

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY
January 8, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 8, 2007, at the courthouse in Cortez, Colorado, there were present:

H. Dewayne Findley, Chairman - Absent
Gerald W. Koppenhafer, Vice-Chairman
Larrie D. Rule, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis, County Clerk

MEETING was called to order by **Vice- Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday December 18, 2006 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Koppenhafer. Motion carried.

MINUTES of the special meeting held on Friday, December 22, 2006 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Koppenhafer. Motion carried.;

AUTHORITY BOARD ORDER: Comm. Rule made a motion to direct the Clerk to issue **Order Number 0-01-07** to the Treasurer to pay \$3,729.90 from the 911 Account to Qwest, Denver, CO 80244-0001. The motion was seconded by Comm. Koppenhafer and motion carried.

PAYROLL: General fund checks in the amount of \$277,348.24, District Attorney fund check #49854 in the amount of \$21,803.95, Treasurer fund check #49855 in the amount of \$217,102.87 Road department fund checks in the amount of \$64,238.58, Treasurer fund check #20019 in the amount of \$55,518.38; and Landfill fund checks in the amount of \$13,296.58. Treasurer fund check #5080 in the amount of \$11,645.75 were approved for payment.

IMPACT GRANT: The Colorado Division of Wildlife impact assistance grant application was presented for approval. Comm. Rule moved to sign the Colorado Division of Wildlife impact assistance grant application. Seconded by Comm. Koppenhafer and the motion carried. (See attached).

ROAD: Lloyd Everret met and discussed a complaint he received on Road M concerning work done for a subdivision. Talked about a request from Montezuma Valley Irrigation for the County to purchase culverts for a portion of Road 24 and costs associated with it. Discussed problems on Road G where water washed away concrete at the entrance to the Port of Entry and Road 24.2. The Department will look at it.

Administrator Harrison suggested the Board take a tour of Roads BB and 10. Comm. Rule mentioned he has already looked at it and discussed signage on the roads. Mr. Everret said that the detour was built but the actual bridge work has not begun on the Yellow Jacket Bridge project. He talked about the sale of Haycamp Gravel to Stone Crushing and the need to clarify the existing contracts.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of December 31, 2006... (See attached).

ADMINISTRATOR HARRISON'S REPORT: Presented the Board with information for their review concerning a drug prescription program for Montezuma County residents. He informed the Board that the 2007 budget with a narrative is posted on the County web site and he is working on a power point presentation that can be shown to various interested organizations. Discussed the county health insurance program. He said that a list of local doctors who are participating in the Anthem program and those who are taking new patients will be available soon. Administrator Harrison will check into the self insurance programs. Informed the Board of a DOLA meeting scheduled in Denver for January 31st. DOLA would like to have a Commissioner in attendance. Administrator Harrison would like to schedule a meeting with Doug Carver concerning his wishes to sell the land by the Landfill. He will check into the situation. Updated the Board on a recent meeting with Region 9 held in Durango.

PLANNING: Planning manager Susan Carver presented the final plat for the **Pinon Hills Subdivision Phase III (Casey McClellan owner)** for approval. Comm. Rule moved to approve the final plat for the Pinon Hills Subdivision Phase III, seconded by Comm. Koppenhafer and the motion carried. (Findings attached) Manager Carver presented the **Davies Major Subdivision (Danny and Jeanie Wilkin applicants)**. The Board had questions concerning the emergency turn around and wished to have clarification before approval. Manager Carver presented applications to the Planning Commission. She mentioned that due to the resignation of Jay Conner from the Commission she has a need to appoint an alternate to the Planning Commission. Comm. Rule moved to appoint **Cindy Dvergsten, Drew Gordanier, Andrew Logan, and Casey McClellan** to a three year term and to appoint Jonathan **Callender** from the alternate list to a three year term on the Planning Commission. (Letters attached) The motion was seconded by Comm. Koppenhafer and the motion carried. **LATER: Danny Wilkin** appeared before the Board and informed them that there is a hammerhead turnaround in the subdivision. Comm. Rule moved to approve Lot 2A, Lot 2B, Lot 2C and Lot 2D of the Davies Major Subdivision. Comm. Koppenhafer seconded the motion and carried. (Findings attached)

TDR PLAT: James Detrich presented a TDR plat for **Wildcat Land and Timber** which is in the Dolores River Valley. Comm. Rule moved to approve the TDR plat for lots 1 and 2 for Wildcat Land and Timber, seconded by Comm. Koppenhafer and carried.

LUNCH 12:10 P.M.

WEED CONTROL manager Ron Lanier informed the Board of having a demonstration and work day at Audrey Allmon's demonstration site scheduled for next week.

LANDFILL: Landfill manager **Debby Barton** presented the profit and loss statement for the month of December, 2006 (See attached)

BOARD OF EQUALIZATION HEARINGS: It being 1:30 p.m., the time set aside, the Montezuma County Commissioners convened on Monday, January 8, 2007, to sit as the Board of Equalization.

HOWARD M. & ALMA J. WILLIAMS: The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor presented an appeal from Howard M. and Alma J. Williams concerning the classification of their land from agriculture to residential. Mr. Williams spoke to the general purpose of the land being agriculture. After hearing all the evidence presented, Comm. Rule moved to agree with the Assessor's recommendation of the residential classification, seconded by Comm. Koppenhafer and carried. (See attached)

BOARD OF EQUALIZATION HEARING: It being 2:30 p.m., the Montezuma County Commissioners heard an appeal concerning property classification on land owned by **Dave and Lana Waters**. Attorney **Michael Green** represented Mr. and Mrs. Waters in the proceedings. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor gave the overview of the appeal. After hearing all the evidence presented Comm. Rule moved to agree with the Assessor's Office recommendation that the primary purpose of this parcel at 16415 Road 21.4 be classified as residential. Seconded by Comm. Koppenhafer and carried.

BOARD OF EQUALIZATION HEARING: It being 3:00 p.m., the Montezuma County Commissioners heard an appeal concerning property classification on land owned by **Kenneth and Linda Davies**. The roll was called and proceedings were taped for the record. Appraiser Cynthia Claytor recommended to the Board that after reviewing the parcel and seeing evidence presented by the landowner they stated the primary use of this parcel is agriculture rather than residential. After hearing the evidence presented, Comm. Rule moved to change the classification on the property at 11830 Road 24.4 back to agriculture as recommended by the Assessor's Office. Seconded by Comm. Koppenhafer and motion carried. (See attached)

SHERIFF WALLACE presented a grant application for rural law enforcement equipment/services with the Colorado Department of Transportation for signature. This grant would be used to provide all deputies with PBT's to assist in DUI arrests. Comm. Rule moved to sign the grant application in the amount of \$4,950.00, seconded by Comm. Koppenhafer and motion carried. (See attached) Sheriff Wallace then presented a contract between DOLA and Montezuma County Board of Commissioners for limited gaming impact funds. Comm. Rule moved to sign the contract concerning the gaming impact funds. Seconded by Comm. Koppenhafer and carried. (See attached).

JIM SISCOE with Montezuma Valley Irrigation appeared before the Board to inquire about a culvert installation on Road 24. He stated if the County would purchase the culvert, then MVI would do the work. The Board agreed to purchase the necessary culvert needed and that Montezuma Valley Irrigation would do the required work.

SHANNON SOIGNIER, Attorney representing Kim and Joe Truacht, owners of Golden Years Retirement Home, appeared to discuss complaints against Social Services and the Health Department. The complaints concerned alleged slander and defamation remarks made about the retirement home by certain employees of Social Services and the Health Department. Ms. Soignier asked the Board to have three employees removed

from their positions where they can not affect Mrs. Truacht's business. The Board stated complaints of this nature should first be presented directly to the Department Head and the County Administrator.

CORRESPONDENCE: The following correspondence was read and noted.

Letter from Lewis-Arriola Community Center, Inc. thanking the Board for their support in securing a grant. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Koppenhafer and carried.

MEETING ADJOURNED 5:15 P.M.

County Clerk

Chairman

Minutes of the January 1, 2007 meeting were approved and signed January 15, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY
January 15, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 15, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis, County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday January 8, 2007 were read. Comm. Rule moved to approve the minutes as amended seconded by Comm. Chappell. Motion carried.

ELECTIONS OF OFFICIALS FOR 2007: Comm. Rule moved to elect Comm. Koppenhafer as Chairman, seconded by Comm. Chappell, motion carried. Comm. Koppenhafer abstained. Comm. Chappell moved to elect Comm. Rule as Vice-Chairman, seconded by Comm. Koppenhafer. Motion carried. Comm. Rule abstained. Comm. Rule moved to elect Comm. Chappell as Commissioner of Deeds, seconded by Comm. Koppenhafer, motion carried. Comm. Chappell abstained.

2007 APPOINTMENTS: Comm. Rule moved to appoint the following: Bob Slough as County Attorney, Ashton Harrison as County Administrator and Budget Officer. Comm. Rule also moved to appoint the following persons to the several different offices and boards, seconded by Comm. Chappell and carried.

Director of Social Services: Dennis Story

Health Officer: Dr. Gerald Griebel

Southwest Workforce Board: Dennis Story

Veteran's Affairs Officer: Bud Carrier to a two year term (2007-2008)

Comm. Chappell moved to appoint Comm. Rule to the Region 9 Economic Development Board – TPR:

Comm. Rule moved to appoint Comm. Chappell as Alternate: Both motions were seconded by Comm. Koppenhafer and carried. Comm. Rule abstained from first motion and Comm. Chappell abstained from second motion.

Noted: Legal Publications: Cortez Journal, Mancos Times, and Dolores

AUTHORITY BOARD ORDER: Comm. Rule made a motion to direct the Clerk to issue **Order Number 0-02-07** to the Treasurer to pay \$63.53. from the ETA Fund (E911 dispatch) account to **AT&T**. The motion was seconded by Comm. Chappell and carried. (See Attached)

CORTEZ CEMETERY APPOINTMENT: Comm. Rule moved to appoint **June Head** to fill a vacancy on the Cortez Cemetery Board to a two year term. Seconded by Comm. Chappell and carried (See attached)

ACCOUNTS PAYABLE: General Fund # 49856-50028 in the amount of \$296,088.36, Road Fund # 20022-20078 in the amount of \$189,414.31, and Landfill # 5082-5114 in the amount of \$29,924.53 for the month of December, 2006 were approved for payment.

ADMINISTRATOR HARRISON'S REPORT: Administrator Harrison reported that the IGA with the Cortez Sanitation District has been signed and returned to the County. He also stated that work is being done on the IGA's with the municipalities. He stated that some local doctors are now accepting the County's health insurance. Discussed the Breakwater Project. He informed the Board of the Division of Wildlife's plans to do a treatment at Summit Lake to kill sucker fish possibly this summer.

COMPLAINT: The Board was presented with a complaint filed in District Court (**case number 07 CV 04**). The complaint has been sent to the Insurance company (See attached)

ROAD: **Lloyd Everret** and **Lavena Saunders** discussed that Haycamp Gravel has new operators and she asked the Board if they might foresee any problems with the transfer. Ms. Saunders stated that there will be an addendum made to update the original contract to reflect the transfer. The Board will look at the current contract. Mr. Everret mentioned that the Gonzales family blocked a portion of K.6 to the snowplows and asked for direction from the Board on how to proceed. He was informed to continue to do as the Road Department has done in the past and that if an emergency situation occurs, the Department should contact the Sheriff's Department before they plowed the road. He reported that the hauling of materials to the Fairgrounds was nearing completion. The installation of gutters on the horse pavilion is to begin on Tuesday.

PLANNING: Planning manager **Susan Carver** presented the **Pheasant Run Cluster Incentive Planned Unit Development (Pete and Rebecca McDonald owners)** with findings. (See attached) Comm. Rule moved to approve the Pheasant Run CIPUD, seconded by Comm. Chappell and motion carried. She then presented the **Last Chance amended plat (Cheryl D. Dean owner)** with findings. (See attached) This plat will amend the minor subdivision to create a 3 lot moderate subdivision. Comm. Rule moved to approve the plat creating a 3 lot subdivision with lots A, B and C and to mention the proposed cutting of a cul-de-sac for lot C in the covenants. Seconded by Comm. Chappell and carried.

BOARD OF SOCIAL SERVICES: It being 1:00 p.m. the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins, and LouAnn Everret.

JAMES DIETRICH with the Office of Community Services FLC presented proposals to develop the Montezuma County Fairgrounds Master Plan and a Montezuma County Fairgrounds GOCO Plan. Comm. Chappell moved to accept the proposal presented by James Dietrich to develop a comprehensive master plan for the Montezuma County Fairgrounds Master Plan and to pay \$2,432.00 from the Conservation Trust Fund.

Seconded by Comm. Rule and carried. Comm. Rule moved to accept the proposal for the Montezuma County Fairgrounds GOCO Plan in the amount of \$1,226.00 to be paid from the GOCO grant. Seconded by Comm. Chappell and carried. Mr. Dietrich updated the Board on the Lewis-Arriola Community Center's grant. He reported on the funding and payment schedules and they are gathering bids and will award the contracts.

