the Treasurer to transfer \$13,600.00 from the Escrow account to Road & Bridge for Road 34. The motion was seconded by Comm Story and carried.

ENERGY/MINERAL IMPACT ASSISTANCE PROJECT: Comm Story made a motion to sign the EIAF #4220 – Montezuma County Dolores Valley Plan, Energy/Mineral Impact Assistance project contract. The motion was seconded by Comm Wilson and carried.

ROAD DEPARTMENT – COUNTY ROAD L: Road Foreman **Jim Becher, Jackie Proffitt** and **seven** other interested persons (see attached list) met to discuss the condition and future plans for CR L. Ms. Proffitt stated they appreciate all the work that has been done on the road. She asked if the road could be paved and stated there is a lot of commercial trucks using it now. Discussed request for a guardrail, speed limit signs, road count, and dust abatement. They were told that mag-chloride for the road is scheduled, a road count will be done, and area for placement of a guardrail will be checked. They were referred to the Sheriff's department for setting of speed limits.

ROAD DEPARTMENT Foreman **Jim Becher** reported the airport road project – culvert in and plans are to widen the road (south and east). Presented the "**Montezuma County Road Plan 2002**" – plan was reviewed. Discussed: (a) water availability (to work on roads), (b) lack of response from public for mag-chloride, and (c) need for survey of reserves for gravel and sand stone.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 360 – CHARLES NEAL DBA OLD WEST REALTY: It being the time set aside a continued public hearing is held concerning a High Impact Permit application for an expansion of use for Charles Neal's property, dba Old West Realty. The roll was called and the proceedings were taped for the record. Present were owner **Charles (Chuck) Neal, Tiffany Neal, Del Kraft,** and Planning Manager **Karen Welch.** Manager Welch gave input about planned set-backs, etc. Mr. Neal presented a site plan that included landscaping. The site plan was discussed. Ms. Kraft presented her proposed landscaping plan as an adjoining landowner. Comm Wilson made a motion to approve the application for High Impact Permit No. 360, contingent on specified mitigating measures. The motion was seconded by Comm Story and carried. Planning Manager Welch will draft High Impact Permit No. 360 for review and signature.

PLANNING Manager **Karen Welch** presented the following recommendations from the Planning Commission that the following proceed to the Board of County Commissioners for public hearings for high impact permits: (1) **Kinder Morgan** (pipeline) – hearing scheduled for Monday, May 13, 2002, at 1:30 p.m., and (2) **Tierra Properties – Randall and Donna Sue Spear** (expansion of use – Ropes Course) – hearing scheduled for Monday, May 6, 2002, at 1:30 p.m. Presented planning resolution **P-27-94 Second Amendment**, whereas exemption resolution P-27-94 was recorded on June 3, 1994, reception No. 440505, and amended on the 15th day of August 1994, reception No. 442061 and whereas **Efton Jiles and Wayne Goldbach**, owners of the 25.77 acre parcel and **Don and Hope Barkhurst**, owners of 36 acres, would be granted an exemption to the subdivision regulations to amend said exemption (see attached resolution) in Section 5, T.37N., R.16W. Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried. A verbal request from **Ed Higman** for an exemption to the subdivision regulations to split 10 acres (with a home) from 98 acres (AR3-9) was denied.

ADAIR ESTATE CLUSTER INCENTIVE PUD SUBDIVISION: Comm Wilson made a motion to approve and sign the final plat for the Adair Subdivision (Adair). The motion was seconded by Comm Story and carried.

HOBO ACRES MINOR SUBDIVISION: Comm Wilson made a motion to approve and sign the final plat for the Hobo Acres Minor Subdivision. The motion was seconded by Comm Story and carried.

QUIT CLAIM DEED: Comm Wilson made a motion that the quit claim deed between the Montezuma County Board of County Commissioners, grantor, and Jack Willett and Helen Willett in joint tenancy, grantees (see attached) be signed. The motion was seconded by Comm Lindsay and carried. Commissioner of Deeds Story signed the quit claim deed. It was noted that the deed will not be recorded until receipt of monies from the grantees, and that it will be held in the Planning office until such time.

PUBLIC HEARING – PROPOSED AMENDMENT TO THE SPENCER MINOR SUBDIVISION: It being the time set aside, a public hearing is conducted for consideration of the application to amend the Spencer Minor Subdivision plat, submitted by James O. Spencer. Said property is located in Section 15, T.36N., R.13W., Montezuma County, CO located 2.5 miles north of Mancos, lying on the west side of Road 42. The roll was called, the proof of publication was read, and the proceedings were taped for the record and recorded by Court Reporter Ellis. Present were Attorney **Jon Kelly**, representing Mr. Spencer, Planning Manager **Karen Welch**, and Court Reporter **Barbara Ellis**. Manager Welch gave an update on the application for the amendment to the subdivision. She read a letter from Karen Kramer. Ms. Kramer states she still refuses to sign off on the amended plat as one of the owners within the original subdivision. County policy was reviewed with reference to “Subdivision Rules and Regulations - Resolution 6-94.” Exhibits for the record were presented. Comm Story moved to deny the application, seconded by Comm Wilson and carried. Written findings will be drafted for review and signature.

ADJOURNED at 2:30 p.m.

Deputy Clerk
April 29, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 6, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 6, 2002, 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 29, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

The **Clerk and Treasurer** monthly reports for April 2002 were received and noted.

NOTICE OF CLAIM: The People of the State of Colorado, Complaint No. 14574 City of Cortez, Montezuma County Sheriff's Deputies, Colorado State Highway Patrol Personal Plaintiffs, vs. Laurin Layton Desso, accused/defendant/aggrieved party was received, noted and sent to the Insurance Company.

PAYROLL: General fund payroll in the amount of \$210,304.37, District Attorney warrant #38919 in the amount of \$17,510.10, Treasurer warrant #38920 in the amount of \$159,757.18; Road department fund payroll in the amount of \$59,480.42, Treasurer warrant #15707 in the amount of \$49,776.94; and, Landfill fund payroll in the amount of \$11,536.93, Treasurer warrant #2986 in the amount of \$7,760.68 were approved for payment.

BOARD OF SOCIAL SERVICES was conducted.

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

COMMUNITY CORRECTIONS BOARD representative **Lynn Williams** presented Change Order Letter #2 FY 2001-2002 allocations – contract between the Department of Public Safety, Division of Criminal Justice and the Montezuma County corrections Board covering the period July 1, 2001 thru June 30, 2002 for review and signature. Comm Wilson moved to sign the change order, seconded by Comm Story and carried.

LANDOWNER Lane Kim met with the Board with concerns about CR N – dusty, speeding, truck traffic, mag-chloride, etc. These were discussed and he was referred to the road department's meeting each Wednesday morning and the Sheriff's department (speed monitor).

SHERIFF Joey Chavez presented the Annual Contract with the Forest Service to be re-signed – the original one was misplaced (see minutes of April 1, 2002). The contract was re-signed. Discussed: (a) remodeling plans for the Community Corrections facility, and (b) speeding on CR N.

WESTERHAUSEN – WALTER SUBDIVISION: Comm Story moved to approve and sign the final plat for the Westerhausen – Walter Subdivision CI PUD, seconded by Comm Wilson and carried.

LANDOWNER Brian Kirowski met to discuss proposed zoning in his neighborhood. He felt that the proposed zoning is not compatible with the rural atmosphere of the area. The concerns were discussed. Planning Manager **Welch** was present.

PLANNING Manager Karen Welch presented correction of planning resolution **P-27-94 Second Amendment** (see minutes of April 29, 2002), whereas **William and Ona Lee Olson** (instead of the Barkhursts) are the actual owners of the 0.39 acres (Tract 3) that is to be joined to the 25.11 acre parcel owned by Jiles/Goldbach, would be granted an exemption to the subdivision regulations to amend said exemption. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Presented the following High Impact Permit (see attached) for signature: **No. 360 – Charles Neal dba Old West Realty:** conditions - implementation of the Neal's landscaping plan, setting of the building north and south and fronting complex with board and bat and following all threshold standards. Presented **“Findings and Order Denying Spencer Application To Amend Subdivision”** for review (see attached). Comm Story moved to sign the “Findings” seconded by Comm Wilson and carried.

SENIOR CITIZENS ADVISORY BOARD representatives **Jim Antholz** presented a request for more office space at the Senior Center. Adm Weaver will discuss the request with Manager Sue Fletcher. Discussed proposal to obtain grant monies for expansion of the Center. **Bobby Jones** was also present.

ABATEMENTS: Appraiser **Scott Davis** presented petitions for abatement of property tax and recommended approval for the following: **(1) Gangwish Family Trust, Kim Clemensen, Trustee (5611-343-00-001)**, 2001, erroneous assessment, \$3,071.00. Comm Story moved to approve this petition, seconded by Comm Wilson and carried. **(2) Ray and Sammie Coulon (5611-172-01-005)**, 2000, erroneous assessment, \$1,111.79, and 2001, erroneous assessment, \$1,069.73. Comm Wilson moved to approve this petition, seconded by Comm Story and carried.

PUBLIC HEARING – TIERRA PROPERTIES LLC - PROPOSED HIGH IMPACT PERMIT NO. 157: It being the time set aside, a public hearing is held to consider a High Impact Permit application for an expansion of use for Tierra Properties, Randal and Donna Sue Spear, owners, 28000 Road T, Dolores, CO 81323. The property is situated on the south side of Road T, lying west of Hwy 145, on 19.0 acres in Section 20, T.37N., R.19W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were owners **Randal and Donna Sue Spear**, twelve other interested persons (see attached list), Sheriff **Joey Chavez**, Dolores Fire Protection District representative **David Graham**, and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation that items exceeding the threshold standards should be addressed. The Spears gave data on the project -- existing residential/business/commercial, 6 existing RV spaces, 1 proposed temporary stay buildings, 1 proposed ropes course, and 1 proposed residence. They gave information about the expanded use of the Counseling Center. Users of the proposed Retreat Center and Challenge Course were discussed. **David Graham** expressed his concern about rescue accessibility and fire danger in the area. **Ember Conley** presented a list of concerns (see attached list) and stated she was against the expansion. Approximately **nine** other persons voiced various concerns and stated they were against the proposal. **Rebecca Weil** representing a youth group stated she supported the project. Suggestion was made that the Spears meet with their neighbors to continue discussion about concerns. The public hearing is continued to Monday, May 20, 2002 at 10:00 a.m.

FAIRGROUND Manager **Daryl Buffington** presented a request from Mesa Verde National Park for use of the fairgrounds in case of a major fire in the park. After discussion, Comm Wilson made a motion to allow use of the fairgrounds for only Type 1 and Type 2 teams for a fee of \$1,000.00 per day plus utilities, damages and cleaning, with the exclusion of dates scheduled for the County Fair, July 29 through August 4, 2002, and the High School Rodeo, August 31 through September 3, 2002. The motion was seconded by Comm Story and carried.

ADJOURNED at 4:20 p.m.

Deputy Clerk
May 6, 2002

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 13, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 13, 2002, 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 6, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried. Correction of minutes May 6, 2002, - Road Department report inadvertently not included: Road Department Foreman **Don Yeomans** reported on department activities (a) mag-chloriding, (b) Airport road/CR G - working on A&D lanes, (c) crushing at Mancos gravel pit, and (d) addressing road complaints (very dusty). Discussed equipment for fires.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) mag-chloriding – requests have increased, (b) Airport road/CR G – ready to asphalt, and (c) doing chip-seal in Mancos area. Discussed: (1) CR BB, CR 12, and CR N west to Hwy 666 – still rough, and (2) safety issue due to roughness of Dolores/Norwood road – Adm Weaver will contact Forest Service to see if there is any interest in mag-chloriding the problem areas.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 2001 versus 2002 for the month of April" and discussed other activities at the Landfill.

BOARD OF SOCIAL SERVICES was conducted.

SOCIAL SERVICES Director **Dennis Story** presented the "Child Welfare Contract" between Montezuma County Attorney Bob Slough and the Montezuma County Department of Social Services for review. This was reviewed and signed by Chairman Lindsay and Attorney Slough. Also presented "Attachment A Contract #42045 - 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.

HEALTH DEPARTMENT Director **Lori Cooper** presented three contracts for review: (1) ESPDT Program Change Order No. 1 to #02 FAA01028 effective from July 1, 2001 thru June 20, 2002 – Comm Story moved to sign the change order, seconded by Comm Wilson and carried, (2) Tobacco Contract – tabled, and (3) TaiChi (independent contract) – tabled.

LIQUOR LICENSE: Deputy Clerks **Judy Follman** and **Tammy Neely** presented two applications for the **Cloud 9** establishment -- renewal for a Hotel/Restaurant liquor license and Change of Premises. They stated the Sheriff's department reported no problems with the business. Comm Story moved to approve the applications, seconded by Comm Wilson and carried.

BOTT CLUSTER INCENTIVE PUD SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Bott Cluster Incentive PUD Subdivision, seconded by Comm Story and carried.

PUBLIC HEARING – KINDER MORGAN CO2 COMPANY – PROPOSED HIGH IMPACT PERMIT NO. 432: It being the time set aside, a public hearing is held to consider a High Impact Permit application for a proposed pipeline in an established right-of-way. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were Kinder Morgan representatives **Bob Clayton and Mike Smore**, six other interested persons (see attached list) and Road Department representatives **Lloyd Everett and Jim Becher**. Mr. Clayton and Mr. Smore gave an overview of the project that will be constructed through pre-existing rights-of-way on private properties. Road issues – crossing and dust control – were discussed. No one expressed opposition to the proposed pipeline, but concerns about traffic, dust control, weeds, open ditches, documentation of project for future reference, fencing, water for disturbed stock tanks, rock removal, re-vegetation, and signage were discussed. It was affirmed that a \$50,000 reclamation bond is required for the project. Comm Story made a motion to approve the application for High Impact Permit No. 432, contingent on specified mitigating measures. The motion was seconded by Comm Wilson and carried. The Planning Department will draft High Impact Permit No. 432 for review and signature.

ABATEMENT: Appraiser **Scott Davis** presented petition for abatement of property tax for **Carol Strotman (5607-044-20-031)**, 2001, erroneous assessment, \$1,201.90. The Assessor recommends approval. Comm Wilson moved to approve this petition, seconded by Comm Story and carried.

SHERIFF Joey Chavez presented “**Resolution No. 6-2002 – Sheriff Fee Schedule**” for review (see attached). Comm Wilson moved to adopt Resolution No. 6-2002, seconded by Comm Story and carried.

ENERGY/MINERAL IMPACT ASSISTANCE PROJECT: Comm Story made a motion to sign the EIAF #3755 – Montezuma County Treatment Center, Energy/Mineral Impact Assistance project contract. The motion was seconded by Comm Wilson and carried.

PERSONNEL ISSUE: **Sharon Logee** and Sheriff **Joey Chavez** met with the Board. It was affirmed that Ms. Logee wished to have an open hearing. Sheriff Chavez stated he had not had time to prepare for the hearing and asked for a continuance. The hearing was re-scheduled for Monday, May 20, 2002, at 2:00 p.m. Finance Officer **Mary Ann Sanders** was present.

CLERK Evie Ritthaler gave an updated report on her health and activities in the Clerk’s office.

ADJOURNED at 3:15 p.m.

Deputy Clerk
May 13, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
MAY 20, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 20, 2002, 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 13, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #38918 thru #39117 in the amount of \$130,919.57, Road fund warrants #15716 thru #15806 in the amount of \$98,969.61, Landfill fund warrants #2995 thru #3026 in the amount of \$13,670.65, and Correction facility fund warrant #114 in the amount of \$3,472.10 were approved for payment.

LIQUOR LICENSE: Deputy Clerks **Judy Follman and 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, seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) chip/sealing (resurface), (b) blade patching, and (c) talked with Forest Service representative about Dolores/Norwood road – co-op with county to mag-chloride problem areas (FS supply chloride – county do the work). Discussed: (1) options for obtaining water for use on roads, (2) Crow Canyon – CR 23 project, and (3) bad corner – Lee's mobile home park (need more easement).

COMMUNITY CORRECTIONS BOARD representative **Dan Avery** presented Allocation Letter and three 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 for review and signature. Comm Wilson moved to sign the contracts, seconded by Comm Story and carried. Sheriff **Joey Chavez and Steve DeKruger** were present.

PUBLIC HEARING – TIERRA PROPERTIES LLC – PROPOSED HIGH IMPACT PERMIT NO. 157: It being the time set aside, a public hearing is continued to consider a High Impact Permit application for an expansion of use for Tierra Properties, Randal and Donna Sue Spear, owners, 28000 CR T, Dolores, CO 81323. The property is situated on the south side of Road T, lying west of Hwy 145, on 19.0 acres in Section 20, T.37N., R.19W. The roll was called and the proceedings were taped for the record. Present were owners **Randal and Donna Sue Spear**, approximately **thirty** other interested persons which included neighbors and representatives from the Open High School (see attached list), Sheriff **Chavez**, Sanitation Manger **Mick Periman**, and Planning Manager **Karen Welch**. Manager Welch gave an overview of the permit. Sheriff Chavez stated he has made a tour of the location, and said the response time to the area would be about 20 minutes. The Spears presented answers to questions from neighbors. Questions were discussed about clientele that would be involved with the proposed expansion and overnight facility use (up to 90 days). Sanitation Manager Periman gave information about their residential septic permit and the need for an updated commercial

permit. Manager Welch mentioned that consideration for a PUD might need to be addressed. Three neighbors stated they met with the Spears last week, but still expressed concerns about the expansion of use. One neighbor expressed he was against any new construction of buildings. Three persons stated their support. Comm Story asked that a more detailed application be submitted stating specific use, clientele, and days of overnight use. The hearing is continued to Monday, June 17, 2002, at 10:00 a.m.

ANASAZI HERITAGE CENTER (BLM) Director **LouAnn Jacobson** presented a "Canyon of the Ancients" brochure. She gave an update on the monument – timetable for selection of members for the Advisory Committee, vandalism, permitting, proposed parking area at Sand Canyon, proposed wells, etc. **Miscelle Allison** asked questions about funding, and roads (access) in the monument area. **Mike Preston** was present.

4-CORNERS DRAG RACING ASSOCIATION representatives **P.G. West, Clark Peterson, Devin Martin** and approximately **six** other interested persons (see attached list) were present. Presented informational packet about the proposal for a drag racing/motor cross facility in the area. Discussed: (a) land - need at least 150 acres, (b) financing/cost, and (c) application for a High Impact Permit. The Board affirmed their verbal support for the proposal.

HEALTH DEPARTMENT Director **Lori Cooper** presented three contracts for review and re-submitted two for review. Comm Wilson made a motion to sign the following contracts: (1) Statewide Tuberculosis Control Service contract, effective July 1, 2002 thru June 30, 2003, (2) Tobacco Use, (3) Task Order/Consumer Protection – Environmental Health, effective July 1, 2002, thru June 30, 2003, (4) Public Health Nursing effective July 1, 2002 thru June 30, 2003, and (5) TaiChi Instructor. The motion was seconded by Comm Story and carried.

ABATEMENTS: Appraiser **Mark Vanderpool** presented petitions for abatement of property taxes and recommended approval for the following: (1) **William R. Standiford, et al c/o Margaret A. Roth (5607-041-20-022)**, 2001, erroneous assessment, \$1,201.90. Comm Story moved to approve this petition, seconded by Comm Wilson and carried. (2) **Richet Enterprises, Inc. c/o Richard Tibbets (5609-302-00-051)**, 2000, erroneous assessment, \$1,810.31. Comm Story moved to approve this petition, seconded by Comm Wilson and carried.

PERSONNEL ISSUE: **Sharon Logee**, Sheriff **Joey Chavez** and legal representation for the Sheriff's department Attorney **Mike Green** met with the Board. Ms. Logee reaffirmed that she wished to have an open hearing and presented information contending that as a Registered Nurse for the jail facility, she should have been treated as professional staff. Sheriff Chavez presented a document signed by Ms. Logee showing that she was sworn in as a deputy. Comm Story made a motion to recognize the Sheriff's authority to dismiss Ms. Logee, based on the fact that Ms. Logee was sworn in as a deputy and signed such paper. The motion was seconded by Comm Wilson and carried. Finance Officer **Mary Ann Sander**, Undersheriff **Sam Hager, Don Evans, Gary Gardner, and C. Logee** were present.

PLANNING Manager **Karen Welch** presented planning resolution **P-04-02E After-the-Fact**, whereas **Carlos J. Whitmer**, owner of a 7.18 acre tract, would be granted an exemption to the subdivision regulations to record an after-the-fact exemption in Section 31, T.35N., R.16W., whereas the original deed was recorded on August 12, 1994, (see attached). Comm Story moved to adopt this resolution, seconded by Comm Wilson and carried.

ADJOURNED at 4:10 p.m.

Deputy Clerk
May 20, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 3, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 3, 2002, 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 (after 11:00 a.m.)
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, May 20, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

COOPERATIVE WEATHER OBSERVER: James Andrus presented informational sheet "2002 Annual Precipitation by Month Through May 31, 2002."

SHERIFF Joey Chavez presented Sheriff's department "Annual Report for 2001" for review.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-11-02** to the Treasurer to pay \$1,790.13 and \$.60 (2 billings) for a total of \$1,791.73 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 \$222,278.07, District Attorney warrant #39121 in the amount of \$16,655.49, Treasurer warrant #39122 in the amount of \$171,785.47; Road Department fund payroll in the amount of \$59,630.03, Treasurer warrant #15809 in the amount of \$49,644.24; and, Landfill fund payroll in the amount of \$11,358.95, Treasurer warrant #3029 in the amount of \$7,680.74 were approved for payment.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) Town of Dolores used county water truck to help with mag-chloride (town's truck broke down during scheduled application), and (b) hauling gravel to fairgrounds. Discussed Dolores/Norwood road.

CORTEZ PUBLIC LIBRARY: Librarian **Joan Howland** presented and discussed "Cortez Public Library Needs Your Help" booklet. She asked for increased funding from Montezuma County. Approximately twelve other persons were present (see attached list), and seven expressed that they felt the county should help with more funding. Comm Story explained the breakdown of monies received from property tax assessment. Discussed ways to finance the needs – form special library district, de-Bruce the county by a vote of the people, etc. No action was taken. They were asked to come back in the fall when the county budget is considered for next year.

CITIZENS FOR ACCOUNTABILITY AND RESPONSIBILITY (CFAR) representatives **Pat Kantor and Dave Wuchert** presented information on the CFAR Summer Intern Program sponsored by the Environmental Protection Agency, Environmental Careers Organization. The scope of the program is the identification of real and potential environmental and ecological hazards to the Dolores River Watershed. They asked for a donation of \$1,000.00 to help fund water testing equipment and lab fees. No action was taken. The Board encouraged them to work with the Dolores River Valley Plan working group.

PUBLIC HEARING – MAC’S LIQUOR – RETAIL LIQUOR STORE: It being the time set aside, a public hearing is conducted for the consideration of a retail liquor license for Mac’s Liquor. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were Deputies **Tammy Neely and Judy Follman**, owner **Karl McGee**, Sheriff Department Investigator **Kevin Boggs**, Planning Manger **Karen Welch**, and approximately **four** other persons. The application for a retail liquor license from owner Karl McGee was presented and it was noted that fingerprint results have not been received. The polling was done by Mr. McGee within the set radius of one-half mile. Thirty residents were polled. The following questions were asked: (1) Do you feel there is a need for this license? and (2) Do you want this license issued? The survey showed the following results for both questions: 18 affirmative, 5 opposed, and 7 no opinion. Investigator Boggs reported that the following was conducted: (1) an on-site inspection of the premises, (2) investigation of Mr. McGee’s financial and character background, and (3) proximity of schools, churches, and like businesses. He presented these documents, which were accepted. Planning Manager Karen Welch stated that because there is a “change of use” for the property, the new business is required to make application for a High Impact Permit (per Land Use Code - Resolution 2-98 adopted July 20, 1998). Representative from the Arriola Bible Church, **Kent Slyter** stated his concerns about whether there was a need for another liquor store in the area because of the proximity of the Church (youth, parking, use of church property), and the dangerous intersection. Former owner **Henry Sattig** expressed his support. Comm Story move to approve the application for a retail liquor store, contingent on an approved High Impact Permit and receipt of approved fingerprint results, seconded by Comm Wilson and carried.

ABATEMENT: Assessor **Bob Cruzan** presented a petition for abatement of property tax for **High Country Transportation, Inc. - Crowley (P000345 8803-000-00-089)**, 2001, erroneous assessment, \$2,024.27. He recommended approval. Comm Wilson moved to approve the petition, seconded by Comm Story and carried. The roll was called and the proceedings were taped for the record.

SOUTHWEST WORKFORCE BOARD: Comm Story moved to appoint **Gary Slavens** to the Workforce Board effective June 30, 2002 through June 30, 2003, seconded by Comm Wilson and carried.

SHERIFF’S POSSE representative **Wanda Martin** gave an update on activities of the organization. She presented the Board with an invitation to their Awards Banquet. Ms. Martin asked if the county water truck might be used to water newly planted trees on the posse grounds. The request was denied.

ADMINISTRATIVE OFFICE: **Jim Siscoe** presented information regarding a proposal for a “Study Report” in regard to gravel resources in the county. It was affirmed that the study be put out for bids.

HIGH IMPACT PERMIT NO. 360 – CHARLES NEAL DBA OLD WEST REALTY: **Charles (Chuck) and Tiffany Neal** met regarding HIP No. 360 - see minutes of April 29, 2002. Planning Manager **Karen Welch** and neighbor **Del Kraft** were present. The approved permit was presented and it was noted that the setback figures were not acceptable to landowner Neal. Mr. Neal requested a variance from the original permit. Ms. Kraft stated she feels that the original setback footage should apply. After discussion two options were presented: (1) moved the line back to within 10’ of the hitching post, or (2) have the present permit voided and re-apply with plat changes to reflect the needed setbacks. The Neals said they would consider the two options and let the Board know their decision.

LANDOWNER Sean Vaughan met to discuss a 70 plus acre parcel (two 35 acre lots with two separate 30’ easements). They want to take 12 from one 35 acre parcel and add it to the other one, therefore ending up with an approximately 48 acre parcel and a 24 acre parcel. Tentative approval for an exemption to the subdivision regulations was affirmed for the changes in parcel acreages, contingent on 18’ running surface roads for both 30’ easements. Planning Manager **Karen Welch** was present.

PLANNING Manager Karen Welch presented the following High Impact Permit (see attached) for signature - **No. 432 – Kinder Morgan:** conditions (1) Kinder Morgan will adhere to all policies and procedures of the Montezuma County Road Department with respect to construction in the county road right-of-way that may involve the crossing of county roads. (2) Traffic standard of the Land Use Code will be exceeded during construction of the pipeline. (3) Kinder Morgan will apply magnesium chloride to all roads used in conjunction with this project. (4) Kinder Morgan will post a \$50,000.00 reclamation bond in the name of Montezuma County for the purpose of re-vegetation and weed control for a period of five (5) years, covering all land

traversed by the permitted pipeline: Received bond (see attached). Presented planning resolution **P-11-79 Amended**, whereas exemption resolution P-11-79 was approved on January 29, 2002 - and granted an exemption to the subdivision regulations - describing a 3 acre parcel in Section 9, T.36N., R.16W., and failed to describe the remaining 17 acre parcel and the original owner (Ledford) is desirous of adjoining an additional 7.24 acres to the 3 acre for a total net acreage of 9.7 acres in the west tract. The east tract will then net 9.7 acres also. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Discussed need for high impact permit for the proposed All Nations Medicine Lodge (Arthur Neskahi). Mr. Neskahi will be contacted.

WATERS MODERATE SUBDIVISION: Comm Story moved to approve and sign the final plat for the Waters Moderate Subdivision (Engel), seconded by Comm Wilson and carried.

CONFERENCE CALL was held with **David Brougham**. Discussed Civil Action No. 00-2542 (Brach) United States of America v. Board of County Commissioners of Montezuma County, Colorado.

CASE NUMBER 02 CV 151 – James O. Spencer v. Board of County Commissioners of Montezuma County, Colorado. Comm Story made a motion to not send the appeal to the Insurance Company, and to have County Attorney Slough handle the case. The motion was seconded by Comm Wilson and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk
June 3, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 10, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 10, 2002, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman - absent
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 3, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Lindsay and carried.

CCI MEETING – Comm Wilson attending.

TREASURER'S report for June 2002 was received and noted.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 2001 versus 2002 for the month of May" for review. Other activities at the landfill were discussed.

INTERSECTION TO TOTTEN LAKE – CR 29 AND HIGHWAY 160: **Leon Shepherd** stated his concerns about the intersection. He suggested the following to help cut down on the dangers associated with the intersection – (a) left turn lane, (b) widening of road, and (c) reduce speed limit to 55 mph. Discussed Region 9 intersection projects. This intersection is not on the list of priorities. Noted that a short-term solution is now being considered by CDOT in lieu of the recent accident.

AFLAC insurance representatives **Cindy McKnight and Amy Ball** presented a packet containing AFLAC's supplemental insurance plans. They asked if they could present the information at the next employee's benefit meeting. County insurance Agent **Bentley Colbert** stated that they had contacted his office and he has no problem with the proposal. Request was affirmed.

MAC'S LIQUOR – RETAIL LIQUOR STORE: **Karl McGee** asked if his application for a retail liquor license (see minutes of June 3, 2002), might be sent to the State before the scheduled Planning Commission meeting is held to address his application for a high impact permit. Request affirmed, with the condition that a letter be attached to the liquor license application stating that approval of the license was contingent on approval of the High Impact Permit. A letter will be prepared and attached to the liquor license application. Planning Manager **Karen Welch**, Deputy Clerks **Tammy Neely and Judy Follman** were present.

ALL NATIONS MEDICINE LODGE: **Arthur Neskahi, Cheryl Neskahi Connors**, Attorney **Jon Kelly** and Planning Manager **Karen Welch** met to discuss proposed ceremonial activities at the Lodge. Attorney Kelly and Mr. Neskahi gave information about the historical use of the property. Mr. Neskahi stated that he feels the current proposed use should be grandfathered, because the property has been used to hold ceremonies, etc. since 1976. The Board affirmed the historical use and grandfathered the June 24, 2002, ceremony use, if CDOT issues a temporary access permit.

CEDAR KNOLLS SUBDIVISION: Comm Story moved to approve and sign the final plat for the Cedar Knolls Subdivision (Ludem/Hart), seconded by Comm Lindsay and carried.

PROPOSED STATE LAND LEASE – RECREATIONAL USE: Bike club representative **Scott Clow** and approximately **seven other persons** met to discuss a proposal to lease State land across from the fairgrounds. Several clubs (bike, 4-wheeler, etc.) will be involved in leasing the land and becoming stewards and managers of the area leased. Information and overview of use were discussed. Trail maps were presented. Mr. Clow stated that approval of the Recreational Use Lease with the State of Colorado is contingent on appropriate liability insurance. He asked if the county would be interested in helping to fund the liability insurance. After discussion, the request was denied. The Board encouraged them to remain a private entity and informed them that lottery monies might be available for some of the activities. Mr. Clow stated they would return with a request for lottery funds.

TIERRA PROPERTIES LLC – PROPOSED HIGH IMPACT PERMIT NO. 157: Neighborhood representative **Marlene Fieldson** presented “Requested Mitigation Measures” for review (see attached).

ADJOURNED at 12:30 a.m.

Deputy Clerk
June 10, 2002

Chairman

Online Copy

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

PLANNING Manager **Karen Welch** presented a verbal request for an exemption to the subdivision regulations for **Curtis Cowen**, owner of three parcels consisting of 3 acres, 17 acres and 35 acres, to combine the acreage and create two parcels – 12 acres and 42 acres. The request was tentatively approved.

BID – IMPROVEMENTS - JUSTICE BUILDING: Two bids were received as follows: (1) Candelaria Construction, Inc., \$455,301.00 and Weeminuche Construction Authority, \$379,845.00. Comm Story moved to instruct the architect to draw up the plans to award the bid to Weeminuche Construction Authority for \$379,845.00, seconded by Comm Wilson and carried.

ADJOURNED at 12:00 noon.

Deputy Clerk
June 17, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JUNE 24, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 24, 2002, 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 17, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

APPLICATION TO AMEND SUBDIVISION - JAMES O. SPENCER: Letter with Exhibit "A" (see attached) to Attorney Kelly, who represents James O. Spencer, was signed.

2002 HOLIDAY LIST: The Board affirmed that Friday, July 5, 2002, be added to the 2002 holiday list. All county offices will be closed Thursday, July 4 and Friday, July 5, 2002 (see attached).

IMPROVEMENTS – JUSTICE BUILDING: Comm Story moved to sign the "Agreement" between the owner, Montezuma County Commission and the Contractor, Weeminuche Construction Authority for the renovations and improvements to the existing Montezuma County Justice Building. The motion was seconded by Comm Wilson and carried. The architect is Archetype Design Group, Inc.

RE-PLAT OF LOT 1, HILLTOP MANOR SUBDIVISION: Comm Wilson moved to approve and sign the Re-Plat of Lot 1, Hilltop Manor Subdivision (Massie), seconded by Comm Story and carried.

LIQUOR LICENSE: Deputies **Tammy Neely and Judy Follman** presented information on the "Change of Location" application for the **G. Whil Liquor** establishment. The change of location did not take place in the approved 60-day timeframe. Therefore, the State of Colorado, Liquor License Enforcement Division has imposed a 3 day suspension – 2 days in abeyance for one year and 1 day shut down from 12:01 a.m. to 11:59 p.m. July 8 thru July 9, 2002. The Board took no action.

JAIL INSPECTION TOUR was conducted at 10:30 a.m.

ADJOURNED at 11:30 a.m.

Deputy Clerk
June 24, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 1, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 1, 2002, 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 24, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund warrants in the amount of \$208,741.30, District Attorney warrant #39306 in the amount of \$18,486.79, Treasurer warrant #39307 in the amount of \$160,423.62; Road Department fund warrants in the amount of \$60,240.77, Treasurer warrant #15888 in the amount of \$49,052.90; and, Landfill fund warrants in the amount of \$12,022.39, Treasurer warrant #3070 in the amount of \$7,803.14 were approved for payment.

911 AUTHORITY BOARD: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-12-02** to the Treasurer to pay \$1,745.78 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Jay Palmer** and **Lloyd Everett** reported on department activities: (a) chipping done, (b) blade smoothed some roads, (c) work delayed on CR L, 20 and 29 – hot mix plant down, and (d) re-doing walls on Wallace Bridge and contacted fencing company to do west fencing. Discussed: (1) CR 28 and 28.5 (roads to Lee's Mobile Home Park), (2) Hay Camp road – rough – Triad Western Constructors, Inc. will help with maintenance/mag-chloride, (3) water availability for use in road work, and (4) agreement with Forest Service/County on the Dolores/Norwood road – Adm Weaver will contact forest service to discuss options.

HEALTH DEPARTMENT Director **Lori Cooper** presented two contracts for review and renewal. (1) Comm Wilson moved to approve the **2002-2003 Environmental Health Contract Renewal Letter**, seconded by Comm Story and carried. (2) Comm Story moved to approve the **EPSDT Program** contract effective July 1, 2002 thru June 30, 2003, seconded by Comm Wilson and carried.