EMERGENCY MANAGER Lori Johnson updated the Board concerning emergency management programs she is working on. She informed them of grant programs and discussed the need for a mitigation plan for the County which would make it possible to receive various grants.

McPHEE BREAKWATER: Marianne Mate met to discuss the McPhee Breakwater Project and talked about the grant application draft.

SHERIFF WALLACE met to discuss the need for a motorhome that could be converted and used as a command post. He informed the Board of the need to explore funding options for law enforcement.

NATIONAL WILD TURKEY FEDERATION representative **Tim Bates** met to discuss the use of the County Annex for a fundraiser banquet. He stated they wanted to serve beer and wine at this banquet. They are applying to the City of Cortez for a special events liquor license and the City requested a letter of approval from the County for the use of the annex. Comm. Rule moved to sign a letter giving permission to the National Wild Turkey Federal Federation to serve alcohol at the County Annex. Seconded by Comm. Chappell and carried.

ROY ELDER met to discuss the status of a portion of Road 43. He stated the Road is dedicated as a county road and he cannot find where any portion of the road was ever abandoned. Mr. Elder wishes to have the original alignment of the road re-established. The Board will look at all the documents presented before making any decisions on how to proceed.

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 5:45 P.M.

County Clerk

Chairman

Minutes of the January 15, 2007 meeting were approved and signed January 22, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY
January 22, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 22, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis, County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday January 15, 2007 were read. Comm. Rule moved to approve the minutes as amended seconded by Comm. Chappell. Motion carried.

ADMINISTRATOR HARRISON'S REPORT: **Marianne Mate** met to discuss the McPhee Breakwater Project. It was decided to have an engineers report before requesting any Grant money. Marianne Mate is going to return to the Commissioners with a presentation. The Commissioners questioned the maintenance of the facility; Ms. Mate will contact the Forest Service regarding this.

Roger Lawrence from the Rifle and Pistol Club informed the Board that his club would like to use the facilities at the Fairgrounds but there was a need to add the upgrade of the dirt floor in the main building to the master plan.

Administrator Harrison discussed proposed legislation concerning the process to vacate a road.

The **Economic Development Steering Committee** will meet again on Feb. 9, 2007. Ashton presented a memorandum to the Committee concerning the first steps of development.

ROAD DEPARTMENT: **Jim Burton**, a traffic analyst, presented a road count report done on portions of Road L and Road 26 and explained the findings. He would like to purchase a hand held P.C. that would help in the road tests.

Nathan Barton informed the Commissioners of the sale by Four States Aggregates of Haycamp and Line camp gravel sites to Casey McClellan and Darren and Kathy Stone. Mr. Barton stated the only change was in ownership. (see attached)

Mr. Barton then discussed the Yellow Jacket Bridge, and the Rock Creek Crossing construction projects.

ADMINISTRATOR HARRISON reported that Mr. Lee owner of LEE'S MOBILE HOME PARK had signed the agreement for two additional lifts on a segment of Road 28. Mr. Rick Lee agrees to provide the cost share for the chip seal in the amount of \$6500.00 by April 30, 2007. Commissioner Rule moved to sign the agreement between Montezuma County and Lee's Mobile Home Park regarding cost sharing of the construction of two additional lifts on Road 28. The move was second by Commissioner Chappell and carried. (see attached)

Administrator Harrison informed the Board that the **SMALL BUSINESS DEVELOPMENT COUNCIL** would like one of the Commissioners to be on their board.

PLANNING: Vernon and Wesley Hoffman talked with the Commissioners regarding 4 non-compliant lots, process required to bring these lot into compliance. They were informed of two options available one being the After the Fact Exemption or the Subdivision process. There was a discussion regarding an easement access to one of the lots.

UTE MOUNTAIN RODEO: Slim McWilliams, and David Fraley representing Ute Mountain Roundup Inc. and Fairgrounds manager Darryl Buffington met to discuss compensation for the use of the facilities at the fairgrounds. Mr. McWilliams asked about serving alcohol at the rodeo and dances at the annex.

STIRLING BURNET discussed a possible problem with Jack Smith burning excess material that may cause toxic fumes.

CLERK TULLIS informed the Commissioners of a packet she received concerning the Bengston public hearing. She asked if they wanted to receive the packet prior to the public hearing or on the day of the public hearing. The Commissioners asked her to present the packet on the day of the hearing.

LUNCH: 12:35

1:30: It being the time set aside a tour of Road 43 was done.

Mike Preston, presented letters of support to Senators Ken Salazar, Wayne Allard, and Congressman John Salazar concerning Colorado TV programming for our area. Commissioner Rule moved to sign the letter of support, second by Commissioner Chappell, and motion carried. (see attached)

The Commissioners discussed the possibility of having a Project Supervisor for the Road Department.

CORRESPONDENCE: The following correspondence was read and noted.
Planning Commission Agenda for January 25, 2007 (see attached)

MOTION TO ADJOURN was made by Commissioner Rule, seconded by Comm. Chappell, and carried.

MEETING ADJOURNED 5:00 P.M.

County Clerk

Chairman

Minutes of the January 22, 2007 meeting were approved and signed January 29, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY
January 29, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 29, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis, County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday January 22, 2007 were read. Comm.Chappell moved to approve the minutes as amended seconded by Comm. Rule. Motion carried.

ADMINISTRATOR HARRISON'S REPORT: **Marianne Mate** informed the Board that she talked to the Colorado Division of Wildlife concerning a grant application for an engineer's report for the design work on the breakwater project at McPhee Marina. She presented a grant application to Motorboat Colorado for the McPhee Breakwater Design Project. Comm. Chappell moved to sign the grant application for the Motorboat Colorado Grant in the total amount of \$6,000.00. The County's matching funds of \$1,500.00 to be paid out of the Conservation Trust Fund. Seconded by Comm. Rule and carried. (See attached).

Melissa Wilson with the Health Department met to discuss the sewer problems that occurred at Echo Basin Ranch last year. Ms. Wilson presented her timeline for the Echo Basin Ranch (See attached)

UTE MOUNTAIN ROUNDUP, INC. After considering the proposal submitted by the Ute Mountain Roundup, Inc on January 22, 2007, the Board stated the Ute Mountain Roundup, Inc. should be charged just like everyone else each year..

ROAD: **Lloyd Everret** informed the Board of an upcoming meeting with the Forest Service to discuss the Schedule A program that is tentatively scheduled for March 6, 2007. Administrator Harrison informed the Board of a San Juan Public Lands Roads Workshop scheduled for April 12, 2007. (See draft attached) Mr. Everret stated the Road Department is looking at the chip sealed roads to see what worked and what failed for future use. He mentioned that the graveling at the fairgrounds was complete also the work on the Yellow Jacket Bridge was continuing.

FAIRGROUNDS ALCOHOL POLICY: Administrator Harrison presented a draft policy concerning the serving of alcohol at the County Fairgrounds. After reviewing the policy, Comm. Rule moved to approve the Montezuma County Fairgrounds Alcohol Policy as presented. Seconded by Comm. Chappell and the motion carried. (See Attached)

PLANNING: Planning manager Susan Carver along with Janeen Jameson, president of Mancos Valley Bank and Leila Hanson appeared before the Board to request a waiver from the High Impact Permit process on property located at 27880 Hwy 160, Cortez, Co. This property previously housed Eagle Homes Sales, a manufactured homes sales office. (High Impact Permit #410) They were requesting to amend High Impact Permit #410 to change the use from a sales office to a branch banking facility. Comm. Chappell moved to waive the high impact permit process and amend the existing high impact permit #410 to reflect a change of use from a manufactured home sales office to a branch banking facility contingent on access approval from CDOT along with all other permits and requirements. Seconded by Comm. Rule and carried. (See attached) Manager Carver discussed policies for the review of informational packets prior to public hearings and reviewed procedures for public hearings. She reported on the Planning Commission meeting held on January 25, 2007. (See attached) **LATER:** Comm. Rule moved to approve the policy of reviewing informational packets prior to public hearings, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:05 p.m.

WANDA MARTIN, Major for the Montezuma County Sheriff's Posse updated the Board on the volunteer hours recorded by the Posse for the year 2006. (See attached)

TRI-COUNTY SOUTH meetings (San Miguel, Dolores, and Montezuma Counties) dates were discussed. (See attached) June 19, 2007 was decided upon. Administrator Harrison informed the Board that the County's contribution to the **Emergency Fire Fund's** for the year is \$10,000.00.

TDR PLAT: James Dietrich presented the TDR plat for the Joe Silence 2 lot minor subdivision. Comm. Rule moved to approve the TDR plat for the Joe Silence 2 lot minor Subdivision, seconded by Comm. Chappell and carried.

LIQUOR LICENSE: County Clerk Deputy Tammy Neely informed the Board of an application from the Cortez Cultural Center for a special events permit to sell beer and wine at the Ag-Expo scheduled for March 8th, 9th, and 10th, 2007. Deb Avery with the Culture Center stated the Center has the permission from the Ag-Expo to establish a beer/wine garden, that an insurance rider is forthcoming and are applying for the special events permit. A public hearing on the special events permit will be held on February 12, 2007 at 11:30 a.m.

LODGER'S TAX BOARD: Comm. Rule moved to appoint the following to the Lodger's Tax Board. Sue Scott to a 3 year term (Jan. 2007 – Jan 2010) Peggy Cloy to a 3 year term (Jan 2007- Jan 2010) Una Johnson to a 2 year term (Jan 2007 – Jan 2009), Deanna Truelsen to a 2 year term (Jan 2007- Jan 2009) and Shelly Lowery to a 1 year term (Jan 2007- Jan 2008). Seconded by Comm. Chappell and carried. **LATER:** Comm. Rule moved to amend the previous motion to delete the motion to appoint Shelly Lowery to a 1 year term. Seconded by Comm. Chappell and carried. (Scott and Cloy letters attached)

ROAD 43: Loretta Murphy informed the Board she had researched the minutes from 2/1920 through 10/1956 and found the road had not been vacated or abandoned and was not on the county map in 1936 but appeared on the map of 1951. The Board decided to have Administrator Harrison contact the area landowners for their input before a public hearing is scheduled. Roy Elder and Deanna Yeomans were present.

CONTRACT FOR SERVICES: Comm. Rule moved to enter into a contract for services for upgrades to the Montezuma County Fairgrounds between Montezuma County and the Ute Mountain Inc and Terri Forth/Thomas Engineering. Seconded by Comm. Chappell and motion carried. (See Attached)

CORRESPONDENCE: The following correspondence was read and noted.

Draft of letter to be sent to area cemetery district concerning director appointments. (See attached)

Letter from DOLA – Road & Bridge initiative II. (See attached)

Proclamation concerning Canyon of the Ancients National Monument dated 6/9/2000 (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 5:10 p.m.

County Clerk

Chairman

Minutes of the January 29, 2007 meeting were read and approved February 5, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY
February 5, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday February 5, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis, County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday January 29, 2007 were read. Comm. Rule moved to approve the minutes as amended seconded by Comm. Chappell. Motion carried.

PAYROLL: General fund checks in the amount of \$273,481.82, District Attorney Fund check #50038 in the amount of \$26,162.43, Treasurer Fund check #50039 in the amount of \$206,959.22 Road department fund checks in the amount of \$69,408.58, Treasurer Fund check #20082 in the amount of \$57,836.30; and Landfill fund checks in the amount of \$13,840.14. Treasurer fund check #5117 in the amount of \$11,951.88 were approved for payment.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of January 31, 2007. (See attached).

ADMINISTRATOR HARRISON'S REPORT: Discussed the following (1) Board submit an application to the BLM to obtain a right of way on Road 10. (2) He talked about a news article in the Durango Herald concerning maintenance on forest service roads. (See attached) (3) Administrator Harrison informed the Board he will be signing a letter to confirm the ownership of the bridge over the Dolores River at the entrance to the Stoner Ranch. (Road 40.2) It was determined that section of the road was abandoned (see minutes August 9, 1999 attached) (4) He discussed that a second district court judge may be assigned to Montezuma County and the County's responsibility to furnish facilities for the court. If a second judge is assigned to this area, Administrator Harrison would like to hire someone to do a facility needs assessment. (5) Presented a rough draft of code revisions concerning construction permits for review. (See attached)

GREG KEMP asked about the progress on the development of a building permit system. He was informed the Planning Commission is in the process of working on a draft to revise the land use code to require construction permits. Also that an intern will be hired to look into code enforcement, construction permits and assist the planning department.

ROAD: Lloyd Everett informed the Board that the County can bid on CDOT's surplus equipment. He mentioned the cost involved in the purchase of warning signs and materials for signs stating there is no winter maintenance to be placed on certain county roads. He said work is being done on an equipment replacement plan. Loretta Murphy is looking into why a warranty deed has not been received on the Armory purchase. Call was received concerning snow removal on Road 25, concerns with a fence on Road M where road work was done by Danny Wilkin. Mr. Wilkin will be informed. Problems with line of sight on Road P. Mr. Everret stated the Department is making and hauling chips.