SOCIAL SERVICES Director **Dennis Story** presented the **"2002 Memorandum of Understanding (MOU) 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.

PROPERTY AND CASUALTY LIABILITY INSURANCE BIDS: Two bids were received: (1) **CTSI** in the amount of \$158,017.00. It was noted that this bid did not include all the vehicles, and when these were added in, the amount was substantial higher. (2) **Wolcott Insurance Services** in the amount of \$162,839.00. Their representative, **Bentley Colbert** was presented and reviewed their plan. Attorney Slough was recused because of a conflict of interest. Comm Story moved to accept the Wolcott Insurance Services bid in the amount of \$162, 839.00, seconded by Comm Wilson and carried.

PUBLIC HEARING – LIQUOR STORE (MAC’S LIQUORS) – HIGH IMPACT PERMIT NO. 435: It being the time set aside, a public hearing is held regarding a High Impact Permit application for a liquor store on property owned by Karl R. McGee. The parcel consists of .19 acres and is located in Section 19, T.37N., R.16W., located on the east side of Hwy 666, lying on the north side of Road S. The proceedings were taped for the record, the proof of publication read and the roll called. Present were **Karl McGee and Shawn McGee**, approximately **six** interested persons (see attached list), Planning Manager **Karen Welch** and Deputy Clerks **Tammy Neely and Judy Follman**. Manager Welch gave an overview of the application and the Planning Commission’s recommendation that there be appropriate traffic signage (dangerous intersection, etc.) and that hours of operations be implemented. Shawn McGee gave information on the building. Concerns from the six interested persons included: high traffic intersection, increase traffic on CR S, church close by – youth functions – not good influence, roads icy in winter, no turn lane off of Hwy 666, another store in the area, and insufficient parking space. A letter of opposition from Jacqueline Bloink was also submitted (see attached) and noted. Proposal was not sent to CDOT. Comm Story moved to approve the application for High Impact Permit No. 435, contingent on specified mitigating measures, seconded by Comm Lindsay and carried, with the vote as follows: Comm Story “aye”, Comm Lindsay “aye”, and Comm Wilson “nay.” The Planning Department will draft High Impact Permit No. 435 for review and signature.

CLERK’S OFFICE: Deputy Clerk **Carol Tullis** presented information in regard to the 2002 Primary and General Election. Presented for approval were “Precinct Polling Places” and a request to change the early voting date from Saturday, August 3rd to Friday, August 2nd through August 9th. Comm Story moved to approve the Precinct Polling Places (see attached) and start the early voting on Friday, August 2, 2002, seconded by Comm Wilson and carried. Also presented was information on the Colorado Secretary of State sponsored Veterans Project.

COMMISSIONER Candidate **Chuck McAfee** visited with the Board about fire and emergency preparedness programs in Montezuma County. Suggestions, etc. were discussed.

PLANNING Manager **Karen Welch** presented the following recommendations from the Planning Commission that the following proceed to the Board of County Commissioners: **(1) High Impact Permit No. 436 – Good Time Sports (Ty and Denise Hawkins) – approve HIP without a public hearing.** Comm Story moved to approve HIP No. 436, seconded by Comm Wilson and carried. **(2) High Impact Permit Nos. 437 and 438 -Verizon - add emergency back up generator and propane tanks at the Goodman Point (Road M) - No. 438 and Towoac tower sites - No. 437 – approve HIP without a public hearing.** Comm Story moved to approve HIP Nos. 437 and 438, seconded by Comm Wilson and carried. **(3) High Impact Permit No. 198 – Rule Trucking (Rule/Degagne) – add a commercial building (shop for equipment storage) – set for public hearing.** Public hearing is scheduled for July 8, 2002, at 10:45 a.m. **(4) High Impact Permit No. 439 - L&L Mini Storage (Curtis and Lucy Cowan) - expansion – set for public hearing.** Public hearing is scheduled for July 8, 2002, at 10:30 a.m. **(5) High Impact Permit No. 440 - Cortez Mini Storage (M. Branch and W. Seielstad) – expansion – set for public hearing.** Public hearing is scheduled for July 8, 2002, at 11:00 a.m. Manager Welch also presented a verbal request from **William Boyer** to split off approximately 10 acres from a 40 acre parcel. The Board recommended Mr. Boyer do a 2-lot subdivision. Presented draft information about implementation of building inspections, fees, etc. effective July 1, 2002, for commercial buildings and any requests by personal individuals.

VIRGINIA GOZA SUBDIVISION: Comm Story moved to approve and sign the final plat for the Virginia Goza subdivision, seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** presented “Community Fire Plan for Montezuma County.” Planning Manager **Karen Welch** was present. Discussed the fire plan in connection with the Land Use Plan and required sign-off by the Fire Districts.

CONFERENCE CALL was held with **David Brougham**. Discussed Civil Action No. 00-2542 (Brach) United States of America v. Board of County Commissioners of Montezuma County, Colorado. Planning Manager **Karen Welch** was present.

ADJOURNED at 3:30 p.m.

Deputy Clerk July 1, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 8, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 8, 2002, 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 1, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

SUMMONS IN CIVIL ACTION NO. 02-D-1170 (CBS) – District Court, **Beverly Knuckles**, plaintiff v. **Vista Grande Nursing Home, Montezuma County Hospital District, Monezuma County, Shelly Lay and Does 1-10 Inclusive**, defendants was received and noted. It will be sent to the Insurance Company.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented precipitation totals in the County since 1929. The information was reviewed. **Mike Preston** was also present.

ROAD DEPARTMENT: Letter was received from Ralph E. Vavak complimenting the department for work done on CR L between CR 25 and Hwy 666 (see attached).

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 2001 versus 2002 for month of July" for review. Other reports showing activities at the landfill were also presented and discussed.

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

PLANNING Manager **Karen Welch** presented **High Impact Permit No. 157 – Tierra Properties, LLC (Spear)** for review and signature with the following conditions: (1) applicant must obtain the necessary State or County septic permit and upgrade the present sewage system accordingly, (2) submit a Planned Unit Development plan as pertains to the commercial use on this property, (3) the number of clientele staying overnight on the premises shall not exceeded 24, (4) supervised hours of operation of the Challenge Ropes Course shall be: Monday through Saturday: 8:00 a.m. to 7:00 p.m. and on Sundays: 8:00 a.m. to 12:00 p.m., (5) setbacks as outlined in the Montezuma County Land Use Code must be met, (6) fencing will be addressed during the PUD process, and (7) applicant must obtain any and all required Federal, State and County permits and licenses. Comm Story moved to sign High Impact Permit No. 157, seconded by Comm Wilson and carried.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 439 – L&L MINI STORAGE: It being the time set aside a public hearing is held concerning a High Impact Permit application for an expansion of use of L&L Mini Storage, Curtis and Lucy Cowan, owners. The business is located at 27881 Hwy 160, Cortez, Colorado, 81321 and is situated on the north side of the highway on 12 acres, more or less, in Section 30, T.36N., R.15W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were owner **Curtis Cowan** and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation that the public hearing be held to review the application. Discussed setbacks, building footprint and traffic. There was no public input. Comm Story made a motion to approve the application for High Impact Permit No. 439, contingent on specified mitigating measures. The

motion was seconded by Comm Wilson and carried. The Planning Department will draft High Impact Permit No. 439 for review and signature.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 198 – RULE TRUCKING: It being the time set aside a public hearing is held concerning a High Impact Permit application for an expansion of use of Rule Trucking, Larrie Rule and Patricia DeGagne, owners. The business is located at 26202 Road L, Cortez, Colorado, 81321 and is situated on the south side of Road L, lying east of Road 26, on 7 acres, more or less in Section 24, T.36N., R. 16W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were owner **Larrie Rule**, three other interested persons (see attached list), and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation that the public hearing be held to review the application. A letter from **Mr. and Mrs. Stanley Sparks** (see attached) expressing their concerns was received and noted. **Robert Laitsch** stated he had the same concerns as expressed in the Sparks letter. These were discussed. **Bill Hooten** stated he had no problem with the expansion. Comm Story made motion to approve the application for High Impact Permit No. 198, contingent on specified mitigating measures. The motion was seconded by Comm Wilson and carried. The Planning Department will draft High Impact Permit No. 198 for review and signature.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 440 – CORTEZ MINI STORAGE/CORTEZ SELF STORAGE COMMERCIAL WAREHOUSE PROJECT: It being the time set aside a public hearing is held concerning a High Impact Permit application for an expansion of use on property owned by William Seielstad and Michael Branch. The business is located in Tr. 3, Cottonwood Grove Subdivision, 6894 Road 24, Cortez, Colorado, 81321, and is situated on the east side of Road 24, lying south of Road G, on 3.5 acres, more or less. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were owner **Michael Branch**, ten other interested persons (see attached list), Sanitation Manager **Mick Periman**, and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation that the public hearing be held to review the application. Discussed building footprint, setbacks and traffic. Mr. Branch gave an overview of commercial clientele that could use the warehouse. During the public input period, all ten interested persons expressed opposition to the project with concerns about the request for the after-the-fact permit, traffic, possible sewer odor, dust, setbacks, a decrease in property values, etc. These issues were discussed. Sanitation Manager Periman gave information about the engineered septic system. Comm Story moved to continue the public hearing to Monday, August 5, 2002, at 10:00 a.m., seconded by Comm Wilson and carried.

LIQUOR LICENSE: Deputy Clerks **Judy Follman** and **Tammy Neely** presented an application for "transfer of ownership" for the **Dawson Lake Store**. The Sheriff Department reported no problems with the establishment. Ms. **Siglindee Dorenkamp** was present. Comm Story moved to approve the "transfer of ownership," contingent on receipt of deed, seconded by Comm Wilson and carried.

COMMISSIONER Candidate and member of the Planning Commission, **Dwayne Findley** visited with the Board about request for after-the-fact high impact permits and possible need for consequences.

SETTLEMENT - ARAMARK v MONTEZUMA COUNTY BOARD OF COMMISSIONERS – BAA Docket No. 38003: Comm Wilson moved to accept Aramark's counteroffer that the appeal be settled by assigning to the possessory interests a total actual value for purposes of 1998 property taxes payable in 1999 of \$1,138,740.00, seconded by Comm Lindsay and carried.

ADJOURNED at 12:10 p.m.

Deputy Clerk
July 8, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 15, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 15, 2002, 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 8, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

WAIVER OF SERVICE OF SUMMONS, Civil Action No. 02-B-1116 (CBS), **Stephen C. Roth, et al.**, plaintiffs, v **Michael F. Green, et al.**, defendants was received. Comm Wilson moved to accept and sign the Waiver only for the Board of County Commissioners for the County of Montezuma, seconded by Comm Lindsay and carried. All information will be sent to the insurance companies.

SHERIFF'S report for the month of June 2002 was received and noted.

GENERAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-13-02** to the Treasurer to transfer \$77,111.64 from the General Fund to the Social Services fund – quarterly HCBS (see attached). The motion was seconded by Comm Lindsay and carried.

LIQUOR LICENSE: Deputy Clerks **Tammy Neely and Judy Follman** presented an application for renewal of a retail liquor license for **G. Whil Liquors**. The Sheriff department reported no problems with this establishment. Comm Wilson moved to approve this application, seconded by Comm Lindsay and carried.

ROAD DEPARTMENT: **Lloyd Everett** and **Randy Smith** discussed the following with the Board: (a) fire situation and availability of water trucks for fires and (b) LDS Church HIP No. 434 mitigating measures – will check with Planning Manager Welch.

BOARD OF SOCIAL SERVICES was conducted.

PROPOSED INSTALLATION OF WATER STORAGE TANKS – PRIVATE PROPERTY ON GRANATH MESA: Neighborhood spokesperson **John Cowell**, Fire District representative **Mike Zion**, approximately **five** persons, and Planning Manager **Karen Welch** were present. Discussed the proposed installation of the tanks (see February 25, 2002 minutes) in connection with fire prevention. After discussion, it was again determined that the request needs to go through the high impact permit process.

PONDEROSA PINE ZONE PARTNERSHIP review booklet was presented by **Carla Harper** and discussed. **Mike Preston** was present.

TATE-SPORE SUBDIVISION CI PUD PLAT: Comm Wilson moved to approve and sign the final plat for the Tate-Spore Subdivision CI PUD, seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** presented planning resolution **P-05-02E**, whereas **Sean Vaughn, Kevin Vaughn and Kelly Vaughn**, owners of a 36.81 acre parcel in Section 22, T.37N., R.15W, would like an exemption to the subdivision regulations to deed 12.80 acres of that parcel to Sean Vaughn, and the above mentioned 12.80 acres does not create a separate parcel for sale and will be adjoined to another 36.81 acre parcel owned by Sean Vaughn for a total of 49.61 acres, leaving Kevin Vaughn and Kelly Vaughn a 24.00 acre parcel. Comm Wilson moved to adopt this resolution, seconded by Comm Lindsay and carried. Presented **High Impact Permit No. 435 – Mac’s Liquors (Karl McGee)** for signature with the following conditions – (1) traffic – posting of signage: (a) dangerous intersection sign, (b) discussion with Road Department of reduced speed signage on Road S, (c) sign posted on front of business cautioning patrons when backing out of the parking lot, and (d) service vehicles use the northwest entrance not the southwest entrance. (2) applicant must obtain any and all required Federal, State and County permits and licenses, and (3) hours of operation: 10:00 p.m. closing. Presented a verbal request from **Jim Svendsen** for an exemption to the subdivision regulations to amend P-30-88 (change boundary lines of two lots). No action was taken.

ADJOURNED at 12:15 p.m.

Deputy Clerk
July 15, 2002

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
JULY 22, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 22, 2002, 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 15, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #39308 thru #39499 in the amount of \$263,303.33, Road department fund warrants #15889 thru #15961 in the amount of \$342,098.87, Landfill fund warrants #3071 thru #3113 in the amount of \$32,923.98, and Correction facility fund warrants #117 thru #118 in the amount of \$69,928.91 were approved for payment.

ROAD DEPARTMENT: Randy Smith reported on department activities: (a) working on Wallace bridge – CR G (McElmo Canyon), and (b) crusher at Mancos gravel pit. Discussed trash collected by Alert Team, and Dolores/Norwood road – co-op with forest service.

HEALTH DEPARTMENT representatives Jane Duncan and Jane Baca presented a contract for review. After discussion Comm Story made a motion to sign the "San Juan Basin Area Agency on Aging (AAA), Title III-E Older American Act Purchase of Service Contract (Unit Rate Contract) FY 2002." The motion was seconded by Comm Wilson and carried.

AFLAC insurance representative Amy Ball met to discuss pros and cons of their proposal to offer supplemental insurance plans to the county employees and set up such for payment by payroll deductions under Section 125. No action was taken.

PLANNING Manager Karen Welch presented the following **High Impact Permits** with findings (see attached) for signature: (1) **HIP No. 198 - Mancos Redi-Mix & Rule Trucking (Rule/DeGagne):** condition – stop sign must be posted at the entrance to Road L from each driveway. (2) **HIP No. 434 Church of Jesus Christ of Latter Day Saints, LDS Chapel: 2002** conditions – (a) approval of a Planned Unit Development plan, (b) submittal of a \$85,00.00 check for upgrade of Road M, (c) to be performed by the applicants' contractor: widen frontage 12' for a distance of 300' total for turn lanes and install culverts, and (d) to be performed by Montezuma County: furnish gravel for the project, build up road to include 4' shoulders, approach to intersection at Hwy 145 (shoulders added, build grade for stacking distance, widen to 3 lanes), blade patch and 2003 – chip seal. (3) **HIP No. 436 - Good Time Sports (Hawkins).** (4) **HIP No. 437 - Verizon Wireless – Towaoc Site.** (5) **HIP No. 438 - Verizon Wireless – CR M.** (6) **HIP No. 439 - L&L Mini Storage (Cowan).** A verbal request presented again from Jim Svendsen (Reed) for an exemption to the subdivision regulations to amend P-30-80 (change boundary lines of two lots) was tentatively approved.

LANDOWNER Chester Tozer met to discuss several items: (1) Southwest Colorado Landowners Association's objection to land swap – private land/Canyon of the Ancient National Monument, (2) overhanging branches and brush on CR G (McElmo Canyon) – need to contact road department, and (3) posts and wire taken down at Tozer Pit (Mr. Tozer wants to re-fence the area.) – will check with road department.

OLD JAIL/COMMUNITY CORRECTIONS FACILITY - inspection tour.

ADJOURNED at 12:00 noon.

Deputy Clerk
July 22, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 5, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 5, 2002, 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 22, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-14-02** to the Treasurer to pay \$1,785.93 (\$1,788.93 minus \$3.00 credit = \$1,785.93) from the 911 Account to Qwest, Denver CO 80244-0001. The motion was seconded by Comm Story and carried.

PAYROLL: General fund warrants in the amount of \$220,345.01, District Attorney warrant #39501 in the amount of \$16,872.16, Treasurer warrant #39502 in the amount of \$173,872.72; Road fund warrants in the amount of \$59,523.79, Treasurer warrant #15965 in the amount of \$53,475.69; and Landfill fund warrants in the amount of \$10,050.38, Treasurer warrant #3115 in the amount of \$7,157.09 were approved for payment.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) mag-chloriding done on Hay Camp Road (to gravel pit), (b) hauling dirt (mall) CR 27 – CR H, (c) putting ¾" gravel on top of dirt – CR M, and (d) blading roads as moisture comes (still dry). Discussed: Need to contact contractor that hauled dirt to Safeway – CR H road use – will be contacted.

LANDFILL Manager **Debby Barton** introduced new Landfill Foreman, **Tim Bates** to the Board.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented precipitation totals in the County.