PLANNING: Planning manager Susan Carver presented the **JKL Subdivision**, a single lot development (**Longenbaugh Family Trust, Gerald Lane and Kirby Lou Longenbaugh owners**). Comm. Chappell moved to approve the JKL Subdivision, a single lot development owned by Gerald Lane and Kirby Lou Longenbaugh for approval and to approve AR3 to 9 zoning. Seconded by Comm. Rule and carried. Manager Carver presented findings and permit for the amended High Impact Permit No. 410, establishment of a branch banking facility for Mancos Valley Bank for signature. (See attached)

REVIEWED the surveys for 2007 from NACo legislative priorities and Colorado County Issues prioritization.

SHERIFF WALLACE presented the Federal Annual Certification report for signature. Comm. Rule moved to sign the certification report, seconded by Comm. Chappell and carried. (See attached). Sheriff Wallace informed the Board of employees of the Department leaving for higher paying jobs and he is looking into avenues in which to increase wages. He mentioned he has concerns about legal representation for law enforcement.

LUNCH: 12:10 p.m.

CDOT: Representatives with CDOT met with the Board and gave the following presentations. **Laurie Blanz**, The Region 5 planner and **Steve Parker** gave an overview of the packet. Mr. Parker told the Board that **Russ George** has been appointed the new CDOT Executive Director. Kerri Neet spoke to CDOT planning. Paul DeJulio talked about maintenance. Ed Archuleta talked about the engineering section of the packet. Mike McVaugh discussed traffic and safety.

SOUTHWEST MEMORIAL HOSPITAL: The financial statements for the quarterly and year to date operations ended December 31, 2006 was received. (See attached)

PUBLIC HEARING: It being the time set aside, a public hearing is held regarding an appeal of a proposed development decision for AR10-34 zoning and pre-sketch plan on property owned by **Bengston Family Trust, David and Denise Bengston, Trustees**. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning manager Susan Carver gave an overview of the appeal. Attorney Michael

Green questioned that portion of the LIZ ordinance concerning the establishing of zoning (Chapter 3, section 2), and the appeal process. He questioned if the public hearing was properly noticed and if it was within the Board of County Commissioner's power to hear an appeal of a planning and zoning hearing. Scott Wallace with Prudential Triple S Realty spoke as the agent for the Bengstons. Attorney Jon Kelly introduced Mr. David Bengston. The hearing was opened to public comment where several audience members spoke (see sign in sheet) about various concerns. Chairman Koppenhafer then closed the public comment portion of the hearing. Chairman Koppenhafer stated the hearing would be continued until March 5, 2007 at 11:00 a.m. No action taken at this time.

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 4:45 p.m.

County Clerk

Chairman

Minutes of the February 5, 2007 meeting were read and approved February 12, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 12, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 12, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday February 5, 2007 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell, and carried.

ADMINISTRATOR HARRISON presented a revised alcohol policy for the Montezuma County Fairgrounds dated February 12, 2007. Comm. Rule moved to adopt the revised Montezuma County Fairgrounds Alcohol Policy revised on February 2, 2007, seconded by Comm. Chappell and carried. (See attached) Administrator Harrison stated the jurisdictions giving mutual aid to areas that are declared as disaster areas, are responsible for their own liability. He stated the Armory officially belongs to the County. He informed the Board that there are five counties participating in a prescription drug program.

SOCIAL SERVICES director Dennis Story presented an agreement for legal services reimbursement between Montezuma County Department of Social Services and Montezuma County. Comm. Chappell moved to sign the agreement for legal services reimbursement between Montezuma County Department of Social Services and Montezuma County, seconded by Comm. Rule and carried. (See attached) Director Story then presented an agreement for child support enforcement cooperative reimbursement between the Montezuma Administration and Montezuma County Social Services. Comm. Rule moved to sign the child support enforcement cooperative reimbursement agreement between the Montezuma Administration and Montezuma County Social Services, seconded by Comm. Chappell and carried. (See attached)

SUE FLETCHER and Mary Holiday presented a CDOT bi-lateral change order. **LATER:** Comm. Rule moved to sign the bilateral change order letter and Resolution 01-2007 the agreement with the State Department of Transportation for public transportation. Seconded by Comm. Chappell and carried. (See attached)

ROAD: **Lloyd Everret** informed the Board of a 12 month lease/purchase agreement with Wagner Equipment for a new loader will be forthcoming. This lease/purchase will be paid with the energy impact grant. Discussed problems on sections of Roads N and 21. The Department will look at solutions to the problems. Shirley Purcell and Catherine Lichliter met with the Board with concerns about a driveway approach being constructed by Lane Kim on Road 26. They were concerned about the construction causing problems with cement ditches. The Department supervisor for that area will look into it and talk to Mr. Kim. **Rob Peterka** discussed updates to the county road map. Mr. Peterka presented the HUTF report for signature. Comm. Rule moved to sign the HUTF report, seconded by Comm. Chappell and carried. (See attached)

RANDY CARVER AND DOUG CARVER met to discuss their desire to sell a 40 acre parcel that adjoins the County Landfill. They presented a formal declaration of this desire with their asking price of \$6,000.00 per acre (\$240,000.00). (See attached)

PLANNING: Planning manager **Susan Carver** presented the **Park View Minor Subdivision (Bill Baikie and Carrie Summers owners)** for approval with findings. This is a 2 lot moderate subdivision. She stated that Resolution P-18-99E needed to be vacated as well. Comm. Rule moved to vacate Resolution P-18-99E and to approve the Park View Minor Subdivision, seconded by Comm. Chappell. Motion carried. (See attached)

PUBLIC HEARING: It being the time set aside, a public hearing is held concerning a special events liquor license permit for the **Cortez Culture Center**. The roll was called, the proof of publication was read and the proceedings were taped for the record. The event will be held during the Ag-Expo on March 8th, 9th, and 10th, 2007. The Culture Center has an agreement with the Ag-Expo to have a beer and wine tent. Opened to public comments at this time. Todd King stated he had some concern about the time frame for the license submittal. Public comment portion closed. After hearing all the evidence presented, Comm. Rule moved to approve the special event liquor permit for the Cortez Culture Center to be held on March 8th, 9th, and 10th, 2007. Seconded by Comm. Koppenhafer. Voting aye were Comm. Rule and Comm. Koppenhafer. Voting nay was Comm. Chappell. Motion carried. Comm. Koppenhafer closed the public hearing.

LUNCH: 12:20 P.M.

TREASURER'S REPORT for the month of December, 2006 was presented.

LETTER to the Department of Public Safety, Justice Assistance Grant Board was presented for signature. Comm. Rule moved to sign the letter concerning the twenty-second judicial district multijurisdictional drug task force. Seconded by Comm. Chappell and carried. (See attached)

LANDFILL manager Deb Barton and Tim Bates presented the profit and loss statement for the month of January, 2007. (See attached) She presented bids to be opened for the purchase of a new loader. The bids were opened at this time. **LATER:** Comm. Rule moved to award the bid from MFE West for a John Deere 244 J loader in the amount of \$63,040.00. Seconded by Comm. Chappell and carried.

GEORGE K. BAUM COMPANY representative Robyn Moore met to discuss the jail bond and of extending the sales tax for the jail. She spoke on election strategies and mentioned they could do a mail and phone survey to get a feel of how the public stands on a tax increase.

PUBLIC HEARING: It being the time set aside a public hearing is held to consider a High Impact Permit application from **Kinder Morgan CO2 Company L.P. Bob Clayton, agent**. The permit is for the purpose of reviewing the high impact permit application number 528 for the construction of a compressor station and a 190 foot communication tower. The public notice was read, the roll was called and the proceedings were taped for the record. Planning manager Susan Carver and Kinder Morgan agent Bob Clayton gave an overview of the permit. Opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Comm. Rule moved to approve the High Impact Permit number 528 for Kinder Morgan with the threshold standards that will be exceeded but will be mitigated according to the application: the maximum building height from 35' to 45', traffic, noise, dust, smoke and particulate and construction of a 190' tower and to have all State and Federal permits be obtained and in place. The motion was seconded by Comm. Koppenhafer and carried. (See Attached)

PUBLIC HEARING: It being the time set aside a public hearing is held to consider a High Impact Permit application number 530 for **Empire Electric Association, Inc. Glen Nobel, agent**. The application is for the construction of an electrical substation. The roll was called, the public notice was read and the proceedings were taped for the record. Planning manager Susan Carver, agent Glen Noble and Bob Clayton with Kinder Morgan gave an overview. Opened meeting to public comments, hearing no public comments, that portion of the hearing was closed. After hearing all the evidence presented, Comm. Rule moved to approve the High Impact permit number 530 with the following mitigations, the maximum building height; transmission structures will be 56' in height and the poles approximately 60' in height, traffic, noise, dust, smoke and particulate and that all State and Federal permits be obtained and in place, seconded by Comm. Chappell and motion carried.

VETERAN'S AFFAIRS monthly report for January, 2007 was submitted for approval. Comm. Rule moved to approve the report for January, 2007, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

E-mail correspondence from Chip Taylor – Facility impact of HB 1054, new judges. (See attached)

Letter from Roland and Joan Hoch – concerning Road 43 (See Attached)

E-mail from Sue Scott concerning club 20 Tourism (See attached)

Letter to Colorado Department of Natural Resources – Support of HB 1177

Letter to Gov. Bill Ritter – Petition for a Colorado Roadless Rule

MOTION TO ADJOURN was made by Comm. Chappell, seconded by Comm. Rule and carried.

MEETING ADJOURNED: 4:50 p.m.

County Clerk

Chairman

Minutes of the February 12, 2007 meeting were read and approved February 26, 2007. There was no BOCC meeting on February 19, 2007 due to the President's Day holiday closure.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 26, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 26, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, February 12, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ACCOUNTS PAYABLE: General Fund #50029-50223 in the amount of \$477,646.77, Road Fund # 20080-20152 in the amount of \$216,036.05, and Landfill #5119-5147 in the amount of \$37,868.89 were approved for payment.

MIKE PRESTON informed the Board about a meeting he attended concerning the transmission of Denver TV in the area sponsored by Congressman John Salazar (See attached) He gave a summary of the draft fire hazard reduction bill. (See attached). Mr. Preston presented a letter addressed to LouAnn Jacobson with the Canyon of the Ancients National Monument concerning the Papoose Canyon Allotment. (See attached)

LEWIS ARRIOLA COMMUNITY CENTER - James Dietrich met to discuss the GoCo grant the center received. He presented a request for a resolution of support stating the County would act at the pass through agency and he also presented an MOU between the County and Great Outdoors Colorado. The Board questioned some language in the requests. Mr. Dietrich will contact GOCO concerning the language. No action was taken at this time.

ROAD: Lloyd Everret and GIS specialist Scott Darling met and discussed the county road map. Mr. Darling presented the CDOT mileage report for signature. Comm. Rule moved to sign the Colorado Department of Transportation FIPS code 083 mileage report, seconded by Comm. Chappell and carried. (See attached) Administrator Harrison discussed setting a date for a public hearing concerning Road 43. He mentioned there is a need to modify the energy impact grant for paving roads as the grant will not pay for chips.

ADMINISTRATOR HARRISON informed the Board that the hearings for the DOLA grant application for the Fairground's grant application will be either March 22nd or 23rd in Trinidad. It was requested a Commissioner be present. He asked if the Board would be interested in hearing a presentation from the San Juan Citizens for proposed power plants. The Board agreed to hear it at a later date.

PLANNING: Planning Manager Susan Carver presented the findings and permits for High Impact Permit number 528 (**Kinder Morgan CO2 Company, L.P. applicant**) and High Impact Permit number 530 (**Empire Electric Association, Inc., applicant**) for signature. (See attached) Manager Carver reported on the Planning Commission meeting of February 22, 2007. She made reference to a letter from the Town of Dolores concerning the Summerhaven 44 lot major subdivision. (See attached) Manager Carver informed the Board that one application has been received for the planning internship for the Montezuma County Planning Department.

Comm. Rule moved to sign the Energy and Mineral Impact Assistance Program Application for the proposed project of a planning internship for Montezuma County Planning Department, seconded by Comm. Chappell and motion carried. (See attached)

LUNCH: 12:00 NOON

LOUANN JACOBSON, manager of the Canyon of the Ancients National Monument and **Heather Musclow** met to update the Board on things going on with the Heritage Center and the Canyon of the Ancients National Monument.

PUBLIC HEARING: : It being 2:00 p.m., the time set aside, a public hearing is held regarding **High Impact Permit application number 531** submitted by **Montezuma Rally Inc., Thomas E. Hover, Jr., agent**, for a four day motorcycle rally on property owned by Glen Humiston. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Chairman Koppenhafer stated there was a description error on the public notice. It stated the property lied on the east of Road K.6 when it is actually on the west of Road K.6. Chairman Koppenhafer asked those in attendance if this created a problem. Hearing no objection Chairman Koppenhafer said the hearing would proceed. Planning manager Susan Carver gave an overview of the application. Joyce Humiston-Berger, Co-Chair of the Board of Directors for the Rally introduced the entire Board of Directors and then introduced Tom Hover, Jr., who spoke as to the intentions concerning holding said rally. The hearing was opened to public comments. Several audience members (See sign in sheet) spoke in support of and in objection to the rally. After hearing all the evidence presented Comm. Chappell moved to approve high impact permit application number 531 for Montezuma Rally Inc., contingent on the following; the County be listed on the liability insurance policy, cap the concert attendance to 5,000 people, address an alternate exit route, obtain CDOT access permit as well as all Federal, State, and local permits being obtained. Seconded by Comm. Rule and motion carried. (See attached) Chairman. Koppenhafer closed the hearing.

SHERIFF WALLACE met to discuss open burning and fire ban options with the Board.

CORRESPONDENCE: MOU for the Center for New Direction, concerning internships (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 4:50 p.m.

County Clerk

Chairman

Minutes of the February 26, 2006 meeting were read and approved March 5, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 5, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 5, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, February 26, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$273,481.82, District Attorney fund check #50228 in the amount of \$24,325.58 Treasurer fund check #50227 in the amount of \$206,368.07; Road department fund checks in the amount of \$69,408.58, Treasurer fund check #20155 in the amount of \$58,060.30; and Landfill fund checks in the amount of \$13,840.14, Treasurer fund check #5149 in the amount of \$11,685.08 were approved for payment.

ROAD: Lloyd Everret presented the DOLA Energy Impact Grant for approval. Comm. Rule moved to sign the DOLA energy impact grant in the amount of \$1.5 million. Seconded by Comm. Chappell and carried. (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the annual precipitation report for the month of February, 2007... (See attached).

VETERAN'S AFFAIRS: Comm. Koppenhafer moved to sign the County Veterans Service Officer's monthly report and certification of pay for February, 2007, seconded by Comm. Rule and carried. (See attached).

TOURED the District Court facilities concerning office space to house another District Court Judge and staff.

ADMINISTRATOR HARRISON presented the bid solicitation for grandstand design and construction at the Montezuma County Fairgrounds. Comm. Chappell moved to approve the bid solicitation for grandstand design and construction at Montezuma County Fairgrounds. Seconded by Comm. Rule and carried. (See attached)

APPOINTMENT TO LODGER'S TAX BOARD: Comm. Rule moved to appoint **Lance Wellwood** to a one year term from January, 2007 to January, 2008 to the Montezuma County Lodger's Tax Board, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: It being the time set aside the continuation of a public hearing is held for the purpose of reviewing an AR 10-34 zoning request and pre-sketch plan, on property owned by Bengston Family Trust, David and Denise Bengston, Trustees. The roll was called, the public notice was read and the proceedings were taped for the record. Planning manager Susan Carver gave an overview. She introduced Scott Wallace and Jon Kelly who appeared on behalf of the applicants. Chairman Koppenhafer opened the hearing to public comment. Hearing no public comment, that portion of the hearing was closed. There was a question raised as to whether the public was adequately noticed. After some discussion, Chairman Koppenhafer stated the public has been adequately notified and stated the hearing would proceed. After hearing the evidence presented, Comm. Rule moved to approve the zoning request of AR10-34 for the Bengston Family Trust, seconded by Comm. Chappell and carried. Chairman Koppenhafer closed the hearing at this time.

PLANNING: Planning Manager Susan Carver discussed plans concerning a project description and future plans for Kinder Morgan CO2 pipe line. (See attached) Comm. Chappell moved to approve the start for the high impact process concerning the CO2 pipeline project with the Planning Commission. Seconded by Comm. Rule and carried.

LUNCH: 12:05 p.m.

HEALTH DEPARTMENT Director Lori Cooper presented an intergovernment master contract for approval which would set forth the general contract terms and conditions between the Department of Public Health and Environment and the Board of County Commissioners of Montezuma County. Comm. Rule moved to approve the intergovernment master contract waiver number 154, seconded by Comm. Chappell and carried.

LETTER OF SUPPORT: Comm. Rule moved to sign a letter of support for the Community Development Block Grant funds by the Dolores Community Center Association and the Town of Dolores. Seconded by Comm. Chappell and carried. (See attached)

BOARD OF EQUALIZATION: It being the time set aside, the Montezuma County Commissioners convened on Monday, March 5, 2007, to sit as the Board of Equalization to hear a classification appeal submitted by **Gerald R. and Betty K. South**. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor gave an overview of the property that has been changed from agriculture to residential. After hearing all the evidence presented, Comm. Rule moved to agree with the Assessor's Office recommendation and classify the property as residential, seconded by Comm. Chappell and carried. (See attached) Betty South and Jennifer Sutherland were present.

SHERIFF WALLACE, Dave Hart and Mark Martin met to discuss establishing a law enforcement authority and a mill levy to support the authority. Sheriff Wallace stated the Department has a problem in keeping experienced staff.

SENIOR SERVICES director Sue Fletcher, Mary Holaday, and Diana Buza with the Pinion Project presented The Colorado Trust's Healthy Aging Initiative application for funding for approval. Comm. Rule moved to approve the Colorado Trust's Healthy Aging Initiative, seconded by Comm. Chappell and motion carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

Letter from B&B Ranches. LLC concerning Road 43 (See attached)

E-Mail letter from R&R Properties concerning Road 43 (See attached)

E-Mail letter from Cortez Culture Center withdrawing their special events application for the Ag-Expo (See attached)

ADJOURNED 3:20 P.M. to tour the old landfill.

MEETING ADJOURNED

County Clerk

Chairman

Minutes of the March 5, 2007 meeting were read and approved March 12, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 12, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 12, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, March 5, 2007 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell, and carried.

AUTHORITY BOARD ORDER: Comm. Rule made a motion to direct the Clerk to issue Order Number 0-03-07 to the Treasurer to transfer \$500.00 from the General Fund to the Conservation Trust Fund for a non-eligible project. Seconded by Comm. Chappell and carried. (See attached)

GENERAL FUND WARRANT: Comm. Rule moved to cancel warrant number 49036-164350 issued to **David Stark** in the amount of \$123.00. Seconded by Comm. Chappell and carried. (See attached)

ROAD: **Lloyd Everret** met and discussed Road P in the area of the Hovenweep National Monument and Canyon of the Ancients National Monument concerning road maintenance.

CARL KNIGHT, Ute Mountain Ute Tribe tribal land commissioner, met to discuss jurisdiction issues concerning a portion of Road G that is on Ute Mountain Ute Reservation. He suggested signage be done to inform people when they enter and leave the Ute Mountain Ute Indian Reservation.

PLANNING: **Planning manager Susan Carver** presented the **Shirley Jones Moderate Subdivision** and AR 10 to 34 zoning for approval. (**Shirley D. and James L. Jones owners**) Comm. Chappell moved to approve the Shirley Jones Moderate Subdivision and AR 10-34 zoning. Seconded by Comm. Rule and carried. Manager Carver informed the Board that the Planning Commission denied an AR 3 to 9 zoning request for **Cap and Kim Welty Allen**. She stated the Allen's have filed a petition for a public hearing. The Board said to set a public hearing concerning this petition. Manager Carver set the public hearing for April 16, 2007 at 11:00 a.m.

Four States Aggregates, LLC owners, **Casey McClellan and Daren Stone** and former owner **Aryol Brumley** met in regard to extend High Impact Permit number 385 for **Linecamp Sand and Gravel Pit**. Comm. Chappell moved to extend the existing High Impact Permit number 385 for another 5 year period. Seconded by Comm. Rule and carried. (See attached).

NATHAN BARTON informed the Board on the progress of the Yellow Jacket Bridge project. He stated there has been 3 pours of 6 on the sub structures. He stated there will be some road closures and said closures will be advertised prior to the road closing.

SPRING CANYON ASSOCIATES LLC: Bob Durant and Lynn Patton appeared before the Board to request an amendment on Resolution P-70-93. They would like to amend the resolution to vacate three non compliant parcels to create one tract. Comm. Chappell moved to amend Resolution P-70-93 to vacate three tracts described therein and to create one 13.77 acre tract as per description in exhibit A attached hereto and to vacate the road impact fees. Seconded by Comm. Rule and carried. (See attached)

LUNCH: 12:00 noon

LANDFILL Manager Debby Barton presented the profit and loss statement for the month of February, 2007. (See attached) She informed the Board of a recycling resource economic opportunity bill HB07-1288. She also discussed an E-mail from Dolores Public Lands Office in regard to highline hazardous fuels reduction project. (See attached)

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a retail liquor license renewal for **Mac's Liquor**. She is in receipt of a letter from the Sheriff's Office stating there were no violations concerning this facility. Comm. Rule moved to approve the liquor license renewal for Mac's Liquor, seconded by Comm. Chappell and carried. Deputy Neely informed the Board that Slim McWilliams has made contact with her concerning a special events liquor permit for the Ute Mountain Roundup, Inc.

ADMINISTRATOR HARRISON informed the Board of a Court House Security Workshop that is to be held in Durango on April 4th from 9:00 a.m. to 4:00 p.m. and reminded them of the Forest Service meeting to be held at the LaPlata County Road and Bridge Building on April 12th.

SLIM MCWILLIAMS with the Ute Mountain Roundup, Inc. met to ask for the use of the County Annex for dances after the rodeo on Thursday, Friday, and Saturday, June 7th, 8th, and 9th, 2007 and to extend the hours to 1:30 a.m. Comm. Chappell moved to allow the use of the county annex on June 7th, 8th, and 9th and to extend the hours to 1:30 a.m. Seconded by Comm. Rule and carried.

LORI JOHNSON met to update the Board on the progress of the 911 tower that is to go on Ute Mountain. She stated a survey of the site is required and she said the cost for the survey was quoted to be from \$1500.00 to \$2500.00 and could go as high as \$5000.00 but not over that. She asked if the mon2es for the survey could come out of the E911 funds. Lori will check to see if there had been any previous surveys done. **Undersheriff Dave Hart** presented a contract between the Montezuma County Sheriff's Office and the Town of Dolores for 2007. Comm. Rule moved to sign the Law Enforcement Contract (Resolution #259, 2007 series) between the

Montezuma County Sheriff's Office and the Town of Dolores. Seconded by Comm. Chappell and carried. (See attached).

JUDI LICHLITER met with the Board to discuss handicap issues at the Ag-Expo. She requested a requirement be made for sufficient access to the handicap parking facilities for future functions held at the Fairgrounds.

CORRESPONDENCE: The following correspondence was read and noted.

Comm. Koppenhafer signed the findings and permit on High Impact Permit #531 (See attached)

Signed letter of support to Jim Isgar concerning HB 1264 (See attached)

Letter from Ute Mountain High School Rodeo Team concerning permission to board 10-15 head of cattle at the Fairgrounds. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:30 p.m.

County Clerk

Chairman

Minutes for the March 12, 2007 meeting were read and approved March 19, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 19, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 19, 2007, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, March 12, 2007 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule, and carried.

ACCOUNTS PAYABLE: General Fund # 50225-50372 in the amount of \$276,885.34, Road Fund # 20154-20220 in the amount of \$160,425.43, and Landfill # 5151-5182 in the amount of \$80,842.06 for the month of February, 2007 were submitted for approval.

MIKE PRESTON updated the Board on the progress of the TV bill, and on the Roadless task force bill.

ROAD: Lloyd Everret updated the Board on the Yellow Jacket Bridge progress. He stated he is still trying to get in touch with someone from CDOT concerning the process necessary to purchase surplus equipment. Administrator Harrison said that when new equipment is purchased it must go through a formal bidding process. Mr. Everret discussed county maintenance on forest service roads.

SAN JUAN CITIZENS ALLIANCE staff members, **Susan Thomas and Mark Pearson** gave a power point presentation concerning the **Desert Rock Proposed Power Plant** and the effects the power plant would have on air quality and other issues in the four corners area. Several audience members expressed concerns about health, mercury levels in the soil and monitoring concerns. (See attached) Administrator Harrison will contact the BIA and request a meeting be held in Cortez to address these concerns and he will contact CSU concerning their soil test results.

PLANNING: Planning Director Susan Carver met to discuss code enforcement issues. Administrator Harrison presented a memorandum concerning enforcement of county subdivision regulations and state subdivision law. This memorandum deals with an attempt to split parcels without going through the established

subdivision process. (See attached) They also presented the minutes of August 14, 1995 and a newspaper article concerning the County's policy about after-the-fact exemptions. (See attached) Planning Director Carver and Administrator Harrison stated since there was no one with expressed authority to enforce the land use code they asked the Board how they wanted to handle complaints received by the planning department. Audience member Greg Kemp cited 2205.5(E) on page 13 of the land use code concerning high impact permits. The Board gave the planning department and administrator authority to write letters requesting a high impact permit application be submitted and authority to set public hearings if necessary. Director Carver informed the Board that the new staff person, Rebecca Whitehead will begin working in the Planning Office on April 2, 2007.