PUBLIC HEARING – LE PEW PORTA – JOHNS – PROPOSED HIGH IMPACT PERMIT NO 442: It being the time set aside, a public hearing is held concerning a High Impact Permit application for Le Pew Porta-Johns, a business owned by Calvin Hayes. The property is located at 13990 Road 32.1, Mancos, CO 81328 and is situated on the East side of Road 32.1 lying north of Road P. The parcel contains 6.999 acres, in Section 36, T.37N., R. 15W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were **Calvin Hayes**, present owner of the property **Frank Boston**, approximately 17 interested persons (see attached list), and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation that the public hearing be held to review the application. Owner Hayes discussed neighborhood concerns about outdoor storage – screening, traffic and odors. He stated that no dumping or cleaning of the porta-johns shall be done on the property. It was noted that any facility added to clean, etc. would constitute an expansion of use. Mr. Boston gave the history of the private road access to the Summit Estates Subdivision. The 6.999 acre parcel is not included in the subdivision. Public input presented included a factual report, county documents on road designations, and concerns about: (a) traffic – the rough road is maintained by persons residing in the subdivision, (b) screening, (c) odor, (d) development of commercial property in an area zoned agricultural-residential, and (e) property values. One person expressed

support if screening is maintained and no cleaning is done on the property. Mr. Hayes presented photos of the parcel – trees, etc. The Board encouraged Mr. Hayes to get an agreement with the neighbors in connection with use of the road. Comm Story made a motion to continue the hearing to Monday, August 19, 2002, at 10:00 a.m, seconded by Comm Wilson and carried.

CONTINUED PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 440 – CORTEZ MINI STORAGE/CORTEZ SELF STORAGE COMMERCIAL WAREHOUSE PROJECT: It being the time set aside, a public hearing is continued concerning a High Impact Permit application for an expansion of use on property owned by William Seielstad and Michael Branch. The roll was called and the proceedings were taped for the record. Present were owners **William Seielstad and Michael Branch**, contractor **Mel Jarrett**, approximately **seven** interested persons, and Planning Manager **Karen Welch**. The Board noted that the building was constructed and set back issues were not addressed before application was made for the permit. Contractor **Bill Jarrett** stated he did not feel there was a need for the permit since the property was already zoned commercial. Civil penalty statute was noted. Comm Story made a motion to approve the application for High Impact Permit No. 440, contingent on specified mitigating measures, and impose a civil penalty of \$300 for the after-the-fact permit. The motion was seconded by Comm Wilson and carried. The Planning Department will draft High Impact Permit No. 440 for review and signature.

PUBLIC HEARING – PROPOSED HIGH IMPACT PERMIT NO. 443 – CORTEZ SANITATION DISTRICT, NORTH PLANT: It being the time set aside, a public hearing is held concerning a High Impact Permit application to consider a change in use including the installation of a pumping station and emergency generator. The property is located at 10201 Hwy 666, Cortez, CO 81321 and is situated on the west side of Hwy 666 lying on the south side of Road K.3. The parcel contains 6 acres in Section 22, T.36N., R16W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were Sanitation District representative **Bob Diederich**, District Manager **Jay Conner**, and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation that the public hearing be held to review the application. Mr. Dietrich and Mr. Conner discussed emergency generator noise and concerns about odor. It was noted that since this is an existing facility, therefore, set backs are grand fathered. No public was present to give input. Comm Wilson made a motion to approve the application for the high impact permit, contingent on specified mitigating measures and approve commercial zoning, seconded by Comm Story and carried. The Planning Department will draft High Impact Permit No. 443 for review and signature.

MEMORANDUM OF UNDERSTANDING REQUIRED BY THE STATE OF COLORADO CONCERNING THE LODGERS TAX - CONTROL OF CONFIDENTIAL DATA – appointee County Administrator Tom Weaver - was presented and signed.

PLANNING Manager **Karen Welch** reported that alternate **Rudy Ortiz** resigned from the Planning Commission. She stated there are two other appointed alternatives therefore she feels there is no need to advertise the position at this time. This was affirmed by the Board. Presented the following recommendation from the Planning Commission that the following proceed to the Board of County Commissioners: **High Impact Permit No. 441 – Stanley Hindmarsh – Granath Mesa – Installation of 2 Water Storage Tanks** – approve without a public hearing. Comm Story moved to approve HIP No. 441, seconded by Comm Wilson and carried. The Planning Department will draft High Impact Permit No. 441 for review and signature.

CONSENT DECREE - CIVIL ACTION NO. 00-K-2542 (Brach) – United States of America v Board of County Commissioners of Montezuma County, Colorado: Comm Story made a motion to agree to the Brach settlement “Consent Decree” (see attached). The County will pay a total of \$15,000 to be used for adolescent Drug Treatment in Montezuma/Dolores Counties. The remaining \$50,000 will be paid by the County Insurance Company based on the Insurance Company's decision that it is more economic to settle the case than to pay for the County's defense. The motion was seconded by Comm Wilson and carried.

INTERGOVERNMENTAL AGREEMENT – ARCHULETA, DOLORES, LA PLATA, MONTEZUMA, SAN JUAN, COUNTIES (COLORADO) AND SAN JUAN COUNTY (NEW MEXICO): Comm Wilson made a motion to sign the Intergovernmental Agreement (see attached) for each county to establish a Regional Emergency & Trauma Advisory Council (RETAC) with the governing body of four or more other counties, or with the governing body of a city and County, to form a multi-county RETAC. The motion was seconded by Comm Story and carried.

HIGMAN SPRINGS SUBDIVISION: Comm Story moved to approve and sign the final plat for the Higman Springs Subdivision, seconded by Comm Wilson and carried.

SOUTHWEST HEALTH SYSTEMS – SOUTHWEST MEMORIAL HOSPITAL: Administrator **Bob Peterson** and Chief of Operations **George Brisson** presented Southwest Memorial Hospital quarterly financial documents for review. Also discussed other activities.

COURTHOUSE LANDSCAPING: Bids were received for landscaping: (1) Rob Conner, \$15,960.00 and (2) Steven Miles (Rainmaker), \$17,850.00. Affirmed the bid be awarded to Rob Conner for \$15,960.00.

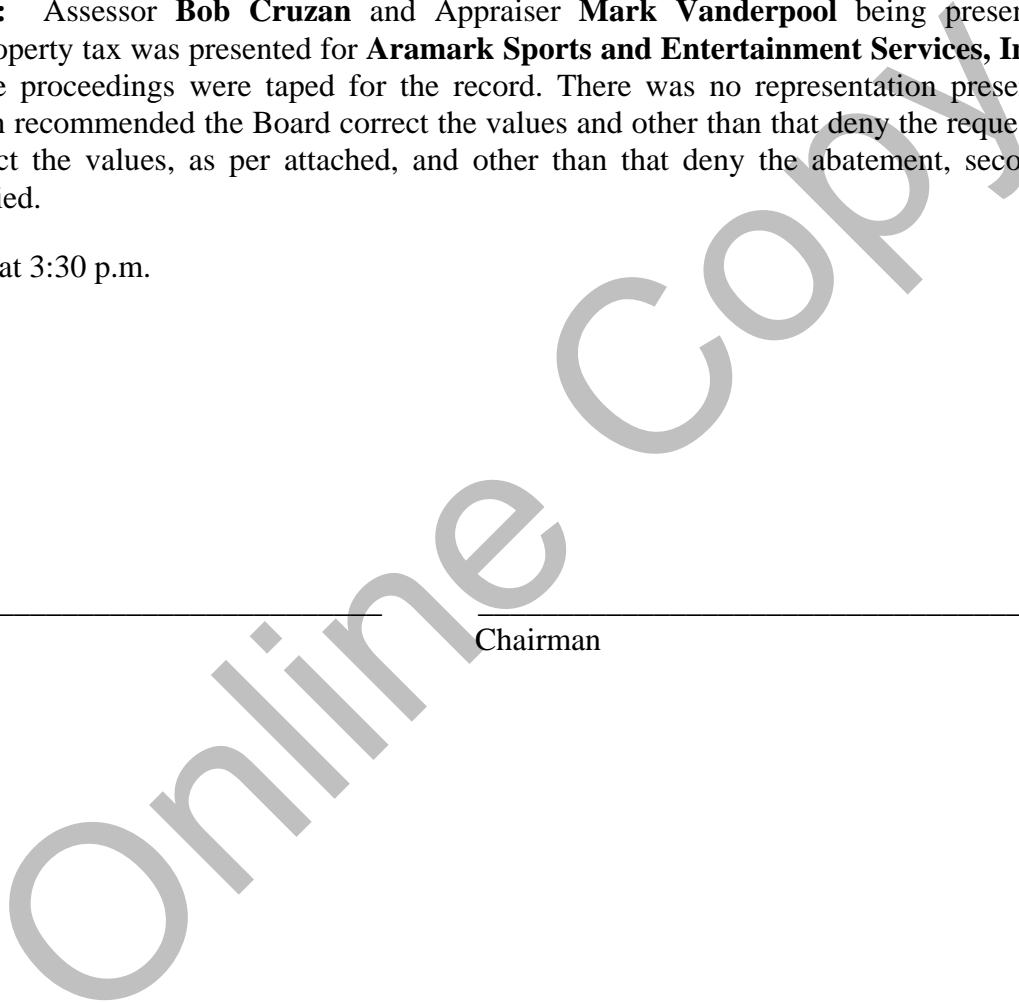
PROJECT AGREEMENT BETWEEN MONTEZUMA COUNTY COMMISSIONERS, MONTEZUMA COUNTY, COLORADO AND SAN JUAN NATIONAL FOREST, USDA FOREST SERVICE: Comm Wilson moved to sign the agreement (see attached) in regard to the Dolores Norwood Road NFSR #526, seconded by Comm Story and carried.

ABATEMENT: Assessor **Bob Cruzan** and Appraiser **Mark Vanderpool** being present, petitions for abatement of property tax was presented for **Aramark Sports and Entertainment Services, Inc.** The roll was called and these proceedings were taped for the record. There was no representation present for Aramark. Assessor Cruzan recommended the Board correct the values and other than that deny the request. Comm Story moved to correct the values, as per attached, and other than that deny the abatement, seconded by Comm Wilson and carried.

ADJOURNED at 3:30 p.m.

Deputy Clerk
August 5, 2002

Chairman



PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 12, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 12, 2002, 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 5, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

CONSERVATION TRUST FUND: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-15-02** to the Treasurer to transfer \$12,000.00 from the Conservation Trust Fund to the General Fund – Fairgrounds Department for additional operation expense. The motion was seconded by Comm Story and carried.

CLERK, TREASURER AND SHERIFF reports for July 2002 were received and noted.

ROAD DEPARTMENT: **Lloyd Everett** reported they are hauling dirt from new Mall to CR 33. Discussed: (1) road striper – will rent one (do CR G) – checking out for possible purchase, (2) Dolores/Norwood Road – will start next week, (3) Chester Tozer request for old wire for fencing (see minutes July 22, 2002) – removed approximately 25 years ago – road department not aware now of any of the old wire.

BOARD OF SOCIAL SERVICES was conducted.

HEALTH DEPARTMENT Director **Lori Cooper** presented the Women, Infants and Children (WIC) contract for review. Comm Wilson moved to sign the WIC contract PO FAA WIC 0300373, seconded by Comm Story and carried. Discussed (a) Dental Hygiene – children Medicaid program, and (b) possible outbreak of West Nile virus.

CONSENT DECREE – CIVIL ACTION NO. 00-K-2542 (Brach) – United States of America v Board of County Commissioners of Montezuma County, Colorado: In regard to Consent Decree (see minutes of August 5, 2002), copy of letter dated August 7, 2002, from David R. Brougham of Hall & Evans, L.L.C. and signed Consent Decree was presented and reviewed (see attached).

ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC.: Discussed abatement hearing (see minutes of August 5, 2002) and request from Aramark's representative to re-schedule hearing. After discussion, it was affirmed that the request for re-schedule is granted. Attorney Slough will relay this information to Aramark's representative. Letter was presented in regard to check from Aramark to the Montezuma County Treasurer for property taxes and interest due for property tax years 1996, 1997 and 1998 in respect to Aramark's four possessory interests located in Mesa Verde National Park (see attached).

ADJOURNED at 12:15 p.m.

Deputy Clerk
August 12, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 19, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 19, 2002, 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 12, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #39503 thru #39735 in the amount of \$181,815.53, Road Department fund warrants #15963 thru #16047 in the amount of \$177,957.28, Landfill fund warrants #3124 thru #3153 in the amount of \$10,141.52, and Correction facility fund warrants #119 thru #122 in the amount of \$92,266.01 were approved for payment.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) still hauling dirt from new mall to CR 33, (b) Dolores/Norwood road - will start graveling next week, and (c) mowing weeds. Discussed: (1) CR 29 and CR N intersection – needs better signage, and (2) widening on CR M (LDS project). Noted compliment received about CR G east of CR 25.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for 2001 versus 2002 for the Month of July" for review. Other activities at the landfill were discussed.

PUBLIC HEARING – LE PEW PORTA – JOHNS – PROPOSED HIGH IMPACT PERMIT NO. 442: It being the time set aside, a public hearing is continued concerning a High Impact Permit application for Le Pew Porta-Johns, a business owned by Calvin Hayes. The roll was called and the proceedings were taped for the record. Present were **Calvin Hayes**, present owner of the property **Frank Boston**, approximately seven interested persons (see attached list), and Planning Manager **Karen Welch**. Mr. Hayes expressed that he would be willing to pay an equal share in the upkeep of the easement on the private road to the property. It was noted that no agreement with the neighbors was presented in regard to the use of the private road. Public input included documents and maps presented showing the designated easement on the private road, and concerns again about development of commercial property in an area zoned agricultural-residential. Comm Story moved to deny the application, based on lack of commercial access, as specified in findings to be prepared, seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented planning resolution **P-06-02E**, whereas **Phillip E. Black and Sandra K. Black**, owners of 32.91 acres, would be granted an exemption to the subdivision regulations to deed 13.95 acres in Section 14, T.37N., R.16W., to adjoining neighbor, Ruth M. Quinn, who currently has 7.19 acres for a total of 21.148 acres in the Quinn parcel. Said exemption does not create a separate parcel for sale. Phillip E. Black and Sandra K. Black would retain an 18.959 acre parcel. Comm Wilson moved to adopt this resolution, seconded by Comm Story and carried. Presented the following **High Impact Permits** with findings

(see attached) for signature: **(1) HIP No. 440 – Phase 1A of a Commercial Warehouse Development (Branch and Seielstad):** conditions - (a) continual dust control, (b) civil penalty in the amount of \$300 for the expansion of use without an approved high impact permit as provided in the Montezuma County Land Use Code, 7101.1A, (c) fencing around the leach area and along the common boundary with the Cortez Fire Protection District property, and (d) security lighting that is directed downward. **(2) HIP No. 441 – Installation of Underground Water Tanks For Fire Suppression in the Granath Mesa Area (Dolores Fire Protection District - Hindmarsh).** **(3) HIP No. 443 - Proposed Change in Use for the Cortez Sanitation District, North Plant (Diederich):** condition – if the noise threshold standard becomes an issue it will need to be addressed.

WEST NILE VIRUS: Health Department Director **Lori Cooper** and Colorado Mosquito Control Manager **Jason Carruth** met with the board to discuss the virus that is spread by mosquitoes. Director Cooper presented information on the virus. Manager Carruth explained the mosquito control program in the county.

ADJOURNED at 12:00 noon.

Deputy Clerk
August 19, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
AUGUST 26, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 26, 2002, 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 (afternoon)
Bob D. Slough, County Attorney
Thomas J. Weaver, Administrator
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, August 19, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried. **CORRECTION** – Minutes of August 12, 2002 – last paragraph – Comm Wilson moved to correct the minutes as follows, seconded by Comm Lindsay and carried. **ARAMARK -- Delete** the first two sentences and **replace** with the following: "Discussed abatement hearing (see minutes of August 5, 2002) and request from Aramark's representative re possible rehearing. After discussion, it was affirmed that if Aramark requests a rehearing, it would be granted."

ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC.: Aramark has advised that they do not want a rehearing but will appeal to the Board of Assessment of Appeals.

TREASURER'S SIX-MONTH REPORT (January – July 2002): Finance Officer **Mary Ann Sanders** stated that the Commissioner's warrants balance with the Treasurer's fund.

SUMMIT INSURANCE FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-16-02** to the Treasurer to transfer \$25,569.45 from the Summit Insurance Fund to the Montezuma County General Fund (per auditor request to clear the account), seconded by Comm Story and carried.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) Dolores/Norwood road – hauling gravel for work on road, and (b) put up intersection signage at CR 29 and N. Discussed CDOT proposal to improve Totten Road intersection (Hwy 160/CR 29).

LIQUOR LICENSE: Deputy Clerks **Tammy Neely and Judy Folman** presented applications for a "Transfer of Ownership" for a 3.2% beer license for the **Skyline Foodmart**, and a retail liquor license for **Hilltop Liquor**, both from Rodney Lloyd to Kong V. Lim. Comm Wilson made a motion to approve these applications for the "Transfer of Ownership" contingent on receipt of fingerprints and completion of proper applications. The motion was seconded by Comm Story and carried.

RESIDENT Chester Tozer met to discuss (a) activities in regard to the Canyon of the Ancients Monument and (b) mentioned again that there are trees on CR G (McElmo) hanging over the road – road department will be notified again.