LUNCH: 12:00 noon

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins and LouAnn Everret.

LEWIS ARRIOLA COMMUNITY CENTER: Chan Chaffin and James Dietrich met to discuss the GOCO grant and a Memorandum of Understanding between the County and Lewis Arriola Community Center. The grant application states that the County owns the property and will maintain it for 25 years, when in fact the County does not own the property and will not maintain it. Mr. Chaffin and Mr. Dietrich stated that the MOU could indicate ownership and maintenance of the property.

Comm. Chappell made a motion to enter into a Memorandum of Understanding between Montezuma County and The Lewis/Arriola Community Center, seconded by Comm. Rule and carried. (See attached)

Comm. Rule moved to execute the grant agreement with the Great Outdoors Colorado Trust Fund and Montezuma County for the Lewis Arriola Community Center Project, seconded by Comm. Chappell and carried. (See attached)

Comm. Chappell moved to adopt **Resolution 2-2007** whereas Montezuma County supports the completion of the Lewis/Arriola Park and Outdoor Recreation improvements. (See attached)

AUTHORITY BOARD ORDER: Comm. Chappell made a motion to direct the Clerk to issue Order Number 0-04-07 to the Treasurer to transfer \$25,512.00 from the Road and Bridge Fund to the General Fund for 2007 ½ salary and fringe benefits for GIS specialist .Seconded by Comm. Rule and carried. (See attached).

SYLVAN CEMETERY: Comm. Chappell moved to appoint the following people to the Sylvan Cemetery District. Bessie White to a 6 year term from Jan. 2007 to Jan. 2013, Bryan Baumgartner to a 4 year term from Jan. 2007 to Jan. 2011, and Lori Olander to a 2 year term from Jan. 2007 to Jan. 2009. Seconded by Comm. Rule and carried. (See attached)

COUNTY LODGER'S TAX: Chairman Sue Scott with the County Lodger's Tax Committee presented requests from Dolores Chamber, Mancos Chamber, Welcome Center, and Mesa Verde Country. Comm. Chappell moved to grant the Dolores Chamber \$23,000.00, the Mancos Chamber \$23,000.00, The Welcome Center \$4,000.00 and Mesa Verde Country \$40,000.00. Seconded by Comm. Rule and carried. (See attached) She discussed controversies at the meeting of the Mesa Verde Country Board. Ami Fair asked the Commissioners to listen to both sides concerning the controversy at the Mesa Verde Country Board meeting. Ms. Fair showed the Commissioners a copy of the Mesa Verde Country travel planner.

POLICE CHIEF ROY LANE met to discuss the increase in 911 services and a resolution to increase the wireless and land line phone service by .20 cents.

CORRESPONDENCE: The following correspondence was read and noted.

Cortez City Council minutes of regular meeting Tuesday, February 27, 2007. (See attached)

Letter from Four States Ag Expo concerning withdrawal of a liquor license application for Cortez Culture Center (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:55 P.M.

County Clerk

Chairman

Minutes of the March 19, 2007 meeting were read and approved March 26, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 26, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 26, 2007, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, March 19, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ROAD: Lloyd Everret discussed the Yellow Jacket Bridge and the detour. **Louis Caughey** met to thank the Board for help he received on building his fence and stated the people who installed the fence did an excellent job and he would recommend them to anyone. Mr. Caughey also invited the Board to attend the High School Rodeo to be held at the Fairgrounds this week-end and thanked the Board for allowing the rodeo at the Fairgrounds. Administrator Harrison informed the Board of a DOLA grant application he is looking into for a roof for the armory at the Road Department. Comm. Rule moved to proceed on the DOLA grant application for the roof for the armory with a cash match not to exceed \$40,000.00. Seconded by Comm. Chappell and carried.

UTE MOUNTAIN UTE TRIBE requested the Board meet with them regarding racial violence. A Monday evening meeting will be scheduled.

DIANE BUZZA with the **Pinion Project** met to discuss an ESG (Emergency Shelter Grant) this grant deals with the homeless services in Montezuma County. Comm. Rule moved to sign the grant application in the amount of \$20,000.00 with no County cash match, seconded by Comm. Chappell and carried. (See attached)

ADMINISTRATOR HARRISON would like to have those applying for grants to work with him prior to coming to the Board so he can be sure the applications are complete.

PLANNING Director Susan Carver presented a variance application for **Grant Smith**. Comm. Chappell moved to grant the variance application for Grant Smith for property located at 18418 Hwy. 145, Dolores, Co. and to have both residences hooked up to the Dolores City Sanitation District. Seconded by Comm. Rule and

carried. (See attached) Director Carver presented an amendment to High Impact Permit number 531. This is to amend for clarification, originally recorded with reception number 547022 for a four day motorcycle rally. This amendment is to clarify the cap on attendees at 5,000 people per day. (See attached) She presented the renewal of high impact permit number 385, for **Four State Aggregates LLC, (Duvall Truelsen, landowner)** for signature. (See attached). Director Carver discussed the Planning Commissions meeting held on March 22, 2007. (See attached). She talked about the availability of adequate water supply to proposed subdivisions.

LUNCH: 12:05 p.m.

ADMINISTRATOR HARRISON gave a financial report to the Board. He would like to see a policy set to rebuild each funds reserve account to a minimum of 20% of estimated expenditures. He would also like any monies put into a capital fund be used for capital purchases. He would like to have a better way to track revenues. He gave a proposal to the Board concerning tracking revenues on a real time budget basis. This proposal would entail a \$5000.00 software package and a full time employee in the Administration Office. Mary Ann Sanders and Amber Zickafoose were also present.

FAIRGROUNDS MASTER PLAN: James Dietrich showed maps concerning all the inventory work he has been doing at the Fairgrounds for the master plan design. He talked about the trails. He talked to Jan Sennehenn with the Extension Office and with the Ute Mountain Ute Tribe concerning the horse stall expansions. He mentioned he has a questionnaire to give to the major user groups of the fairgrounds for their input. Jan Sennehenn stated there should be operating guidelines for a fairgrounds improvement committee to use. This committee should consist of individuals who are aware that the Fairgrounds is a multi-purpose facility. Ms. Sennehenn suggested to advertise for committee members to allow interested persons to apply and be appointed.

LIQUOR LICENSE: Clerk's Deputy Judy Follman presented a renewal for a retail liquor license for Schroeder Colorado Inc, dba Eagle Claw Trading Post. She stated the Sheriff's Office reported no violations for this facility. Comm. Rule moved to approve the retail liquor license renewal for Eagle Claw Trading Post, seconded by Comm. Chappell and carried.

ADMINISTRATOR HARRISON discussed the E911 resolution.

TANNER ELLIOTT with Boy Scout Troop 520 informed the Board of an Eagle Scout project to help the community he is working on. His project is that he wants to have a flag pole installed at the outdoor arena at the Fairgrounds to be able to fly the colors during any function there. He stated the cost of the pole is about \$1500.00. He is asking the Board to furnish the pole and he would install it. He will be asking the American Legion if they might donate the flag. Comm. Rule moved to purchase a 35' flag pole satin in color for \$1760.00 to be paid for from the capital fund and to allow Tanner Elliott to install it. Seconded by Comm. Chappell and carried. Tanner Elliott will discuss the location of the pole with the Fairground Manager, Darryl Buffington. (See specifications attached)

CORRESPONDENCE: The following correspondence was read and noted.

Letter to Bureau of Indian Affairs concerning Desert Rock Power Plant Environmental Impact Statement. (See attached)

Letter from Miscelle Allison concerning the protection of private property rights. (See attached)

MOTION TO ADJOURN was made by Comm. Rule moved to adjourn, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 4:17 p.m.

County Clerk

Chairman

Minutes of the March 26, 2007 meeting were read and approved March 30, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 2, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 2, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, March 26, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$269,309.70, District Attorney fund check #50378 in the amount of \$23,862.45, Treasurer fund check #50377 in the amount of \$206,929.39, Road department fund checks in the amount of \$70,242.18, Treasurer fund check #20224 in the amount of \$57,973.51; and Landfill fund checks in the amount of \$13,386.80. Treasurer fund check #5184 in the amount of \$11,980.44 were approved for payment.

ROAD: Lloyd Everret reported on the Yellow Jacket Bridge project. Presented an Energy and Mineral Impact Assistance Program contract for approval. Comm. Rule moved to sign the Grant Contract between The State of Colorado for the use and benefit of the Department of Local Affairs and Montezuma County in the amount of \$1.5 million dollars. The motion was seconded by Comm. Chappell and carried (See attached). Discussed a water problem on Road 21 and B. Complaints of roads P and 16 being rough. Discussed combining the Dolores and Mancos road districts into one district bringing the number of supervisor districts to 3 instead of 4. This will bring the districts equal in road mileage and personnel. The Department needs to improve roads in which the road impact fees have been received.

2007 FIRE OPERATING PLAN: Comm. Rule moved to approve and sign the 2007 Annual Fire Operating Plan for Montezuma County, seconded by Comm. Chappell and carried. (See attached)

DAISY MAHAFFEY met to discuss Road 18. She would like to see what it would take for the County to maintain the road. The Board informed her that the Road Department would furnish the gravel and once the road is brought up to County specifications, the road will be maintained by the County. Lloyd Everret with the

Road Department will be contacted to see what needs to be done to bring the road up to County specifications. Jeannie Johnston from Kinder Morgan stated they would be willing to haul the gravel. The neighbors will be contacted and informed of what needs to be done.

PLANNING: Planning Director Susan Carver presented the Maness Single Lot Development (**Steven and Carmen Maness**). Comm. Chappell moved to approve the Maness Single Lot Development located in Section 2, Township 35 N, Range 16 W and to approve the AR 3 to 9 zoning. Seconded by Comm. Rule and carried. Director Carver discussed a five lot moderate development on property at 21962 Road P owned by **Kevin and Donna Yackle**. She stated that the Planning Commission recommended zoning approval and approval of the development plan providing the private waterline ownership and road maintenance agreements be noted in the covenants. She also said that the infrastructure is incomplete at this time. Mr. Yackle stated he has been to court concerning this development. After discussing easements, fences, gates, and access off the county road, the Board requested Mr. Yackle provide copies of the court proceedings. No action was taken at this time. Kevin and Donna Yackle were in attendance. Manager Carver needs to schedule a public hearing on the following petitions: **Sin Vacas Properties LLC**. Comm. Rule moved to set a public hearing for Sin Vacas Properties LLC for May 14, 2007 at 3:00 p.m., seconded by Comm. Chappell and carried. Comm. Chappell moved to set a public hearing for **Lawrence L. and Donna Jean Suckla** for April 30, 2007 at 3:30 p.m., seconded by Comm. Rule and carried. Manager Carver presented estimation sheets submitted by Steve Kelly on the costs of the Burn Canyon Fire, the Missionary Ridge Fire, and the Coal Seam Fire for review. (See attached)

PAM SUCKLA informed the Board that she has talked to a representative of the Colorado Department of Transportation, Mr. George Gerstle concerning funding to improve dangerous and problem intersections. A letter was written to CDOT concerning the intersection of Highway 491 and County Road M. (See attached)

LUNCH: 12:15 P.M.

HEALTH DEPARTMENT DIRECTOR LORI COOPER presented the 2007 Community Partner Agency agreement with United Way for signature. Comm. Rule moved to sign the 2007 Community Partner Agency Agreement with United Way, seconded by Comm. Chappell and carried. (See attached) She talked about getting some air monitoring equipment and will pursue the matter further. She said there has been a case of plague reported on a cat in Ignacio. Manager Cooper informed the Board she has accepted a position on the El Pamar Regional Council.

LORI JOHNSON with Emergency Management presented a contract amendment on the contract between the Department of Local Affairs, Division of Emergency Management and Montezuma County. Comm. Rule moved to sign the contract amendment number one, seconded by Comm. Chappell and carried. (See attached) She also updated the Board on upcoming classes and training she will be participating in.

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a renewal for a retail liquor store for Smitty's Liquor. She stated she has submitted a request for a violations check from the Sheriff's Office but has not received it yet. The Board asked for the violations report before approving the application. No action taken at this time.

CEMETERY DISTRICTS: Comm. Chappell moved to appoint Roberta Williams to the Arriola Cemetery District to a 4 year term from 2007 to 2011, seconded by Comm. Rule and carried. Comm. Chappell moved to appoint Sue Patterson to the Arriola Cemetery District for a 6 year term from 2007 to 2013. Motion seconded by Comm. Rule and carried. (See attached) The Board was informed of a vacancy on the Fairview Cemetery by Laura H. Kennedy, Secretary Treasurer. She stated Michael Reed resigned due to ill health. She requested Kami Oliver replace him. (See letter attached) Comm. Chappell moved to appoint Kami Oliver to a 2 year term from 2007 to 2009 to fill the vacancy left by Michael Reed on the Fairview Cemetery District. Motion seconded by Comm. Rule and carried.

CORRESPONDENCE: The following correspondence was read and noted. Administrator Harrison's report reminding the Board of meetings, and informational reports concerning county facilities needs assessment, employee health insurance discussion with Rocky Mountain Health Plans, the placement of the flag poll at the Fairgrounds and the Cortez District Road Shop roof replacement grant. (See attached)

Agenda to the State Court Administrator's Office- Court Safety & Security workshop (See attached)

Letter to Gerald Koppenhafer from DOLA concerning EIAF#5859 – Montezuma Administrative Intern. (See attached)

Thank You card from Lori Thompson, Montezuma County Social Services (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 3:12 P.M.

County Clerk

Chairman

Minutes of the April 2, 2007 meeting were read and approved on April 9, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 9, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 9, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, April 2, 2007 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule, and carried.

ROAD: It was stated the road impact grant has been executed. **Lloyd Everret** said the Department was blading several Roads and they were busy hauling gravel to the truck route project. He stated he has been contacted concerning Road 18. He said the road needs culverts and that the gravel may have to be hauled from the Haycamp Gravel pit. He was reminded that Kinder Morgan will haul the gravel. Mr. Everret informed the Board of the State bid information on a pickup the department is purchasing. He said the Department will receive two vehicles from Dolores County in exchange for Montezuma County's gravel. He updated the Board on the Yellow Jacket Bridge Project. He said they are waiting for the deck to be formed and poured. Discussed Road N, east of Hwy. 145.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the annual precipitation report for the month of March, 2007 (See attached).

LIQUOR LICENSE: A renewal for a retail liquor store license for **Smitty's Liquor** was submitted for approval. A letter from the Sheriff's Office was received stating there are no liquor violations found on this facility and its owners. (**Gary and Gloria Schmidlin**). Comm. Rule moved to approve a renewal for a retail liquor store for Smitty's Liquor, seconded by Comm. Chappell and carried.

HEALTH INSPECTOR MELISSA WILSON presented a timeline, correspondence and test results concerning sewage problems at Echo Basin Ranch. (See attached)

PLANNING: Margaret Clauson with the Planning Department introduced **Pastor Kent Slyter** on behalf of the **Arriola Bible Church** located at 15998 Road 22, Dolores, Co. Mr. Slyter is asking for a waiver to the High Impact Permit process in order to expand the church. Comm. Chappell moved to grant a variance for the Arriola Bible Church located at 15998 Road 22, Dolores, Co. and to approve the building footprint at 22% of the lot size. Seconded by Comm. Rule and carried. (See attached).

Mrs. Clauson presented a 15 lot major subdivision located at 14435 Road 29.75, Dolores, Co. (**Bill and Tara Polston**) owners. **Don Story** agent for Bill and Tara Polston explained the subdivision to the Board. Adjacent Landowners, Terry and Toni Branson objected to a proposed emergency exit that would run through their property. Mr. Story will have the plat amended to show a dead end road rather than an emergency exit and amend the covenants to delete the emergency road exit verbiage. No action was taken at this time.

LUNCH 12:10 P.M.

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of March, 2007 along with the quarterly report (See attached). She informed the Board that April 20th and 21st are the dates set for the electronic waste program. Then April 23rd through the 28th are the dates set for the Empire Electric appliance event. She discussed House Bill 1288 concerning Recycling Resources Economic Opportunity Act. She opposes the fee increases addressed in the bill. Comm. Rule moved to sign a letter to Senator Jim Isgar concerning HB1288, fee schedule on waste management for Montezuma County, seconded by Comm. Chappell and carried. (See attached).

BOARD OF EQUALIZATION HEARINGS: It being the time set aside, the Montezuma County Commissioners convened on Monday, April 9, 2007, to sit as the Board of Equalization. The following petitions were heard: The roll was called and the proceedings were taped for the record.

WILLIAM KELLEY. Appraiser Cynthia Claytor presented a petition for abatement for William Kelley concerning the classification of his land from vacant to residential and requested the taxes be refunded in the sum of \$2,149.72 for tax year 2006. After hearing all the evidence presented, Comm. Chappell moved to agree with the Assessor's recommendation of the residential classification and an abatement refund be allowed, seconded by Comm. Rule and carried. (See attached)

BRENDA MCDONALD: Appraiser Cynthia Claytor presented a petition for abatement for Brenda McDonald concerning the classification of her land from residential to agricultural and requested the taxes be refunded in the sum of \$3,161.18 for tax year 2006. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's recommendation and classify the land from residential to agricultural and an abatement refund be allowed, seconded by Comm. Rule and carried. (See attached)

Board of Equalization was recessed until Monday April 16, 2007 at 2:30 p.m..

RESOLUTION 2007-03: Comm. Rule moved to approve and sign Resolution 2007-03 increasing the emergency telephone charge upon telephone exchange access facilities and wireless communications access within Montezuma County. (See attached) Seconded by Comm. Chappell and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding the status of County (formerly known as County Road 35). Comm. Koppenhafer opened the hearing. The public notice was read, the roll was called and the proceedings were taped for the record. Administrator Harrison had Clerk Tullis read the list of submittals into the record. Comm. Koppenhafer mentioned that the County Attorney, Bob Slough is a

resident on Road 43 and asked if anyone had a problem with him acting as the county attorney in this matter. Attorney Jeff Robbins spoke on behalf of Jim and Nancy Dickey stating a possible objection later on. After some discussion Mr. Robbins withdrew his objection. Roy Elder spoke stating he has a problem with Attorney Slough and objected to Comm. Koppenhafer as well. Attorney Slough recused himself at this time. Comm. Koppenhafer stated since he has acquaintances and business associates living on County Road 43, he recused himself and turned the chairmanship of the meeting over to Vice Chairman Rule. Comm. Rule opened the hearing to public comments. Several audience members spoke (See sign in sheet) Roy Elder spoke and submitted new information for the record submitting a Road-Viewers report from 1924. Comm. Rule closed the public comments portion of the hearing. Comm. Chappell made a motion to continue the hearing until May 7, 2007 at 2:30 p.m., seconded by Comm. Rule and carried. Comm. Koppenhafer was recused from the vote having recused himself earlier in the hearing. No action was taken at this time.

CORRESPONDENCE: The following correspondence were read and noted:

Letter to Bureau of Land Management – Chip seal project, Road P (See attached)

Letter from Rick Lee, County Road 28- cost share check enclosed for \$6500.00 (See attached)

Letter from Pamela Suckla to CDOT – dangerous intersection of Road M and Hwy 491.(See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 4:40 P.M.

County Clerk
04/09/07

Chairman

Minutes of the April 9, 2007 meeting were read and approved April 16, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 16, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 16, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, April 9, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ACCOUNTS PAYABLE: General Fund # 50374-50537 in the amount of \$258,010.08, Road Fund # 20222-20332 in the amount of \$160,734.38, and Landfill # 5186-5213 in the amount of \$15,288.19 for the month of March, 2007 were approved for payment.

TREASURER'S REPORT for the months of January and February, 2007 were received. (See attached)

ROAD: Lloyd Everret reported the Department is still hauling gravel for the truck route and have been blading of roads as well. The Department is also fixing some pot holes. He stated he is in the process of hiring truck drivers. Mr. Everret informed the Board on the progress of the Yellow Jacket Bridge Project. He discussed the following; (1) chip seal program on roads S and P, (2) parking problems around the Crow Canyon Archeological Center (3) and road N. **Greg Kemp** asked the Board who is responsible concerning maintenance on red signed roads and roads in subdivisions. He was informed the County does not maintain red signed roads and has minimal interest in subdivision roads.

ADMINISTRATOR HARRISON asked the Board about disbanding the Fairgrounds Ad-Hoc Committee and questioned which agency should be responsible for administrating the DOLA grant for the grand stands. He stated since the County has contracted with Terri Forth he stated the County should work with her on this grant. Comm. Rule moved to disband the Fairgrounds Ad-Hoc Committee, seconded by Comm. Chappell and carried. Comm. Rule moved to have Administrator Harrison administer the DOLA grant, if awarded, concerning the grand stands at the Fairgrounds, Seconded by Comm. Chappell and carried. Administrator Harrison reminded The Board of the offer from the Carver Family on the old landfill for \$6,000.00 per acre. It

was discussed to get an appraisal or to make a counter offer for the 40 acres of \$2,500.00. Comm. Chappell moved to counter offer the Carver Family \$2,500.00 per acre for the dry land 40 acres, seconded by Comm. Rule and carried. The grant for the internship of **Rebecca Whitehead** in the planning office was presented for signature. Comm. Rule moved to sign the internship grant contract between DOLA and Montezuma County for Rebecca Whitehead to work in the planning and zoning office. Seconded by Comm. Chappell and carried. (See attached)

CEMETERY DISTRICT: Applications for appointment to the **Lebanon Cemetery District** were received from Floyd Parker, Edna Parker, Neita Muniz, Sue Broderick, and Barbara Broderick. Comm. Rule moved to appoint Floyd Parker to a two year term, January, 2007 to January, 2009, Barbara Broderick to a four year term, January 2007, to January 2011, and Neita Muniz to a six year term, January, 2007 to January, 2013. Seconded by Comm. Chappell and carried. (See attached).

PUBLIC HEARING: It being the time set aside, a public hearing is held for the purpose of reviewing and determining a zoning request for AR3-9 and a pre-sketch plan for a proposed subdivision on property owned by **Clinton and Kim Allen**, 14757 Road 26, Dolores, Co. The roll was called, the proof of publication was read, and the proceedings were taped for the record. Planning Director Susan Carver gave an overview. Comm. Koppenhafer opened the hearing to public comment at this time. Hearing no public comment, that portion of the hearing was closed. After hearing all the evidence presented, Comm. Chappell moved to approve the AR3-9 zoning and the pre-sketch plan stating that. (A) The proposed use is in conformity with the Code. (B) The proposed use shall not generate any significant adverse impacts on other property in the area and is consistent with this Code. (C) Public utilities and services are available, or can be made available, to uses consistent with the proposed zoning. The motion was seconded by Comm. Rule and carried. **Clinton and Kim Allen** was present. (See attached). Comm. Koppenhafer closed the hearing.

PLANNING: Planning Director Susan Carver presented the **Kestral Single Lot Subdivision (Dean Kottman, owner)** for approval. Comm. Chappell moved to approve the request for AR3-9 zoning and pre-sketch plan for the Kestral Single Lot Development stating that. (A) The proposed use is in conformity with the Code, (B.)The proposed use shall not generate any significant adverse impacts on other property in the area and is consistent with this Code. And (C) Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning. Seconded by Comm. Rule and carried. Director Carver informed the Board that the **Bill and Tara Polston** proposed 15 lot major subdivision plat and covenants have not been accepted by the planning department at this time.

LUNCH: 12:10 P.M.

BOARD OF SOCIAL SERVICES: It being 1:30 p.m. the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins, and LouAnn Everret.

VIRGINIA HOWEY with the Pinon Project informed the Board of the Pinon Project's application for an enterprise zone designation for their job training and workforce development programs. She requested a letter of support for this program be written to Ed Morlan with Region 9. Comm. Rule moved to sign a letter of support for the Pinon Project's application, seconded by Comm. Chappell and carried.(See attached)

VETERAN'S AFFAIRS monthly report for March, 2007 was submitted for approval. Comm. Rule moved to approve the report for March, 2007, seconded by Comm. Chappell and carried. (See attached)

BOARD OF EQUALIZATION IS RECONVENED 2:30 P.M to hear the following appeals. Roll was called; proceedings were taped for the record.

ROBERT AND MELISSA BRIM: Appraiser Cynthia Claytor, presented an abatement petition from Robert and Melissa Brim concerning the classification of their land located at 16256 Road 28.8, account number R013683. After hearing all the evidence presented, Comm. Chappell moved to accept the Assessor's Office recommendation and classify parcel number 5359-204-01-007 as agricultural with the Assessor's adjusted 2006 value of \$21,950.00, seconded by Comm. Rule and carried.(See attached)

DONACIANO L. AND JOANN R. ESPINOZA: Assessor Vanderpool discussed an abatement petition submitted by Donaciano L. and Joann R. Espinoza. He stated the Espinoza's had previously filed an appeal in 2006 and he stated that Colorado law does not allow taxpayers to request abatements when previous appeals for the same tax year have been filed. (39-10-114(D) C.R.S. Assessor Vanderpool asked the Board to uphold the Assessor's Office assessed value for tax year 2006 of \$20,960.00. Comm. Chappell moved to uphold the Assessor's original assessed valuation of \$20,960.00 for tax year 2006. Seconded by Comm. Rule and carried (See attached) Mr. and Mrs. Espinoza were not present and no phone call was received.

The Board of Equalization was recessed until Monday, April 23, 2007 at 2:30 p.m.