PUBLIC HEARING – DENNIE GLASS ENTERPRISES, INC. (FREIGHT DAMAGED RETAIL FURNITURE STORE) – PROPOSED HIGH IMPACT PERMIT NO. 444: It being the time set aside, a public hearing is held concerning a High Impact Permit application for Dennie Glass Enterprises, Inc., a business owned by Rennard and Judith Hailey. The property is owned by Edward and Darlene Weatherly, and is located at 6819 Hwy 160/666, Cortez, CO, situated on the west side of Hwy 160 South, lying south of Road G. The parcel contains 6 acres, more or less, in Section 9, T.35N., R.16W. The roll was called, the proof of

publication was read and the proceedings were taped for the record. Present were owners **Rennard and Judith Hailey, Bruce Johnson** and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation that the permit be approved and set for a public hearing. The Hailey's described their business. Public input presented by Bruce Johnson was in favor of the permit. Comm Story moved to approve the application for High Impact Permit No. 444, seconded by Comm Wilson and carried. The Planning Department will draft findings and High Impact Permit No. 444 for review and signature.

FAIRVIEW CEMETERY DISTRICT BOARD: Comm Story moved to appoint **Richard C. Tucker** to the Fairview Cemetery Board to replace Gary Mahaffey who resigned, seconded by Comm Wilson and carried.

PUBLIC HEARING – YVONNE AND RICHARD LOPEZ (FLORAL SHOP) – PROPOSED HIGH IMPACT PERMIT NO. 445: It being the time set aside, a public hearing is held concerning a High Impact Permit for Yvonne and Richard Lopez to consider a proposed floral shop on their property located at 24041 Road T.5, Dolores, CO. The property is situated on the north side of Road T.5, lying north of Road 25. The parcel contains 10.0 acres, more or less, in Section 14, T.37N., R16W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were owners **Richard and Yvonne Lopez** and Planning Manager **Karen Welch**. Comm Lindsay was recused because of a conflict of interest. Manager Welch presented the Planning Commission's recommendation that the permit be approved and set for a public hearing. There was no public comment. Comm Story moved to approve the application for High Impact Permit No. 445, seconded by Comm Wilson and carried. The Planning Department will draft findings and High Impact Permit No. 445 for review and signature.

PLANNING Manager Karen Welch presented findings for signature (see attached): Proposed **High Impact Permit No. 442 – Le Pew Porta Johns Storage (Hayes) -- denied** based on the reservation implied in the Easement Agreement on the Private Road. See attached Easement Agreement dated December 1, 1994, which states "for access to a single family dwelling."

HERRMANN SUBDIVISION (A CLUSTER INCENTIVE PLANNED UNIT DEVELOPMENT): Comm Wilson moved to approve and sign the final plat for the Herrmann Subdivision (Herrmann), seconded by Comm Story and carried.

BENT RIDGE RANCHES SUBDIVISION: Comm Story moved to approve and sign the final plat for the Bent Ridge Ranches Subdivision (Boyd), seconded by Comm Wilson and carried.

PUBLIC HEARING – NOLAND RANCH STORAGE – HIGH IMPACT PERMIT NO. 172: It being the time set aside, a public hearing is held to consider an application for a High Impact Permit for Noland Ranch Storage, a business owned by Frank and Susie Noland. The property is located on the north side of Grand Avenue (old Hwy 160 business route), Mancos, CO. The parcel will contain 3 acres, more or less, in Section 29, T.36n., R.13W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were owners **Frank and Susie Noland** and Planning Manager **Karen Welch**. Manager Welch stated that (a) the application is for expansion of Noland Ranch Storage, an existing business, (b) owners would like to incorporate a residential site into the plan, and (c) owners would also like to create 3 acres around the storage units in the event they would like to sell the property/business. Manager Welch presented the Planning Commission's recommendation that a public hearing be held to review the application and threshold standards, and that the zoning request be approved contingent upon approval of the High Impact Permit. There was no public input. Comm Story moved to approve High Impact Permit No. 172 and the commercial zoning, seconded by Comm Wilson and carried. The Planning Department will draft findings and High Impact Permit No. 172 for review and signature.

ABATEMENT: Assessor **Bob Cruzan** presented a petition for abatement of property tax for **David Wayne - Hobson (5607-114-00-001)**, 2001, erroneous assessment, \$1,093.88. Assessor Cruzan recommended approval. Comm Wilson moved to approve this petition, seconded by Comm Lindsay and carried.

BOARD OF EQUALIZATION – SENIOR PROPERTY TAX EXEMPTION: It being the time set aside, the Montezuma County Commissioners convened on Monday, August 26, 2002, at 1:45 p.m. to sit as the Board of Equalization – Senior Property Tax Exemption. Comm Lindsay and Comm Wilson were present and the proceedings were taped for the record. Assessor **Bob Cruzan** and Transfer Clerk **Peggy Messner** were present. Assessor Cruzan presented a brochure in regard to the Senior Property Tax Exemption law.

Dolly I. Riggott appeared concerning her appeal in regard to the denial for a Senior Property Tax Exemption on Schedule No. R010663. Assessor Cruzan recommended that the Board uphold the denial in this case because of legal reasons. Comm Wilson moved to deny the exemption, seconded by Comm Lindsay and carried.

Board of Equalization – Senior Property Tax Exemption is recessed until September 9, 2002, at 1:45 p.m.

HOMEOWNERS Charles and Daisy Mahaffey, Dick and Mary Jane Schott and Bud Poe expressed the following concerns about the Eagles' Nest Subdivision, Phase 1: (a) no upgrade of CR 18, (b) weeds and (c) prairie dogs. After discussion, it was determined that the first plat submitted for the subdivision was different than the final plat which was approved on May 22, 2000. Therefore, in accordance with the subdivision regulations that were in place at the time of approval, the road did not require upgrading. In regard to the weed problem they were referred to the Manager of the Weed Control Program, Ron Lanier. No action was taken in regard to the prairie dogs.

DOLORES WATER CONSERVANCY DISTRICT: Former Manager **John Porter** introduced the new District Manager, **Steve Arveschough**. Discussed drought conditions in the county.

KINDER-MORGAN representative **Bob Clayton** met to discuss activities in the Canyon of the Ancients Monument area. He mentioned that a representative from Legacy Energy Corporation might schedule a time to meet with the Board.

MONTEZUMA COUNTY TREATMENT CENTER – COMMUNITY CORRECTIONS FACILITY: Comm Wilson made a motion to authorize Adm Weaver to sign a change order from contractor Weeminuche Construction Authority in regard to the heating and cooling systems for the Montezuma County Justice Building Remodel. The motion was seconded by Comm Lindsay and carried.

RESOLUTION NO. 7-2002 – FOREIGN TERRORISTS ATTACKS – September 11, 2001: Comm Wilson made a motion to sign Resolution No. 7-2002, (see attached) condemning the cowardly and deadly actions of these terrorists, supporting the President of the United States, as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice, and recommending its citizens to support relief efforts by giving blood at the nearest available blood donation center. The motion was seconded by Comm Lindsay and carried.

ADJOURNED at 4:00 p.m.

Deputy Clerk
August 26, 2002

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 9, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 9, 2002, 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 26, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund warrants in the amount of \$220,929.88, District Attorney warrant #39738 in the amount of \$19,403.59, Treasurer warrant #39739 in the amount of \$177,401.15; Road Department warrants in the amount of \$59,331.07, Treasurer warrant #16052 in the amount of \$53,644.29; and, Landfill warrants in the amount of \$11,891.38, Treasurer warrant #3155 in the amount of \$7,921.73 were approved for payment.

TREASURER report for August 2002 was received.

ROAD DEPARTMENT: Lloyd Everett reported on department activities: (a) blading roads, (b) hauling gravel from Ormiston pit to Dolores/Norwood road project, and (c) working with CDOT on CR M and Hwy 145 intersection. Discussed: (1) road to Lee's Mobil Home Park, (2) road counts – trends, (3) intersection of CR 29 (Totten Road) and Hwy 160, and (4) prioritization of road blading.

LANDFILL Manager Debby Barton presented "Profit and Loss Statement for Month of August 2002." Discussed other activities at the facility.

SOUTHWEST COLORADO WORKFORCE representative Jane Hunt and Social Services Director Dennis Story met to discuss the Workforce organization. Ms. Hunt explained her position and gave facts about the organization – membership, responsibilities and committees. These were discussed. It is noted that members need to be appointed by the commissioners. Names of persons wishing to serve on the Workforce Board were submitted. Comm Wilson made a motion to **reappoint** the following persons: (1) Dennis Story – 1 year term: 7/1/02 – 6/30/03, (2) Larry Sturdevant – 2 year term: 7/1/02 – 6/30/04, (3) Virginia Howey – 1 year term: 7/1/02 – 6/30/03, (4) Stephen Womack – 2 year term: 7/1/02 – 6/30/04; and, **appoint** the following persons: (1) Bruce Johnson – 2 year term: 9/9/02 – 6/30/04, and (2) Jim Bollinger - 1 year term: 9/9/02 – 6/30/03. The motion was seconded by Comm Story and carried.

DOLORES PUBLIC LIBRARY – PROPOSED MILL LEVY INCREASE: Librarian Carol Arnold and District Board Chairperson Shawna Valdez presented a brochure showing the need and budget, and the proposed ballot question to increase the special district mill levy. These were discussed. Comm Story moved to put on the November 2002 ballot the "Mill Levy Increase Ballot Question" (see attached) proposed by the Dolores Public Library Special District, seconded by Comm Wilson and carried.

DE-BRUCE (TABOR) – AMENDMENT 1: Adm Weaver presented figures and information – pros and cons - to place an initiative to de-Bruce the county on the November 2002 ballot. These were discussed.

RECESSED for inspection tour of the Community Corrections Facility with Architect **Charles Hubbard** and lunch with the Dolores County Commissioners.

ABATEMENT: Assessor **Bob Cruzan** and Appraiser **Mark Vandenberg** being present, a petition for abatement of property tax was presented for **Chris and Kimberly Hammack, (5605-283-31-004)**, 2001, erroneous assessment, \$1,123.29. The roll was called and the proceedings were taped for the record. The Assessor's office recommended approval. Comm Story moved to approve the petition, seconded by Comm Wilson and carried.

BOARD OF EQUALIZATION – SENIOR PROPERTY TAX EXEMPTION: It being the time set aside, the Montezuma County Commissioners reconvened on Monday, September 9, 2002, at 1:45 p.m. to sit as the Board of Equalization – Senior Property Tax Exemption. The roll was called and the proceedings were taped for the record. Assessor **Bob Cruzan**, Transfer Clerk **Peggy Messner**, Appraisers **Mark Vandenberg** and **Scott Davis** were present.

Presented appeal from **Everett L. Lawson (Virginia)** in regard to the denial for an exemption on Schedule No. R007798. The Assessor's office recommended approval. Comm Story moved to approve the exemption, seconded by Comm Wilson and carried.

Joe and Lois L. Hearne appeared concerning their appeal in regard to the denial for an exemption on Schedule No. R002865. The Assessor's office recommended that the Board uphold the denial because of legal reasons. Comm Story moved to deny the exemption, seconded by Comm Wilson and carried.

Harold L. Ritter (Janet) appeared concerning their appeal in regard to the denial for an exemption on Schedule No. R006273. The Assessor's office recommended that the Board uphold the denial because of legal reasons. Comm Wilson moved to deny the exemption, seconded by Comm Story and carried.

Jay Earl Ashcroft appeared concerning his appeal in regard to the denial for an exemption on Schedule No. R004158. The Assessor's office recommended that the Board uphold the denial because of legal reasons. Comm Story moved to approve the exemption, seconded by Comm Wilson and carried.

Charles D. Nice (Nancy) appeared concerning their appeal in regard to the denial for an exemption on Schedule No. R010689. The Assessor's office recommended that the Board uphold the denial because of legal reasons. Comm Story moved to deny the exemption, seconded by Comm Wilson and carried.

Presented appeal from **Vesta F. Thompson** in regard to the denial for an exemption on Schedule No. R009095. The Assessor's office recommended that the Board uphold the denial because of legal reasons and lack of pertinent information. Comm Wilson moved to deny the exemption, seconded by Comm Story and carried.

Board of Equalization – Senior Property Tax Exemption is recessed until September 23, 2002.

2002 ABSTRACT OF ASSESSMENT: Assessor **Bob Cruzan** presented the assessment from the Colorado Department of Local Affairs – Division of Property Taxation. Comm Wilson moved to sign the assessment, seconded by Comm Story and carried.

ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC. – 1999 AND 2000 POSSESSORY INTERESTS – MESA VERDE NATIONAL PARK: Comm Wilson moved to accept Aramark's offer for the year of 1999 and authorize Attorney Slough to negotiate a settlement for the actual value for the year of 2000, seconded by Comm Story and carried.

DOLORES CANYON RANCH SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Dolores Canyon Ranch Subdivision (Boyer), seconded by Comm Story and carried.

PATTON FAMILY TRUST CLUSTER INCENTIVE PUD: Comm Wilson moved to approve and sign the final plat for the Patton Family Trust Cluster Incentive PUD (Patton), seconded by Comm Story and carried.

PLANNING: **Loretta Murphy** presented the following **High Impact Permits** with findings (see attached) for signature: (1) **HIP No. 444 – A Proposed Retail Store for Freight Damaged Furniture (Rennard and Judith Hailey)**. (2) **HIP No. 445 – A Proposed Floral Shop (Yvonne and Richard Lopez)**. Presented a verbal request for a proposed amendment to the Kelly Ridge Ranch Subdivision (decrease of 60' easement to 30'). Tentative approval was given. Presented information about noise complaint in regard to WWG Electric. Owners will be notified that they need to submit an application for a high impact permit. Presented verbal request from **Michael Duehrssen** to split from 131 acres a 10 acre parcel (divided from the 131 acres by a ditch) with a house. Action tabled – later in the afternoon after more information was obtained, it is affirmed that the proposed property change needs to go thru the subdivision regulations. Planning Manager **Karen Welch** was present.

ADJOURNED at 4:15 p.m.

Deputy Clerk
September 9, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 16, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 16, 2002, at the courthouse in Cortez, Colorado, there were present:

J. Kent Lindsay, Chairman
Glenn E. "Kelly" Wilson, Jr., Vice-Chairman - absent until 10:45 a.m.
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 9, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

ACCOUNTS PAYABLE: General fund warrants #39737 thru #39974 in the amount of \$178,511.62; Road department fund warrants #16049 thru #16131 in the amount of \$177,320.68; Landfill fund warrants #3164 thru 3197 in the amount of \$36,287.52; and Correction facility fund warrants #123 thru #125 in the amount of \$149,270.96 were approved for payment.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) hauling gravel, (b) worked on CR W and CR B, and (c) will move rocks from slide on West Fork road. Noted that Dolores/Norwood road project is looking good. GIS mapping/planning department representative **Rob Peterka** presented road count information and maps for review. Census information, traffic and trends were discussed.

U.S. FOREST SERVICE – DOLORES, CO.: Manager **Mike Znerold** presented drawings for proposed new Forest Service/Bureau of Land Management facility (office building and equipment yard) on 56 acres outside of Dolores, Colorado. He gave information on the land swap with the Town of Dolores and planned timeframe for building the facility. Asked support from the Board of County Commissioners for: (1) proposed facility, (2) use of old forest service building (traded to Town of Dolores) as a intergovernmental office building, and (3) helipad. It is noted that an application for a High Impact Permit needs to be submitted.

BOARD OF SOCIAL SERVICES was conducted.

PUBLIC HEARING – APPLICATIONS FOR NEW COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTRACT: It being the time set aside at 10:00 a.m., a public hearing is held concerning applications for a new CDBG contract. The roll was called and Executive Director **Ed Morlan** read the public notice. Director Morlan presented the following: (1) Amendment to the CDBG Contract No. 98-791: (a) Scope of Services be amended to include the use of CDBG funds for feasibility studies, and (b) increase in contract funds by \$20,000. (2) New Application: (a) application, (b) Citizen Participation Plan, (c) Assurances and Certifications, (d) Residential Anti-Displacement and Relocation Assistance Plan, (e) Intergovernmental Agreement, and (f) Excessive Force policy letter for review. The amendment, funding, and the new application were discussed. Public hearing is continued till Monday, September 30, 2002, at 9:30 a.m.

ORDINANCE NO. 1-96 – OPEN FIRE BAN: Sheriff **Joey Chavez** asked that the Board suspend the fire ban (see April 15, 2002, minutes – Resolution 5-2002). He reported that all Fire Districts have been contacted, and they recommend that the fire ban be suspended. Comm Story moved to adopt **Resolution No. 8-2002**, a resolution suspending the ban on open fires in Montezuma County, seconded by Comm Wilson and carried.

EXTENSION OFFICE: **Kenny Smith** presented information “Pinon Pine Mortality in Southwest Colorado” and “Pinon IPS Beetle Prevention & Control.” He stated the extension office has had lots of inquiries from residents about the beetle problem, and this same information has been made available to them. Presented information was discussed.

PLANNING Manager **Karen Welch** presented a verbal request from Lost Canyon Estate Subdivision resident **Edward Caldwell** to create an easement. It was affirmed that the subdivision plat needs to be amended and all owners need to sign off. Mentioned complaints about traffic and noise from Green Acres Subdivision neighbors in regard to **Frank Hensen’s** home business operating within the subdivision. After discussion it was affirmed that Mr. Hensen will be contacted by phone, and if no compromise on the threshold issues is reached, a public hearing will be scheduled.

DE-BRUCE (TABOR) – AMENDMENT 1: Discussed pros and cons to place an initiative to de-Bruce the county on the November 2002 ballot.

FAIR BOARD APPOINTMENTS: Comm Wilson made a motion to appoint **Don Bain** and **Stephanie Horn** to the Montezuma County Fair Board to fill the two advertised openings for the 4-year terms, effective October 1, 2002 thru October 1, 2006. The motion was seconded by Comm Story and carried.

LANDFILL CONTRACTS: Comm Story moved to accept bids and sign contracts between Montezuma County and “Ebberts Construction” and “Lange Containment Systems, Inc.,” seconded by Comm Wilson and carried.

ADJOURNED at 4:10 p.m.

Deputy Clerk
September 16, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 23, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 23, 2002, 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 16, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

NOTICE UNDER GOVERNMENTAL IMMUNITY ACT RELATIVE TO CLAIM OF Donald Benson was noted and will be sent to the Insurance Company.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-17-02** to the Treasurer to pay \$1,788.93 (\$1,791.93 minus \$3.00 credit = \$1,788.93) from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) still working on Dolores/Norwood road project, (b) starting projects on intersections: CR 29 (Totten Road) and Hwy 160, and CR M and Hwy 145 – widening road, (c) hauling gravel, and (d) have bladed most of the county roads in last few weeks. Discussed: (1) road counts – input of traffic around Cortez and (2) resident's question about improvement of CR 42. Later in day, question was answered about road blading of unimproved county road - policy is to blade unimproved county roads once or twice a year.

CROW CANYON ARCHAEOLOGICAL CENTER representative **Ricky Lightfoot** presented "The Crow Canyon Laboratory Manual: A Tool for Education, Research, and Preservation" project. He asked the Board to support and sign an application for grant monies from the Colorado State Historical Society for the proposed project. Comm Story moved to support and sign the application, seconded by Comm Wilson and carried. He also gave an update on activities at the Center.

PLANNING Manager **Karen Welch** presented a verbal request for a variance to the subdivision regulations to allow two houses (one existing house and the rebuilding of one burned cabin) on a three-acre parcel. Sanitation Manger **Mick Periman** gave information on present septic systems. Tentative approval was given, contingent on one engineered septic system to serve both homes. Manager Welch reported that an on-site inspection was conducted of Frank Hensen's property in the Green Acre Subdivision – complaints should be addressed by subdivision covenants. Presented "Dolores River Valley Plan working Group – Gravel Mining: Weighted Voting on Policy Alternatives – conducted September 19, 2002 – Composite Percentages & Threshold Analysis."

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

OFFICE OF COMMUNITY SERVICE: **Mike Preston** and **Carla Harper** presented “McInnis Healthy Forests Reforms Act of 2002” by U.S. Congressman Scott McInnis and letters of support for the document. Comm Story moved to sign the letters of support to the Colorado Congressional delegation, seconded by Comm Wilson and carried.

DE-BRUCE (TABOR) – AMENDMENT 1: Discussed pros and cons to place an initiative on the November 2002 ballot to de-Bruce the county. League of Women Voters representative **Mary Lou Asbury** was present. Comm Wilson made a motion to adopt **Resolution 9-2002** – that the following question shall be submitted to the voters of Montezuma County at the next general election to be held on November 5, 2002. Said question is: “Provided that there shall be no county tax rate or mill levy increase without further voter approval, Shall Montezuma County, Colorado, be authorized to collect and spend or reserve all revenues and funds as may be received from the existing property tax mill levy of 14.254 mills and any other source during 2002 and each year thereafter without further voter approval notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution, and 29-1-301, Colorado Revised Statutes, as amended, or any other law?” The motion is seconded by Comm Story, with the understanding that this is to help maintain the status quo over time, and that there could be a decline in revenues which could be reflected in county services. The motion carried.

BOARD OF EQUALIZATION – SENIOR PROPERTY TAX EXEMPTION: It being the time set aside, the Montezuma County Commissioners reconvened on Monday, September 23, 2002, at 11:00 a.m. to sit as the Board of Equalization – Senior Property Tax Exemption. The roll was called and the proceedings were taped for the record. Assessor **Bob Cruzan** and Transfer Clerk **Peggy Messner** were present.

Presented appeal from **Henry C. Ewing** in regard to the denial for an exemption on Schedule No. R012304. The Assessor’s office recommended approval. Comm Lindsay was recused because of a conflict of interest. Comm Story moved to approve the exemption, seconded by Comm Wilson and carried.

LaDean Chadwick appeared concerning her appeal in regard to the denial for an exemption on Schedule No. R006085. The Assessor’s office recommended denial. Comm Story moved to deny the exemption, seconded by Comm Wilson and carried.

Paul and Vivian Wright appeared concerning their appeal in regard to the denial for an exemption on Schedule No. R004804. The Assessor’s office recommended denial. Comm Story moved to deny the exemption, seconded by Comm Wilson and carried.

Board of Equalization – Senior Property Tax Exemption is recessed until September 30, 2002.

ADJOURNED at 12:00 noon.

Deputy Clerk
September 23, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
SEPTEMBER 30, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 30, 2002, 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 23, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

PAYROLL: General fund warrants in the amount of \$220,981.48, District Attorney warrant #39978 in the amount of \$20,575.82, Treasurer warrant #39979 in the amount of \$174,055.97; Road Department fund warrants in the amount of \$59,403.79, Treasurer warrant #16133 in the amount of \$53,684.22; and, Landfill Department fund warrants in the amount of \$12,503.61, Treasurer warrant #3198 in the amount of \$8,670.36 were approved for payment.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-18-02** to the Treasurer to pay \$2,352.71 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

ROAD DEPARTMENT Foreman **Jim Becher** reported that they will finish up the Dolores/Norwood Road project this week. Discussed work done on intersection of CR 29 (Totten Road) and Hwy 160 and long-term CDOT project plans.

LANDFILL Manager **Debby Barton** gave an update on the recycling program sponsored by the San Juan Basin Recycling Association and the Governor's Office of Energy Management and Conservation. Recycled computer components were accepted Saturday, September 28th, at the landfill. She stated that everyone felt it was a success.

MESA VERDE COUNTRY ECONOMIC DEVELOPMENT OFFICE: Community Assessment representative **Bruce Johnson** presented "Rate Your Community Surveys" and "Community Evaluation Interviews" to the Board for completion and return to his office. He stated that a team from the Colorado Office of Economic Development and International Trade in conjunction with the Economic Developers Council of Colorado will visit to perform a Community Assessment from received input. The team will tour the area and hold meetings on October 21 – 23, 2002.

PUBLIC HEARING – APPLICATIONS FOR NEW COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTRACT: It being the time set aside, a public hearing is continued concerning applications for a new CDBG contract. The roll was called and the proceedings were taped for the record. Region 9 Economic Development District representative **Paul Broderick** was present. Several concerns about the new proposed contract were discussed. Mr. Broderick presented "Memorandum – Re: Policy on CDBG funded Feasibility and Planning Studies" for review and comments. After discussion, Comm Story moved to continue the public hearing to Monday, October 7, 2002, at 9:30 a.m., seconded by Comm Wilson and carried.

MESA VERDE MUSEUM ASSOCIATION representative **Noel Login** asked the Board to support and sign an application for grant monies from the Colorado State Historical Society for the project “A New Site Survey Within the Long Mesa and Bircher/Pony Burn Areas.” Comm Wilson moved to support and sign the application, seconded by Comm Story and carried.

PUBLIC HEARING – DESERT SAND, LLC – PROPOSED HIGH IMPACT PERMIT NO. 446: It being the time set aside, a public hearing is held concerning a High Impact Permit application for Phase 1 of a temporary commercial and industrial use to involve open-pit extraction, processing, stock-piling and dispensing of aggregate resources for open market sales, proposed by Desert Sand, LLC, Casey McClellan, agent. The property is owned by Robert Ismay, 388 Road G., Cortez, CO and is situated on the south side of Road G, along the Utah State line in Section 3, T.35W., R.20N.. Phase 1 will encompass approximately 5-7 acres. The roll was called, the proof of publication read, and the proceedings were taped for the record. Present were **Casey McClellan, Darrin Stone**, Planning Manager **Karen Welch, Jim Sisco** and **Rob Peterka**. Manager Welch presented the Planning Commission’s recommendation to the Board of County Commissioners that a public hearing be held to review the following mentioned items: (a) traffic – it is anticipated that the threshold standard of less than 15 vehicle round trips per day will not be exceeded, (b) aggregate type: 85% sand and 15% washed gravel under 2” in size, (c) crushing of gravel is anticipated, (d) flood plain, (e) time frame is open ended, (f) fuel storage – MSHA standards, and (g) reclamation. Items were discussed. There was no public input. Comm Story moved to approve High Impact Permit No. 446, seconded by Comm Wilson and carried. The Planning Department will draft findings and High Impact Permit No. 446 for review and signature.

CORTEZ PUBLIC LIBRARY: Librarian **Joanie Howland** presented a request for increased funding for 2003, a fact sheet, and read letters in support of increased funding from members of the community. Five other persons (see attached list) were present and expressed their support for increased funding. Discussed other funding options. Request will be considered when the county budget is prepared for 2003.

SHERIFF Joey Chavez presented “Montezuma County Emergency Operations Plan” and Montezuma County Homeland Security Annex August 2002” for signature. Comm Story moved to sign these documents, seconded by Comm Wilson and carried.

PLANNING Manager Karen Welch presented the following recommendations from the Planning Commission that the following proceed to the Board of County Commissioners: **(1) High Impact Permit No. 447 – Carolyn Elliott – Pins and Needles Sewing Business** – approve without a public hearing. Comm Story moved to approve HIP No. 447, seconded by Comm Wilson and carried. The Planning Department will draft findings and High Impact Permit No. 447 for review and signature. **(2) High Impact Permit No. 448 – Lighthouse Baptist Church** – schedule a public hearing to review the after-the-fact application (footprint threshold). A public hearing was scheduled for Monday, October 28, 2002 at 11:30 a.m. Other items discussed: (a) noted that the public hearing for Noland Ranch Storage addressed HIP No. 172 and proposed PUD, and (b) installation of signage alerting citizens that Montezuma County has a Land Use Code.

BOARD OF EQUALIZATION – SENIOR PROPERTY TAX EXEMPTION: It being the time set aside, the Montezuma County commissioners reconvened on Monday, September 30, 2002, at 11:45 a.m. to sit as the Board of Equalization – Senior Property Tax Exemption. The roll was called and the proceedings were taped for the record. Assessor **Bob Cruzan** and Clerk **Peggy Messner** were present.

Presented appeal from **Henrietta Fruci** in regard to the denial for an exemption on Schedule No. R004979. The Assessor’s office recommended approval. Comm Story moved to approve the exemption, seconded by Comm Wilson and carried.

Board of Equalization – Senior Property Tax Exemption for 2002 adjourned at 11:55 a.m.

ADJOURNED at 2:00 p.m.

Deputy Clerk
September 30, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 7, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 7, 2002, 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 30, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

GENERAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-19-02** to the Treasurer to transfer \$74, 783.11 from the General fund to the Social Services fund – quarterly HCBS (see attached). The motion was seconded by Comm Story and carried.

CCOERA: Comm Story moved to sign **Resolution Number 10-2002** – "CCOERA Montezuma County Deferred Compensation Plan Resolution to Adopt EGTRRA Modifications," seconded by Comm Wilson and carried.

ROAD DEPARTMENT Foreman **Don Yeomans** reported on department activities: (a) hauling gravel – Mancos, and (b) will start on CR M and Hwy 145 intersection project today. Discussed and noted that work done looks good on the two following projects: (1) CR 29 and Hwy 160 (Totten) – cooperated with CDOT. CDOT has stated they will coop with the county on any other intersections that the county wants done– list to be considered will be compiled. (2) Dolores/Norwood road – county/forest service coop. **Rob Peterka** was present.

HEALTH DEPARTMENT representative **Jane Duncan** presented "**Amendment to Single Entry Point Agency Contract**" (long-term home health care effective July 1, 2002) for review. Comm Story moved to approve the amendment, seconded by Comm Wilson and carried.

CORTEZ JOURNAL newspaper reporter **Jim Mimiaga** introduced new reporter **Susannah Patton**.

PUBLIC HEARING – APPLICATIONS FOR NEW COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTRACT: It being the time set aside, a public hearing is continued concerning applications for a new CDBG contract. The roll was called and the proceedings were taped for the record. Region 9 Executive Director **Ed Morlan** presented (a) "Memorandum Re: update on CDBG grant scope of work amendment allowing feasibility studies and new application." The memo addresses past concerns of the commissioners; (b) Region 9 Economic Development District of Southwest Colorado, Inc., Resolution #02-06;" and (c) letter from Chairman, La Plata BOCC Frank "Josh" Joswick – Re: CDBG funded planning and feasibility studies." These were discussed. Public input is as follows: (a) **Chuck McAfee** asked about procedure for contract approval, and why is there a need to study instead of just doing proposal for a community kitchen at the LaPlata County Fairgrounds, (b) **Bruce Johnson** explained funds involved, need for study, and stated that economics will run use of kitchen, and (c) **Dewayne Findley** asked if Montezuma County needs to also consider a community kitchen. These questions and answers were discussed. Comm Story moved to sign the "CDBG Contract" and the "Montezuma – Community Development Action Plan 2002," seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented **High Impact Permit No. 447 – Carolyn Elliott – Pins and Needles Sewing Business** for signature.

BLUFF MINOR SUBDIVISION: Comm Story moved to approve and sign the final plat for the Bluff Minor Subdivision (Campbell/Brown), seconded by Comm Wilson and carried.

MONTEZUMA COUNTY HIGH SCHOOL BAND: Director **Rodney Ritthaler** and students **Tatthey Schumpett and Alex Stewart** met to asked the Board to consider their request for funding to help with upcoming competitive band trips. Director Ritthaler gave an update of planned events. The Board denied the request.

LIQUOR LICENSE: Deputy Clerks **Judy Follman and Tammy Neely** presented an application submitted by the **“Dolores Club House”** (a non-profit organization) **“Special Events Permit (Liquor).”** The event will be held at Four Seasons Nursery on December 5, 2002, between 5:00 and 8:00 p.m. Comm Story moved to approve the application, seconded by Comm Wilson and carried.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** gave an update on issues in regard to the Canyon of the Ancients National Monument and was asked to draft a letter in support of a reclamation plan for the Missionary Ridge area fire (timber salvage).

SENIOR NUTRITION Director **Sue Fletcher** presented information about the Southwest Community Resources (SCR), Community Service Block Grant (CSBG). Adm Weaver will contact the appropriate person with options for the county to remain in the program with SCR. No action taken.

ABATEMENT – ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC. – 2000 POSSESSORY INTERESTS – MESA VERDE NATIONAL PARK: Assessor **Bob Cruzan** and Appraiser **Mark Vanderpool** being present, petitions for abatement of possessory interest were presented. The roll was called and these proceedings were taped for the record. Assessor Cruzan recommended the Board’s approval. There was no representation present for Aramark. Comm Story made a motion to approve actual value and grant abatements for year 2000 for Aramark Sports and Entertainment Services, Inc. four (4) possessory interests – Mesa Verde National Park as follows: **(1) Morefield Village** - actual value \$50,806, **(2) Fairview Terrace** - actual value \$457,257, **(3) Morefield Village Campground** – actual value \$330,241 and **(4) Spruce Tree Gift Shop** – actual value \$8,468. See attached “Petitions” and “Orders of Abatement.” The motion was seconded by Comm Wilson and carried.

ADJOURNED at 12:00 noon.

Deputy Clerk
October 7, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 14, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 14, 2002, 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 7, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

TREASURER AND CLERK reports for the month of September 2002 were received and noted.

ROAD DEPARTMENT Foreman **Jim Sattley** reported they are gravelling on CR P (Cache Canyon) and CR 31 and 32. Discussed: (1) utility companies – in regard to county road disturbances, (2) possible new local hot mix plant, and (3) intersection work list compiled for cooperation with CDOT and prioritized.

LANDFILL Manager **Debby Barton** presented "Profit and Loss Statement for Month of September 2002," other related landfill reports, and "Proposed Rate Structure – Effective January 1, 2003." These were reviewed and discussed.

BOARD OF SOCIAL SERVICES was conducted.

OFFICE OF COMMUNITY SERVICES: **Mike Preston** gave information on upcoming workshops – grazing, range and pine zone project. Presented drafted letter of support for the reclamation plan for the Missionary Ridge area fire (timber salvage). Letter was reviewed and suggestions made for additions and deletions. No action taken. **Carla Harper** was present.

ADJOURNED at 12:00 noon.

Deputy Clerk
October 14, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 21, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 21, 2002, 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 14, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

ACCOUNTS PAYABLE: General fund warrants #39976 thru #40175 in the amount of \$167,743.93, Road Department fund warrants #16134 thru #16222 in the amount of \$98,680.80, Landfill fund warrants #3207 thru #3237 in the amount of \$27,819.08, and Correction facility fund warrants #126 thru #127 in the amount of \$115,922.01 were approved for payment.

CAPITAL FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number O-20-02** to the Treasurer to transfer from the Capital Fund to the General Fund \$7,000.00 to cover cost of equipment for the Recording Department in the County Clerk's office. The motion was seconded by Comm Lindsay and carried.

AG-EXPO SHOW: Interested persons **Dennis Hillyer, Don Bain, and Ron Lanier** gave an update on past shows and goals for future shows. They stated that they felt there was a possibility for expansion of the yearly show that is held at the fairgrounds. They asked if the Board would consider upgrading (winterize) the lower buildings to accommodate any expansion. The request will be given to the Montezuma County Fairgrounds Advisory Committee for consideration.

ROAD DEPARTMENT Foreman **Jim Sattley** reported on department activities: (a) working on CR M, (b) graveling the Hay Camp Road, (c) patching holes on CR 29 to CR 30-31 to Hwy 184, and (d) doing catch up work. Discussed: (1) CDOT Port of Entry – checking of county trucks, (2) big pot hole on CR N – will check, (3) no maintenance on CR S and CR 18 – will check, and (4) B. Crowley's proposal to co-op with the county to chip-seal a portion of CR 24.3 – will contact.