PLANNING:

DAVID AND JAN REINEKE appeared before the Board to discuss the rebuilding of their house after their home was destroyed by fire in January of 2007. In his letter of affidavit submitted he states his attempts to rebuild have been impeded by the Montezuma County offices of Planning and Zoning and TDR certification. Comm. Chappell moved to grant a variance to the TDR regulations. Grandfathered use 1 residence, approximately 1,333 Square feet and 1 studio, approximately 1,255 square feet; constructed or under construction prior to the adoption of the land use code and prior to the adoption of resolution no. 13-2004. This variance is hereby granted subject to performance by the applicant of the following additional conditions; (A) the parcel on which the construction takes place shall be legally and permanently joined to the parcel on which the septic system is located. (B) The newly reconstructed structure, herein referred to as a studio, will connect to the existing septic system and that system will be proven adequate for use by both the existing studio and the newly reconstructed home. (C) The reconstructed residence shall have the same or smaller footprint as the structure that was destroyed by fire in January 2007 and (D) No other structures having water and septic connections shall be constructed on the property without TDR(s). Seconded by Comm. Rule and motion carried. (See attached)

EULENE CONLEY: Planning Director Susan Carver presented the **Eulene Single Lot Development (Eulene Conley, owner)** and zoning request of AR10-34 for approval. Comm. Rule moved to approve the Eulene Single Lot Development and AR10-34 zoning stating that the proposed use is in conformity with the Code; The proposed use shall not generate any significant adverse impacts on other property in the area and is consistent with this Code; and Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning. Seconded by Comm. Chappell and carried.

LETTER from **Hamilton and Faatz** to Sheriff Wallace was received concerning the termination of Michael J. Marston, Jr. The letter was forwarded to the insurance company. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

E-mail from Judy Perry to Patient Accounting Department and concerning Anthem Blue Cross Contract. (See attached)

Letter from CDOT concerning the intersection of Hwy 491 and Road M (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 4:40. P.M.

County Clerk
04/16/07

Chairman

Minutes of the April 16, 2007 meeting were read and approved April 23, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 23, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 23, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, April 16, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ROAD: Administrator Harrison made a recommendation to the Board to hire a road supervisor that would be appointed by the Board on a yearly basis. He would like to advertise for the position. Comm. Rule moved to allow Administrator Harrison to advertise for the position of a County Road Supervisor, seconded by Comm. Chappell and carried. Administrator Harrison also said that the district foremen should be responsible for the projects done in their respective districts. **Lloyd Everret** discussed the following: (1) gates across county roads. (2) The department is graveling road 20. (3) Work needs to be done on roads N and 28. (4) A complaint was received concerning a fence along road 33 being destroyed. (5) Discussed the chip seal program.

ADMINISTRATOR HARRISON informed the Board that the Pinon Project requested a letter of support for their Leadership Discovery Institute's application for funding through the Compassion Capital Funds Demonstration Project. Comm. Rule moved to sign a letter of support for the Leadership Discovery Institute's application, seconded by Comm. Chappell and carried. (See attached). Administrator Harrison presented a revised Fairgrounds alcohol policy dated April 23, 2007 for review. (See attached)

SPECIAL EVENTS PERMIT: Clerk's Deputy Tammy Neely discussed the application for a special events permit submitted by the **Ute Mountain Roundup** for a rodeo that will be held on June 7th, 8th, and 9th, 2007. She said that a notice should be posted for 10 days on the premises and if a negative response is received during that 10 day period, a public hearing will be necessary. Due to the time frame, it was decided to hold a public hearing. A public hearing for this special events permit has been scheduled for Tuesday, May 29, 2007 at 9:00 a.m.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing a High Impact Permit application filed by Kinder Morgan CO2 Co., Bob Clayton, agent. The public notice was read, the roll was called and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the project and Bob Clayton with Kinder Morgan talked about their plans and gave a project description. Chairman Koppenhafer opened the meeting to public comment at this time. There was one question from an audience member. The public comment portion of the hearing was closed at this time. After hearing all the evidence presented, Comm. Chappell moved to approve the application for Kinder Morgan CO2 Co., seconded by Comm. Rule and carried. Chairman Koppenhafer closed the public hearing. (See attached)

PLANNING: Planning Director Susan Carver informed the Board she has received a request to re-schedule the public hearing date for Sin Vacas Properties. She has scheduled the hearing for June 18, 2007 at 3:00 p.m. Director Carver presented the **L.R. Minor Subdivision (Lane and Sharon Kim owners)** 3 lot minor development. Comm. Rule moved to approve AR10-34 zoning, the pre-sketch plan, the primary plan and the final plan for the L.R. Minor Subdivision, seconded by Comm. Chappell and carried.

LUNCH: 12:10 p.m.

FINANCIAL REPORT: Administrator Harrison gave a copy of a newspaper article concerning Archuleta County's financial problems. (See attached) He discussed the county budget and financial situation.

SOUTHWEST MEMORIAL HOSPITAL representatives Chuck Bill and Dan Jessup presented financial statements for the three months and year of operations ended December 31, 2006 and for the three months of operations ended March 31, 2007. (See attached)

BOARD OF EQUALIZATION was reconvened at this time. The following abatements were presented. The roll was called and the proceedings were taped for the record.

JOHN W. AND SHARON A. ANKIEWICZ:

Appraiser Cynthia Claytor presented an appeal from John W. and Sharon A. Ankiewicz concerning the classification of their land from agriculture to vacant. Mr. Ankiewicz spoke to the increase in taxes on a conference call. He stated he has no intention of building a home on the property in the near future. After hearing all the evidence presented, Comm. Rule moved to agree with the Assessor's recommendation of the vacant land classification on parcel number 535936101008, seconded by Comm. Chappell and carried. (See attached)

JOHN J. AND VIRGINIA A. HERNANDEZ:

Appraiser Cynthia Claytor presented an appeal from John J. and Virginia A. Hernandez concerning the classification of their land from agriculture to vacant for tax year 2006. Mr. Hernandez stated a residence is being built on the land. After hearing all the evidence presented Comm. Chappell moved to reduce the value from \$142,880.00 to \$116,490.00 and to agree with the Assessor's recommendation to classify the land as vacant. Seconded by Comm. Rule and carried.

Comm. Koppenhafer recessed the hearing until Monday, May 7, 2007 at 2:00 p.m.

McSTONE AGGREGATES, LLC: Planning Director Susan Carver discussed a high impact permit application for McStone Aggregates, LLC. Comm. Rule made a motion to move the high impact application

to the Planning and Zoning Commissions for projects involving the potential of highly significant impacts as per 2201.2 of the land use code. Seconded by Comm. Chappell and carried.

DANIEL POPE met with the Board to discuss a change of use on his property located at 28984 Road 38, Dolores and an easement. Concerns were raised about a shop being built and an easement on a narrow driveway. Mr. Pope was told he and the property owner needs to come to some type of agreement as to the use of the easement or obtain a different access easement from someone else before the Board can approve anything.

CORRESPONDENCE: The following correspondence was read and noted:
Variance application waiver to the high impact permit No. 532 for Arriola Bible Church was signed by Comm. Koppenhafer (See attached)
Letter from Katherine A. Burke, attorney concerning road 43 (See attached)
Letter from R & R Properties concerning road 43 (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:50 P.M.

County Clerk
04/23/07

Chairman

Minutes of the April 23, 2007 meeting were read and approved April 30, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 30, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 30, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, April 23, 2007 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$276,641.91, District Attorney fund check #50543 in the amount of \$24,802.05, Treasurer fund check #50542 in the amount of \$207,598.76, Road department fund checks in the amount of \$69,221.00, Treasurer fund check #20334 in the amount of \$56,928.25; and Landfill fund checks in the amount of \$12,733.22. Treasurer fund check #5215 in the amount of \$11,962.69 were approved for payment.

AUTHORITY BOARD ORDER: Comm. Chappell made a motion to direct the Clerk to issue **Order Number 0-05-07** to the Treasurer to transfer \$13,239.25 from the Retirement fund to the General fund. The motion was seconded by Comm. Rule and motion carried. (See attached)

LEBANON CEMETERY DISTRICT: A letter was received from Floyd Parker resigning from the Lebanon Cemetery District Board. District Director **Neita Muniz** presented the Commissioners with a letter from **Frank Muniz** asking to be appointed to the Lebanon Cemetery District and Mrs. Muniz informed the Board that Barbara Broderick has moved out of the District and is no longer eligible to be a director and needs to be replaced. Comm. Rule moved to accept the resignation of Floyd Parker and to appoint Sue Broderick to replace him for the remainder of his two year term and to remove Barbara Broderick and to appoint Frank Muniz to a four year term as the replacement for the remainder of her term. Seconded by Comm. Chappell and carried. (See attached)

ROAD: **Lloyd Everret** discussed the CO2 truck route. He informed the Board of a problem on Road P west of Road 25. A subcontractor for Qwest dug a trench along the county road without a permit. He will be sending a

bill to Qwest concerning this trench. Discussed the progress on the Yellow Jacket Bridge. Discussed the barricade on Road 31.

ADMINISTRATOR HARRISON reported on the County health insurance. It was decided to advertise for formal bids for the health insurance. He will schedule a meeting with representatives of CTSI to discuss concerns about their health insurance program. Financial Director Mary Ann Sanders was present. Administrator Harrison presented a letter received from the Housing Authority of Montezuma County requesting an appointment to the Housing Authority Board. A letter was written to Ms. Terri Wheeler, executive director, requesting more information concerning board appointments. No appointments were made at this time. (See attached). **Ron Lanier**, noxious weed control manager met to inform the Board of his retirement at the end of June, 2007.

PLANNING: Planning Director Susan Carver presented the **Polston Subdivision (William T. and Tara L. Polston owners)** for approval. Comm. Chappell moved to approve the AR 3-9 zoning and the proposed 15 lot major development located at 14435 Road 29.75, Dolores, Co. Seconded by Comm. Rule and carried. She presented an application from **Larry Hartzke** for an amendment to Lot 3B of the Wild Rose Subdivision. Mr. Hartzke is requesting an amendment to create a larger building envelope for a location of a home. Letters from Rollin M. Lunders, a geological consultant and Thomas and Forth Engineering were presented. (See attached). Comm. Rule moved to amend Lot 3B of the Wild Rose Moderate Subdivision, seconded by Comm. Chappell and carried. Larry Hartzke and Nancy A. McGill were present. Director Carver presented the **Alkali Moderate Subdivision (Clara Magda Love and Michael Anderegg)**. Comm. Chappell moved to approve AR 3-9 zoning and approve a 2 lot moderate subdivision located at 13557 Road 22, Cortez, Co. Motion seconded by Comm. Rule and carried. She reported on the Planning and Zoning Meeting held on April 26, 2007. (See attached) Comm. Koppenhafer signed the findings and permit for High Impact Permit number 535, Kinder Morgan CO2 Company, applicant. The Board signed Amended Resolution P-70-93 regarding property located at 14931 Road 30.2, Dolores, Co. Lynn Patten and Carmen Tenney applicants. (See attached)

SUE SCOTT met to discuss happenings concerning the County's Lodger's Tax Board.

LUNCH: 12:35 p.m.

STEVE MILES with the Dolores Conservation District updated the Board on the Tamarisk control project. (See attached)

SPECIAL EVENTS PERMIT: Clerk's Deputy Tammy Neely presented an application for the **John Derrick Halls Post 5231 (VFW Post 5231)** for a motorcycle rally (**Sugar Pine Ranch Rally**). The property will be posted for 10 days and in the event a complaint is lodged a public hearing will be scheduled. No action was taken at this time.

FAIRGROUNDS: Terri Forth discussed the RFP summary sheet in regards to the bids for the grandstands at the Montezuma County Fairgrounds. (See attached)

PUBLIC HEARING: It being the time set aside, a public hearing is held to review and determine a zoning request for AR3-9 and pre-sketch plan for the proposed subdivision of 51 lots on property owned by **Lawrence**

L and Donna Jean Suckla, Donald Etnier, agent. The subdivision is called The Saddle Ridge Subdivision. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning manager Susan Carver gave an overview of the subdivision. Don Etnier, agent, spoke as to the project. Comm. Koppenhafer opened the hearing to public comment at this time. Several audience members spoke. (See sign in sheet) Comm. Koppenhafer closed the public comment portion of the hearing at this time. After hearing all the evidence presented, Comm. Chappell moved to approve the AR 3-9 zoning on 199 acres more or less on property owned by Lawrence L. and Donna Jean Suckla and located at 29921 Road L, Mancos, Co. The motion was seconded by Comm. Rule and carried. (See attached). Comm. Koppenhafer closed the public hearing.

CORRESPONDENCE: The following correspondence was read and noted.

Letter from U.S. Department of the Interior, BLM concerning the proposed grazing decision on Canyon of the Ancients. (See attached)

Thank you card from Glenda Hill. (See attached)

Receipt for items received by Neita Muniz from the Clerk concerning Lebanon Cemetery District.(See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 5:00 p.m.

County Clerk
4/30/07

Chairman

Minutes of the April 30, 2007 meeting were read and approved May 7, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 7, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 7, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, April 30, 2007 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule, and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of April, 2007. (See attached).