UNITED WAY FUND representative **Tara Ammon** presented a brochure and information about the organization's various programs. She asked for monies to help fund one of these programs, the Montezuma Emergency Assistance Committee (MEAC) program. Request will be considered when the 2003 county budget is prepared.

USDA – WILDLIFE SERVICES representative **Hody Ewing** gave an update on predator control - funding and contract, and general wildlife problems in the area.

CORTEZ CEMETERY DISTRICT BOARD member **Joe Clayton** stated that there will be a vacancy on the district board, as of January 1, 2003. It was noted that the district will advertise for applications to be considered to fill the vacancy.

LIQUOR LICENSE: Deputy Clerk **Judy Follman** 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 Lindsay and carried.

R&M MODERATE SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the R&M Moderate Subdivision (Rose), seconded by Comm Lindsay and carried.

PLANNING Manager **Karen Welch** presented a verbal request from **Gary Slavens** to split from 41 acres a 6-acre parcel to be adjoined to a neighbor's 5-acre parcel. Tentative approval was given.

OFFICE OF COMMUNITY SERVICES: Letter of support for the reclamation plan for the Missionary Ridge area fire (timber salvage) was presented and signed.

KINDER MORGAN CO2 COMPANY: **Bob Clayton** mentioned an article that was in the "Wall Street Journal" in regard to CO2 production in the Canyon of the Ancients National Monument.

SOUTHWEST HEALTH SYSTEMS – SOUTHWEST MEMORIAL HOSPITAL: Administrator **Bob Peterson** and Chief of Operations **George Brisson** presented Southwest Memorial Hospital quarterly financial documents for review. Discussed other activities and proposed expansion of the hospital. Architect **Charles Hubbard** was present.

NOTICE OF CHARGE OF DISCRIMINATION filed against the Montezuma County Sheriff Office by **Denise C. Wittwer** was noted. Copy will be forwarded to the insurance company.

ADJOURNED at 12:00 noon.

Deputy Clerk
October 21, 2002

Chairman

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
OCTOBER 28, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 28, 2002, 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 14, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

ORDER RE: JUDICIAL REVIEW AND SUMMARY JUDGMENT, District Court, Case No. No. 10 CV 194: Received in regard to **Scott Davis and Lillian Ramsey dba ASPIRE**, plaintiffs vs Board of County Commissioners, dependant.

CONSERVATION TRUST FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-21-02** to the Treasurer to transfer from the Conservation Trust Fund to the General Fund - Fairgrounds Operations (electrical project - lights upstairs in indoor arena). 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 0-22-02** to the Treasurer to pay 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) blading, (b) crushing at Mancos gravel pit, (c) hauling gravel to CR L – Mancos, (d) ditching Hay Camp Road, (e) CR M to Hwy 145 – plans are to pave this week, and (f) snow equipment ready for use. Discussed: (1) shoulders – CR M (Hwy 666), (2) improvements of intersections – coop with CDOT and county (CR M – Hwy 666, CR P – Hwy 145, and CR P – Hwy 666), (3) road compactions and striping, (4) CR S & 18, and (5) pot hole on CR 29 – plan to blade patch.

HEALTH DEPARTMENT Director **Lori Cooper** presented "**Indirect Cost Negotiation Agreement**" with approved rate for 2003 between Colorado Department of Health and Environmental and Montezuma Health Department. Comm Wilson moved to sign the agreement, seconded by Comm Story and carried. Presented "**Tai Chi Instructor Contract**" for October 15, 2002 thru October 14, 2003 with the Health Department funded with AAA monies. Comm Wilson moved to sign the agreement, seconded by Comm Story and carried. Stated that flu shots are now available.

COMMUNITY ASSESSMENT MEETING: Information about the meeting was discussed.

PLANNING Manager **Karen Welch** presented the following Planning Commission's recommendations: (1) approval for AR10-34 zoning on **Gary Duane and Nova Mae Slavens** – 41 acres and **Scott D. and Beatrice V. Rouse** – 5 acres. In connection with this zoning, presented planning resolution **P-68-78 Amended**, an exemption to the subdivision regulations, whereas **Gary Duane and Nova Mae Slavens**, owners of 41 acres, situated in Montezuma County are desirous of selling 6 acres to **Scott D. and Beatrice V. Rouse**, adjacent

landowners on the northeast boundary of the Slavens property, to adjoin to the Rouse existing 5 acres parcel for a total of 11 acres overall in Section 15, T.36N., R.16W. Comm Story moved to approve the zoning and to adopt P-68-78 Amended exemption, seconded by Comm Wilson and carried. (2) **High Impact Permit No. 450 – Byron and Billy Tate** – stables – withdrawn. (3) **High Impact Permit No. 449 – Herman Rosas – waste removal business.** After discussion, a public hearing is scheduled for Monday, November 18, 2002 at 10:45 a.m. **Herman Rosas** was present. (4) **High Impact Permit No. 451 – Four Corners Material** - cement plant expansion. After discussion, a public hearing is scheduled for Monday, November 18, 2002 at 11:00 a.m. Representative **Joseph Sebestyler** was present. Discussed and statutes read about 2002 legislation in regard to election of county surveyors. Noted that a High Impact Permit needs to be obtained by Mesa Verde National Park for the Park to reconstruct a water line to the Park across private properties.

COMMUNITY CORRECTIONS BOARD representative **Don Avery** stated that a member is in the process of being replaced for lack of attendance at the community correction board meetings. He asked if a permanent slot for a Ute Mountain Ute tribal member might be incorporated. This was affirmed, contingent on the commissioners receiving recommendations for the appointment from the tribe.

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

PUBLIC HEARING – LIGHTHOUSE BAPTIST CHURCH – AFTER-THE-FACT HIGH IMPACT PERMIT NO. 448: It being the time set aside, a public hearing is held concerning an after-the-fact High Impact Permit application for expansion of the auditorium at the Lighthouse Baptist Church site, 11578 Hwy 145, Cortez, CO. The property is located on the east side of Hwy 145, lying south of Road M and contains 4 acres, more or less situated in Section 18, T.36N., R.15W. Lighthouse Baptist Church representatives **Steve Chappell and Larry Chappell**, and Planning Manager **Karen Welch** were present. Manager Welch presented the Planning Commission's recommendation that a public hearing be held to review the after-the-fact application. No public was present to give input. Representatives for the church stated they were unaware of the need for a permit. Comm Story moved to approve the application for High Impact Permit No. 448, and impose a civil penalty of \$200 for the after-the-fact permit, seconded by Comm Wilson and carried. The Planning Department will draft High Impact Permit No. 448 for review and signature.

ADMINISTRATION: Adm Weaver gave information about (1) Government Day (Montezuma Leadership class) and discussed participation by the commissioners. (2) CEBT Insurance options (a) pay a certain amount up front or (b) sign up for 18 months with the company. Comm Story moved to sign up for 18 months, seconded by Comm Wilson and carried. (3) **Cortez Sanitation District Wastewater Treatment Plant** – low bid discussed – noted part of bid is construction of the seepage receiving system for Montezuma County. No action.

FAIR HOUSING representative **Donna Hilton** gave a presentation to planning commission members, commissioners and the planning department.

ADJOURNED at 3:30 p.m.

Deputy Clerk
October 28, 2002

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 4, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 4, 2002, 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 28, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Lindsay and carried.

PAYROLL: General fund warrants in the amount of \$223,721.14, District Attorney warrant #40179 in the amount of \$20,399.68, Treasurer warrant #40180 in the amount of \$176,886.22; Road Department fund warrants in the amount of \$59,565.63, Treasurer warrant #16225 in the amount of \$53,791.62; and, Landfill fund warrants in the amount of \$11,568.03, Treasurer warrant #3240 in the amount \$8,848.28 were approved for payment.

ROAD DEPARTMENT: Lloyd Everett reported on department activities: (a) graveling CR S – Hay Camp gravel pit to forest service line, (b) hauling from Ormiston gravel pit – to CR BB and CR 10 and (c) noted winter equipment is ready.

CITIZENS FOR ACCOUNTABILITY AND RESPONSIBILITY (CFAR) representatives **David Wuchert and W. (Bill) Jobin** presented “Report To Montezuma County Commissioners on Bioassay Analyses of Dolores River in September 2002,” “Proposal to County and Towns of Rico and Dolores for Additional Heavy Metal Surveys on Dolores River Using Biological Assay,” and ECO/ERA News article by Greg Hovezak, on how his community internship conducting water quality research impacted a southwest Colorado community. Mr. Wuchert gave an overview of the water study done this summer and discussed the data. Mr. Jobin discussed the proposed November program of bioassays on soil and water. He stated that they would appreciate support in the form of a letter from the Commissioners to gravel pit owners and other land owners requesting their permission (1) to allow CFAR tests in Dolores River, floodplain locations, pit discharges, and in soils being mined, using snails, followed by chemical analysis where toxicity is found, and (2) access land where River Watch monitoring stations are proposed. This was tentatively affirmed. Questions about the data were asked by **Dwayne Findley** and discussed. Dolores Water Conservancy District representative **Jim Fisher** stated that persons along the West Fork River have expressed the same concerns, and feel that data should also be collected in this area.

AMENDED PLAT OF: LOTS 6 & 7 CUL-DE-SAC EASEMENT AND EAST PORTION OF ROAD EASEMENT OF THE AMENDED PLAT OF KELLY RIDGE ROAD SUBDIVISION: Comm Wilson moved to approve and sign the final amended plat (Hatch), seconded by Comm Lindsay and carried.

LANDOWNER Jean Aarons asked if anything could be done about trash dumped in the CR L and CR 29 area, and on BLM lands that are in the vicinity. She was advised to contact the Sheriff and BLM officials. She also asked if a free trash pick up day was feasible. Lack of manpower and funds were discussed.

RECESSED for Jail Tour at 10:45 a.m.

ADJOURNED at 12:00 noon.

Deputy Clerk
November 4, 2002

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 18, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 18, 2002, 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 until 11:50 a.m.
Thomas J. Weaver, Administrator – absent from 10:30 a.m. until 12:00 noon
Nelda Jenkins, Deputy Clerk

MINUTES of the regular meeting held on Monday, November 4, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried. Noted correction on minutes of October 28, 2002 – under Order - second heading, third sentence - change “dependant to defendant.” Comm Wilson moved to approve change, seconded by Comm Story and carried.

TREASURER AND CLERK reports for the month of October 2002 were received and reviewed.

ACCOUNTS PAYABLE: General fund warrants #40177 thru #40354 in the amount of \$180,316.86, Road department fund warrants #16224 thru #16304 in the amount of \$61,254.18, Landfill fund warrants #3239 thru #3283 in the amount of \$192,672.55, and Correction facility fund warrants #128 and #129 in the amount of \$57,682.69 were approved for payment.

LANDFILL CLOSURE FUND ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-23-02** to the Treasurer to transfer \$235,000.00 from the Landfill Closure Fund to the Landfill Fund (construction of Cell 2A). The motion was seconded by Comm Story and carried.

SUMMONS IN CIVIL ACTION NO. 02-N-2059 (OES), District Court was received from **David W. Bowen**, plaintiff vs. The Board of County Commissioners of the County of Montezuma, Joey M. Chavez, Montezuma County Sheriff, individually and in his official capacity and Sam Hager, Montezuma County Undersheriff, individually and in his official capacity, defendants. A copy has been sent to the Insurance Company.

ROAD DEPARTMENT: Lloyd Everett reported on department activities: (a) have paint wagon from Grand Junction, (b) hauling gravel, (c) doing weed control, (d) have finished work on CR M, (e) complaint about pot holes on CR 40 – taken care of, and (f) picking up snow blower this week. Discussed: (1) request from C. Mitchell – improvement on small section of Road 38 – will contact. (2) Computer problem with road counts – working on.

SOUTHWEST COLORADO YOUTH BASEBALL INC. (formerly AABC Youth Baseball/Motelores Babe Ruth): Representatives **Mike Offutt and Brad McCracken** gave an update on the new organization and two new proposed fields. They asked if the county would donate 480 cu yards of gravel for the parking lots. They stated that they would do the hauling. This was affirmed. A request for lottery funds was also made. Comm Story moved to give **\$2,500.00** from the **Lottery Fund** to the Southwest Colorado Youth Baseball Inc. program, seconded by Comm Wilson and carried.

LANDFILL Manager **Debby Barton** presented an aerial overview map showing the new cell area. Discussed vandalism problems (cut fences). Presented the following: (a) "Profit and Loss Statement for Month of October 2002," (b) "Landfill Financial Information Summary," (c) "Breakout of Basic Costs per Ton for Year to Date as of October 31, 2002," and (d) "County Landfill Rate Structure Effective 1 January 2003." These were discussed.

LANDFILL RATE STRUCTURE: Comm Story moved to adopt the "Landfill Rate Structure Effective January 1, 2003" (see attached), seconded by Comm Wilson and carried.

NOXIOUS WEED CONTROL PROGRAM: County Weed Control Program Manager **Ron Lanier** and **Destri Tucker** presented a summary of the cost-share monies expended for 2002. He stated that there are a few of the 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. Discussed: (a) Weed Board goals – obtain grant monies for mapping, etc.; (b) possible cuts by State to the program – Board requested that Manager Lanier compile a plan to show how to absorb cuts by the State; (c) outcome of drought in regard to weeds this past year; and (d) map – posting will be done in connection with cost-share data etc.

MONTEZUMA LAND CONSERVANCY representatives **Dave Nichols** and **Marianne Mate** gave an update on the activities of the organization and asked for a donation of \$2,000.00 from the lottery funds to help pay for their programs. After discussion, Comm Story moved to donate **\$2,000.00** from the **Lottery Funds**, seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

CORDY WALLACE SUBDIVISION: Comm Story moved to approve and sign the final plat for the **Cordy Wallace Subdivision** (Wallace), seconded by Comm Wilson and carried.

PUBLIC HEARING – COUNTRYSIDE DISPOSAL – PROPOSED HIGH IMPACT PERMIT NO. 449: It being the time set aside, a public hearing is held concerning a High Impact Permit application for Countryside Disposal, a trash hauling business, as submitted by Herman Rosas. The Rosas property is located on the north side of Road X, lying west of Road 23 and is situated in Section 29, T.38N., R.16W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were **Herman Rosas, John and Joyce Schutz**, and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation. At the Board of County Commissioners meeting held October 28, 2002, Mr. Rosas requested a public hearing. Application was discussed. There was no public input. Comm Story moved to approve High Impact Permit No. 449, seconded by Comm Wilson and carried. The Planning Department will draft findings and High Impact Permit No. 449 for review and signature.

PUBLIC HEARING – OLDCASTLE SOUTHWEST GROUP, INC., dba FOUR CORNERS MATERIALS – PROPOSED HIGH IMPACT PERMIT NO. 451: It being the time set aside, a public hearing is held concerning a High Impact Permit application for Oldcastle Southwest Group, Inc., dba Four Corners Materials. The application is for the construction of an office facility and site improvements on the property located on the south side of Road L, lying west of Road 26, situated in Section 23, T.36N., R.16W. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were Four Corners Materials representative **Joe Sebestyen**, interested neighbors **Candace Brantner, Pat Boots, James Grogent** and Planning Manager **Karen Welch**. Manager Welch presented the Planning Commission's recommendation. Mr. Sebestyen gave an overview of the scope of the project. Public comments were as follows: (a) Pat Boots presented a letter with concerns of the neighborhood (see attached), (b) Candace Brantner stated that the location change of the batch plant was appreciated, but expressed she supported concerns in Mr. Boots letter and also had concerns about water issues and the pond, and (c) James Grogent stated he had concerns about more traffic on CR L. Mr. Sebestyen addressed all the concerns. After discussion, Comm Story made a motion to approve the application for High Impact Permit No. 451, contingent on specified mitigating measures. The motion was seconded by Comm Wilson and carried. The Planning Department will draft findings and High Impact Permit No. 451 for review and signature.

CITIZENS FOR ACCOUNTABILITY AND RESPONSIBILITY (CFAR) representatives **William Jobin, Pat Kantor, Joe Kantor, and Tim Hovezak** met with the Board. Mr. Jobin reiterated their request for support in the form of a letter from the Commissioners to gravel pit owners and other land owners requesting their permission to access the Dolores River through their properties (see minutes of November 4, 2002). After discussion, the Board stated they felt the county does not need to be a partner in this activity and therefore declined to do a support letter. Questions about funding were asked by Neva Kindred and Miscelle Allison. Pat Kantor mentioned two other items: (a) Line Camp gravel pit - reclamation monitoring board appointments, and (b) flood plain mapping. These were discussed.

DE-BRUCE (TABOR) – AMENDMENT 1: Attorney Slough read statutes in regard to Resolution 9-2002 (ballot question). The following persons were present and asked questions about the manner in which the ballot question was handled before the November 5, 2002, election: **Neva Kindred, Miscelle Allison, David Furrey, Nate Porter.** Also present were **Mary Lou Asbury and Keenen Ertel.**

FINANCE OFFICER Mary Ann Sanders gave an update on budget items. Discussed coroner position question. It was affirmed that the Coroner position is to be contracted out to the elected official.

ADJOURNED at 3:15 p.m.

Deputy Clerk
November 18, 2002

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
NOVEMBER 25, 2002**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 25, 2002, 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 18, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

911 AUTHORITY BOARD ORDER: Comm Wilson made a motion to direct the Clerk to issue **Order Number 0-24-02** to the Treasurer to pay \$2,103.90 from the 911 Account to Qwest, Denver CO 80244-0001. The motion was seconded by Comm Story and carried.

COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) – REGION 5: CDOT representatives **Steve Parker, Laurie Blanz, Richard Reynolds, Mitch Kumar, Ed Demming, Jim Saunders and Kerrie Neet** and Road Department representative **Lloyd Everett** were present. The following agenda items were presented and discussed: (1) 2003 Strategic Investment Plan Update, (2) Acceleration of 2030 Plan, (3) Region 5 intersection study update, (4) CDOT projects update, and (5) County issues.

LEADERSHIP MONTEZUMA COUNTY PROGRAM representative **Kristine Acott** gave an update on the program. She thanked the Board for their support and asked for continued help in funding the program. Comm Story moved to give \$2,000.00 to the "Leadership Montezuma County Program (2003)" seconded by Comm Wilson and carried.

POPLIN MINOR SUBDIVISION: Planning Manager **Karen Welch** presented the plat, and read for the record a letter received from Jerry Koskie (see attached) in regard to the subdivision. After discussion, Comm Story moved to approve and sign the final plat for the Poplin Minor Subdivision, seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented the following High Impact Permit with findings (see attached) for signature: **HIP No. 451 – Oldcastle Southwest Group, Inc., dba Four Corners Materials (Sebestyen):** conditions – working with the neighbors to lessen the impact of the exterior lighting in the immediate area. Presented the following Planning Commission's recommendations: (1) approve - commercial zoning of an existing business, **Belt Salvage & Steel**. Comm Story moved to approve the zoning, seconded by Comm Wilson and carried. (2) **High Impact Permit No. 452 – Belt Salvage & Steel – commercial zoning on acquired adjoining acreage** – set public hearing. Public hearing is scheduled for Monday, December 9, 2002, at 10:00 a.m. Presented draft "Residential Building Inspection –Voluntary Compliance with Uniform Building Code, 1997 Edition" form for review.

DEPARTMENT HEAD 2003 BUDGET MEETINGS: Proposed department budgets were reviewed and discussed. Finance Manager **Mary Ann Sanders** and the following were present from the departments: **Sheriff - Joey Chavez and Sam Hager; Treasurer – Sandy Greenlee; Extension – Jan Sennhenn; Health – Lori Cooper; Assessor – Bob Cruzan and Mark Vanderpool; District Attorney – Joe Olt, Shelley Rodriguez, Devenei Ball, Steve Sullivan, Anita Squires, and Hugh Richards; Coroner – Charlie Rosenbaugh** – during the Coroner budget discussion, Comm Lindsay was recused because of a conflict of interest. Miscellaneous budget items were also discussed.

ADJOURNED at 3:30 p.m.

Deputy Clerk
November 25, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 9, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 9, 2002, 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, November 25, 2002, were read. Comm Story moved to approve these minutes, seconded by Comm Wilson and carried.

TREASURER report for month of November 2002 was received and noted.

OFFICE OF DISTRICT ATTORNEY Twenty-Second Judicial District Financial Statement and Auditor's Report For the Year Ended December 31, 2002, Brenda K. Swan, C.P.A., P.A. was received and noted.

PAYROLL: General fund warrants in the amount of \$216,286.47, District Attorney fund warrant #40357 in the amount of \$20,255.39, Treasurer fund warrant #40358 in the amount of \$174,118.94; Road department fund warrants in the amount of \$60,872.91, Treasurer fund warrant #16306 in the amount of \$55,446.26; and Landfill fund warrants in the amount of \$11,034.65, Treasurer fund warrant #3285 in the amount of \$8,805.43 were approved for payment.

ROAD DEPARTMENT: **Lloyd Everett** reported on department activities: (a) hauling dirt to landfill, (b) hauling gravel from Ormiston gravel pit to CRs BB and 19, (c) will start sealing cracks in near future, and (d) addition to Mancos shop – will get permit. Discussed: (1) CR M chip/seal, (2) information from a mag-chloride (dust control) business, and (3) damage on CR 27.

LANDFILL Manager **Debby Barton** presented the following: (a) "Profit and Loss Statement for month of November 2002," (b) "Landfill Financial Information Summary – November 1 to November 30, 2002," (c) "Income versus Expenses," (d) Year 2002 Budget (Amended) vs Execution – January – December, and (e) "Breakout of Basic Costs per Ton for Budget Year 2003." These were discussed.

CORTEZ CEMETERY DISTRICT BOARD: Applications received from the advertised public notice of a vacancy on the Cortez Cemetery District Board were reviewed. Comm Story moved to appoint **Robert J. Wilson** to a 3-year term (2003-2004-2005) to the Cemetery District Board and **Gordon Leavell and Ed Hicks** as alternatives, seconded by Comm Wilson and carried.

PUBLIC HEARING – DAN BELT – PROPOSED HIGH IMPACT PERMIT NO. 452: It being the time set aside, a public hearing is held concerning a High Impact Permit application submitted by **Dan Belt** on property owned by Bank of Durango, for a parking and storage area immediately south of the existing Belt Salvage site. The property consists of 4.93 acres, located on the east side of Hwy 160, situated in Section 9, T.35N., R.16W. The physical address is 6638 Hwy 160, Cortez, CO. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Present were representatives for Dan Belt, Attorney **Mike Green and Kelly Belt**, six other interested persons, Planning department representative **Loretta Murphy**, and after 10:10 a.m. Planning Manager **Karen Welch**. Loretta Murphy gave information about the proposal and the Planning Commission's recommendation: (a) that the permit proceed to a public

hearing – reviewing the screening and gate recommendations, and (b) that the commercial zoning request be approved contingent upon approval of the High Impact Permit. Attorney Green addressed the screening and gate recommendations. A written plan for screening was requested. Public comment is as follows: **Jim Davenport and Stan Pierce** stated they would like to see the proposed permit approved. After discussion, Comm Story made a motion to approve (a) the application for High Impact Permit No. 452, contingent on specified mitigating measures and (b) commercial zoning. The motion was seconded by Comm Wilson and carried. The Planning Department will draft findings and High Impact Permit No. 452 for review and signature.

GIS MAPPING/PLANNING DEPARTMENT: **Rob Peterka** presented a draft Montezuma County Zoning Map for review and discussion.

OLD WEST MINOR SUBDIVISION: Comm Wilson moved to approve and sign the final plat for the Old West Minor Subdivision (Young), seconded by Comm Story and carried.

2003 HOLIDAY LIST presented by Financial Officer **Mary Ann Sanders** was reviewed. Comm Wilson moved to approve as submitted the “Official County Holiday Schedule for 2003” (see attached), seconded by Comm Story and carried.

COUNTY HEALTH-DENTAL-LIFE INSURANCE: Comm Story moved to confirm the decision of October 28, 2002 (see minutes) in regard to continuing insurance with CEBT, seconded by Comm Wilson and carried. Financial Office **Mary Ann Sanders** was present.

ADJOURNED at 12:00 noon.

Deputy Clerk
December 9, 2002

Chairman

Online Copy

PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 16, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 16, 2002, 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, December 9, 2002, were read. Comm Wilson moved to approve these minutes, seconded by Comm Story and carried.

SHERIFF report for the month of November 2002 was received and noted.

ACCOUNTS PAYABLE: General fund warrants #40356 thru #40590 in the amount of \$165,166.82; Road department fund warrants #16307 thru #16399 in the amount of \$73,624.94; Landfill fund warrants #3286 thru #3332 in the amount of \$327,508.68; and Correction facility fund warrants #130 thru #134 in the amount of \$46,934.02 were approved for payment.

RESIDENT Bob Maynes met to discuss issues about the National Guard Armory building and acreage.

ROAD DEPARTMENT Foreman **Jim Sattley** reported that they are cleaning up dirt on Hwy 145 – taking it to CR 30. Discussed: (a) CDOT and County cooperation - working on intersections, and (b) Dolores/Norwood road.

DOLORES COMMUNITY CENTER representatives **Ruby Gonzales** gave an update on the Center's activities, increase in expenses and funding. **Shawna Valdez** was also present. They asked for monies in addition to the amount that is budgeted for 2003. After discussion, Comm Story moved to donate \$1,000.00 from the **lottery** fund, seconded by Comm Wilson and carried.

BOARD OF SOCIAL SERVICES was conducted.

PUBLIC HEARING – 2002 AMENDED BUDGET AND 2003 BUDGET: It being the time set aside, a Public Hearing was conducted regarding the 2002 amended budget and the proposed 2003 budget. The roll was called, the proofs of publications were read, and the proceedings were taped for the record. Extension Office Director **Jan Sennhenn**, Social Services representative **Kathy Talcott**, and interested persons, **Betty Farlow**, **Dewayne Findley** and **Chuck McAfee** were present. **2002 Amended Budget:** Finance Officer **Mary Ann Sanders** presented and explained the unanticipated revenues and expenditures of such funds that created the need for the amended budget. There being no protest against the proposed amended budget, a motion was made by Comm Wilson to adopt **Resolution #11-2002**, authorizing the Supplemental Budget and Appropriation. The motion was seconded by Comm Story and carried. **2003 Budget:** Budget Officer **Tom Weaver** presented the proposed 2003 budget. Chuck McAfee asked some questions in regard to the proposed budget. These were discussed. No changes were made in the proposed budget. Comm Story made a motion to adopt **Resolution #12-2002**, To Adopt a Budget for Montezuma County, Colorado For the Calendar Year Beginning on the First Day of January 2003 and Ending on the Last Day of December 2003. The motion was seconded by Comm Wilson and carried. Comm Wilson made a motion to adopt **Resolution #13-2002**, To Set Mill Levies. The mill

levy is set at 14.254, the same as last year. The motion was seconded by Comm Story and carried. Comm Wilson read Resolution #14-2002 for the record. Comm Wilson made a motion to adopt **Resolution #14-2002, To Appropriate Sums of Money (\$19,567,422.00)** in accordance with Local Government Budget law on December 16, 2002. The motion was seconded by Comm Story and carried.

DI ETZENBACH CI PUD SUBDIVISION: Comm Story moved to approve and sign the final plat for the DiEtzenbach CI PUD Subdivision (Dietzenbach), seconded by Comm Wilson and carried.

PLANNING Manager **Karen Welch** presented applications for the Reclamation Advisory Committee in regard to the Four States Aggregate gravel pit. Action was tabled. Discussed **voluntary** residential UBC inspection process, with a proposed county charge of \$125.00, which will be used for expenses to keep data for record in perpetuity. **Betty Farlow** and **Chuck McAfee** were present.

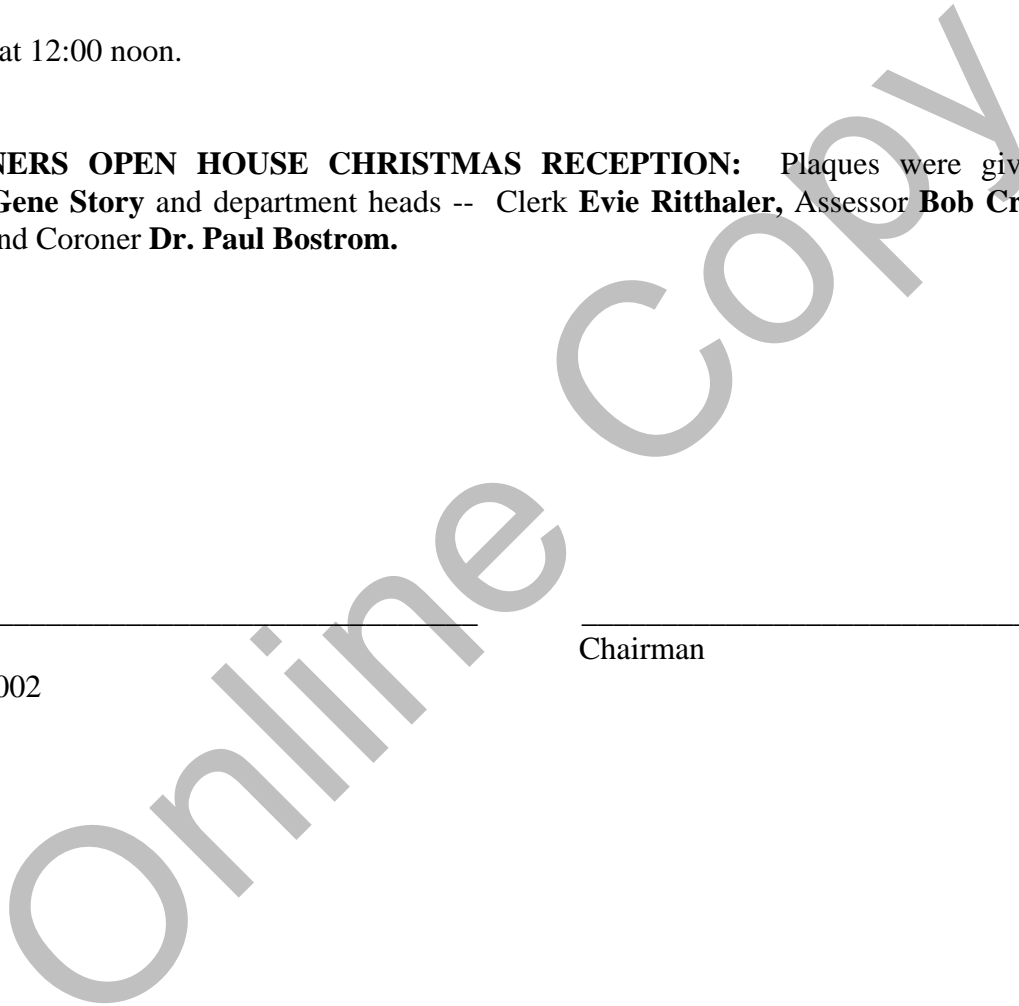
OFFICE OF COMMUNITY SERVICES: **Mike Preston** and **Jim Sisco** gave updates on the Pine Zone Project and Canyon of the Ancients Monument issues.

ADJOURNED at 12:00 noon.

COMMISSIONERS OPEN HOUSE CHRISTMAS RECEPTION: Plaques were given to outgoing Commissioner **Gene Story** and department heads -- Clerk **Evie Ritthaler**, Assessor **Bob Cruzan**, Treasurer **Bobbie Spore** and Coroner **Dr. Paul Bostrom**.

Deputy Clerk
December 16, 2002

Chairman



PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
DECEMBER 30, 2002

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 16, 2002, 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 16, 2002, 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 0-25-02** to the Treasurer to pay \$2,103.90 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm Story and carried.

SENIOR CITIZENS BUS FUND ORDER: Comm Story made a motion to direct the Clerk to issue **Order Number 0-26-02** to the Treasurer to transfer \$9,808.80 from the Senior Citizens Bus Fund to the General Fund (purchase of Bus – CDOT Contract). The motion was seconded by Comm Wilson and carried.

INVITATION TO BID – Volrath 10x16x8 foot tall walk-in freezer (old jail) - bids were received. Action tabled until next week.

SAN JUAN BASIN AREA AGENCY ON AGING (AAA): Comm Story moved to appoint Comm Glenn "Kelly" Wilson to the AAA Board, seconded by Comm Lindsay and carried.

ALL NATIONS MEDICINE LODGE: Discussed telephone call from Arthur Neskahi to Comm Wilson about a proposed activity at the Lodge in June 2003. Planning Manager **Karen Welch** was present. Required CDOT access to the property was discussed. Mention was made that the fairgrounds might be a better location for the planned June activity. **Destri Tucker** submitted the scheduled list of events for the fairgrounds. Comm Wilson will contact Mr. Neskahi with information from the discussion.

SOUTHWEST SOFTBALL ASSOCIATION (GIRLS) representative **Audrea Fahrion** gave an update on the organization and ask for funding to help purchase a pitching machine. **D. E. Wilson** was present. After discussion, Comm Wilson made a motion to donate \$1,000.00 from the **lottery** fund, seconded by Comm Story and carried.

PLANNING Manager **Karen Welch** stated that the Planning Commission accepted the resignation of Dewayne Findley and asked that alternative Harry Seibert be appointed to finish Comm-elect Findley's term through 2003. Comm Story moved to appoint alternative **Harry Seibert** to serve Mr. Findley's 2003 term appointment, seconded by Comm Wilson and carried. Presented and noted: **(1)** Public Hearing for the Dolores Ranger District's high impact permit is scheduled for Monday, January 13, 2003, at 10:00 a.m. **(2)** Surety bond for Tri-State Generation and Transmission (damage performance) will expire December 31, 2002. As of today,

there has been no response to the notice in paper. Action tabled until next week. (3) Court probate referred to the Board for an exemption to the subdivision regulations concerning the May Lisenbury trust leaving 3 acres from a 30+ acre parcel to Don and Phyllis Smith. After discussion, it was noted that the Board recommends that the referral from Judge Hansen go to the Planning Commission as a 2-lot Minor Subdivision. Representative for the trust, Attorney Kelly will be notified of this action. ***Later presented complaints from Wagon Wheel Estates Subdivision neighbors in regard to **Frank Hensen's** home business operating in the subdivision. A letter will be written to Mr. Hensen about the concerns.

LINE CAMP RECLAMATION ADVISORY GROUP APPOINTMENTS: Comm Story made a motion to appoint **Tim Hovezak, Bruce Lightenburger, and Richard Lincoln** to the advisory group, seconded by Comm Wilson and carried.

CERTIFICATION OF THE MILL LEVIES AND REVENUES REPORT was signed.

FINANCE OFFICER Mary Ann Sanders met to discuss budget issues in regard to the District Attorney's office. Comm Lindsay will contact the District Attorney.

SENIOR NUTRITION CENTER Manager Sue Fletcher presented bus purchase contract for review. Comm Story moved to sign the CDOT Vehicle Procurement Package 2003/Thomas Bus/070RN, seconded by Comm Wilson and carried. Fees at the Annex were discussed – action tabled.

ADJOURNED at 12:20 p.m.

Deputy Clerk
December 30, 2002

Chairman

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