ROAD: Lloyd Everret stated he had received a call from the U.S. Forest Service concerning county participation in the installation of a cattle guard on the Dolores-Norwood road. Administrator Harrison contacted Steve Beverlin in regards to the cooperative agreement concerning such projects. Mr. Everret discussed the Yellow Jacket Bridge project stating that asphalt is to be laid around the 15th of May. He also discussed the costs of asphalt. Mr. Everret will look at Road 33 where fence damage occurred. He stated he has had no response from Qwest concerning the repair on Road P. Administrator Harrison presented the intersection request form listing the following intersections as dangerous inadequate. Intersection priority number 1 is County Road M and State Highway 491 with local funding commitment amount of 20.1%. Priority number 2 is County Road P and State Highway 145 with local funding commitment amount of 20.1% and intersection priority number 3 is County Road 25 and State Highway 491 with local funding commitment amount of 20.1%. This report will be mailed to Mr. Michael McVaugh, CDOT Region 5 traffic and safety. (See attached)

ADMINISTRATOR HARRISON presented a revised alcohol policy for the Fairgrounds dated May 7, 2007. Comm. Rule moved to approve the revised Montezuma County Fairgrounds Alcohol Policy revised May 7, 2007. Seconded by Comm. Chappell and carried. (See attached) He presented a proposal of fairgrounds fees for their consideration. Administrator Harrison informed the Board that CBS Constructors and Dant Clayton

were the two apparent, qualified low bidders for the grandstands at the Fairgrounds. He will request more information from these bidders if the contract is awarded at all. Discussed duties and expectations of department heads. Some of the expectations are to promote the department, manage the department and its employees and have the ability to write and manage grants.

PLANNING: Planning Director Susan Carver presented a variance application for **Robert and Evelyn Wyatt applicants, Kirk Wyatt, agent**. This property is located at 13900 Road 42, Mancos, Co. The request is to vary the interior road surface from a 24 foot wide surface to an 18 foot wide road surface. Comm. Chappell moved to approve a variance for Robert and Evelyn Wyatt on property located at 13900 Road 42 Mancos, Co. The variance will be an 18 foot wide road surface rather than a 24 foot wide surface. Seconded by Comm. Rule and carried. (See attached) Director Carver presented the **Wuchert Moderate Subdivision (David B. Wuchert, owner)**. Comm. Rule moved to approve the Wuchert 2 lot Moderate Subdivision, seconded by Comm. Chappell and carried. Director Carver informed the Board that a public hearing has been scheduled for June 18, 2007 at 11:00 a.m. for **Kinder Morgan CO2 Company L.P.** for seven CO2 wells. She discussed a proposed fee structure for the planning department

LUNCH: 12:05 p.m.

HEALTH DEPARTMENT DIRECTOR LORI COOPER presented Task Order – Waiver number 154 for consumer protection services for approval. Comm. Rule moved to approve Task Order Contract – Waiver number 154 for consumer protection services, seconded by Comm. Chappell and carried. (Copy of contract on file in the Health Department.) Director Cooper updated the Board on the Dental Suite and she discussed the use of medical volunteers in declared emergency situations.

BOARD OF EQUALIZATION: It being the time set aside the Board of Equalization was reconvened at this time. The roll was called and the proceedings were taped for the record. The following petition was heard.

KAREN KRAMER: Appraiser Cynthia Claytor gave an overview of the petition concerning the property classification from agriculture to vacant land. Comm. Rule moved to agree with the Assessor's Office and classify the land as vacant and to deny Karen Kramer's petition. Seconded by Comm. Chappell and carried. Karen Kramer was not present and no conference call was received. (See attached)

Board of equalization was recessed until June 25, 2007 at 2:30 p.m.

CONTINUATION OF PUBLIC HEARING: It being the time set aside a continuation of the April 9, 2007 public hearing is held regarding the status of County Road 43 (formerly known as County Road 35). Comm. Rule opened the hearing. The public notice was read, the roll was called and the proceedings were taped for the record. Comm. Koppenhafer and Attorney Slough were not present as they had recused themselves at the April 9, 2007 public hearing. Loretta Murphy gave an overview and Roy Elder spoke concerning the status and presented other evidence for review (See attached). Comm. Rule opened the hearing to public comment at this time. Various audience members spoke and presented evidence into the record.(See sign in sheet). The public comment portion of the hearing was closed at this time. After hearing all the evidence presented, Comm. Chappell moved to stay with the County road map as adopted since 1987 and County Road 43 as shown thereon. If not shown thereon, it is not a county road. Seconded by Comm. Rule and carried. Comm. Rule closed the public hearing.

CORRESPONDENCE: The following letter was received and noted.
Letter with picture from Roger Brooks concerning his property classification (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:25 p.m.

County Clerk
5/7/07

Chairman

Minutes of the May 7, 2007 minutes were read and approved May 14, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 14, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 14, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator - Absent
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, May 7, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ROAD: Jimmy Sattley with the Road Department met and informed the Board that the Department has been contacted by the Rodeo Club for the use of equipment for their rodeo scheduled in June. He discussed the problems on Road 33. It was decided to put up some guard rail. Mr. Sattley said the Department has been working on the Dolores-Norwood road and they are also working on the Haycamp Pit road. He said that the blade patching program will begin soon. There is a problem with water running along the road on road 24.5 and beyond.

SHERIFF WALLACE and Under Sheriff Hart presented a modification agreement between the Montezuma County Sheriff's Office and the U.S. Department of Agriculture, Forest Service San Juan National Forest. Comm. Rule moved to sign the modification agreement between the Sheriff's Office and the U.S. Department of Agriculture, Forest Service San Juan National Forest to de-obligate 2006 funds. Seconded by Comm. Chappell and carried. (See attached) Presented the grant between the Sheriff's Office and the U.S. Department of Agriculture, Forest Service San Juan National Forest for signature. Comm. Rule moved to sign the agreement between the Sheriff's Office and the U.S. Department of Agriculture, Forest Service San Juan National Service, seconded by Comm. Chappell and carried. (See attached). Sheriff Wallace discussed the security impacts the new district judge assignment will have on the Sheriff's Office. He presented the gaming impact grant for signature. Comm. Chappell moved to sign the Local Government Gaming Impact Fund Application. Seconded by Comm. Rule and carried. (See attached).

LUNCH: 12:00 Noon

LANDFILL: Landfill manager Deb Barton presented the profit and loss statement for the month of April, 2007. (See attached) She updated the Board on the Carver property.

LIQUOR LICENSE: Clerk's deputy Tammy Neely informed the Board of a new application for a hotel/restaurant liquor license from the **Silver Mountain Recreation, Inc. (dba Silver Mountain Grill)** located at McPhee Launch ramp. The Board set a one mile canvass radius and a public hearing is scheduled for May 29, 2007 at 10:00 a.m. Deputy Neely presented an application for a special events license for the **Rollo Foundation**. The event will be held at the Cliffrose on June 14, 2007. Comm. Rule moved to approve the special events license for the Rollo Foundation Inc., seconded by Comm. Chappell and carried. A renewal application for a beer and wine license was presented for **Lebanon School House Bed and Breakfast**. She has a letter from the Sheriff's Office stating they have not had any violations at this facility. Comm. Rule moved to approve the renewal for the beer and wine license for the Lebanon School House Bed and Breakfast, seconded by Comm. Chappell and carried. Deputy Neely informed the Board of a letter she received from the Liquor Enforcement Division concerning a liquor violation on G Whil Liquors.

DOLORES DISTRICT FOREST SERVICE BLM: Jamie Seller Baker and Peggy Wu informed the Board of a travel management plan. They discussed the non motorized trails, motorized off road routes and other recreational trails on BLM land. The BLM oil and gas leasing program was explained by Ms. Baker. She then discussed some private property that is land locked by public land and the BLM's attempts to provide access.

MESA VERDE COUNTRY: Lynn Dyer, tourism director for Mesa Verde County along with City of Cortez Mayor, Orly Lucero, met to discuss what this organization does to promote tourism in the area. She stated the organization contracts with the City of Cortez to help promote tourism as well. Mayor Lucero discussed the city ordinance changes concerning Mesa Verde Country.

MEETING RECESSED: Comm. Rule moved to recess until Tuesday, May 15, 2007 at 10:30 a.m. in Hearing Rooms 106, 107 to mediate the Gonzales Case. Motion was seconded by Comm. Chappell and carried.

MEETING RECESSED 4:50 p.m.

MEETING RECONVENED Tuesday, May 15, 2007 at 10:30 a.m. in District Court hearing rooms 106 and 107. Present were Comm. Koppenhafer, Comm. Rule and Attorney Slough.

MEDIATION: A court ordered mediation in regards to the Gonzales case took place at this time.

MEETING ADJOURNED after hearing.

County Clerk

05/14-15/07

Minutes of the May 14th and 15th meetings were read and approved May 21, 2007

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 21, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 21, 2007, at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, May 14, 2007 and Tuesday May 15, 2007 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule, and carried.

TREASURER'S REPORT for the month of March, 2007 was submitted. (See attached)

CTSI: Allen Chapman and Meredith Burcham, with CTSI Insurance met and discussed the County health pool and presented coverage comparisons for 2007 and claims utilization. (See attached)

ROAD: Lloyd Everret updated the Board on the Yellow Jacket Bridge project. He stated there needs to more rip-rap hauled. A letter from the **BLM** in regards to the Montezuma County Road P Chip Seal Project was received. (See attached) Discussed problems with irrigation water overflowing into a subdivision on Road M.

HEALTH DEPARTMENT: Administrator Harrison presented the following contracts for approval. (1) Task Order Waiver number 154 between the Colorado Department of Public Health and Environment and Montezuma County Board of County Commissioners. Comm. Rule moved to sign Task Order Waiver #154, seconded by Comm. Chappell and carried. (See attached) (2) Contract between the Colorado Department of Public Health and Environment and The Montezuma County Department of Health for the benefit of health care policy and financing. Comm. Rule moved to sign the contract amendment number 2 for fiscal year 2007-2008 for the benefit of health care policy and financing. Seconded by Comm. Chappell and carried. (See attached)

PLANNING: Planning Director Susan Carver presented a single lot development located at 9998 Road 42, Mancos, Co. for **Tern and Debbie Colyer** for approval. Comm. Chappell moved to approve the single lot development for Tern and Debbie Colyer contingent upon the mylar plat being signed and to zone the property

as AR 3-9. Seconded by Comm. Rule and carried. Director Carver informed the Board she received a complaint on Aramark Sports and Entertainment Services alleging they are constructing and operating employee housing units constituting a change of use on property located at 410 Mesa Verde Park, Co. The Planning Office will follow up on this complaint. She presented a proposed fee structure increase for the Planning Department.

LUNCH: 12:05 p.m.

BOARD OF SOCIAL SERVICES: It being 1:30 p.m. the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins, and LouAnn Everret.

ADMINISTRATOR HARRISON and Fairgrounds Manager Darryl Buffington discussed the rate schedule for the Montezuma County Fairgrounds.

PLANNING Department Intern, Rebecca Whitehead presented a preliminary proposal for amendments to the Land Use Code. Planning Director Susan Carver and Mike Preston were also present. Comm. Chappell made a motion to refer the code amendments to the Planning Commission for their review. Seconded by Comm. Rule and carried. Planning Director Carver presented a proposed increase in fees for zoning, subdivision administration, and high impact permits.

ADMINISTRATOR HARRISON informed the Board he has accepted a verbal resignation from Fairgrounds Manager Darryl Buffington.

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:15 p.m.

County Clerk
5/21/07

Chairman

Minutes of the May 21, 2007 meeting was read and approved Tuesday May, 29
PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 29, 2007

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, May 29, 2007, at the courthouse in Cortez, Colorado, there were present:

- Gerald W. Koppenhafer, Chairman
- Larrie D. Rule, Vice-Chairman
- Steve Chappell, Commissioner of Deeds
- Bob D. Slough, County Attorney
- Ashton N. Harrison, Administrator
- Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday, May 21, 2007 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule, and carried.

PUBLIC HEARING: UTE MOUNTAIN ROUNDUP INC. It being the time set aside a public hearing is held in regards to a special events permit for the **Ute Mountain Roundup, Inc.** to be held on June 7, 8, 9, 2007. This event will be held at the County Fairgrounds. The roll was called, the public notice was read and the proceedings were taped for the record. **Clerk's Deputy Tammy Neely** gave an overview of the permit and **Slim McWilliams** spoke on behalf of the Ute Mountain Roundup, Inc. Comm. Koppenhafer opened the hearing to public comment. Having no public comments, Comm. Koppenhafer closed that portion of the hearing. After hearing the evidence presented, Comm. Rule moved to approve the special events permit for the Ute Mountain Roundup, Inc. to sell beer at the Rodeo that is to be held on June 7, 8, 9, 2007 at the County Fairgrounds. Seconded by Comm. Chappell and carried. Comm. Koppenhafer closed the hearing.

PUBLIC HEARING: SILVER MOUNTAIN RECREATION, INC. DBA SILVER MOUNTAIN GRILL. It being the time set aside a public hearing is held in regards to a hotel and restaurant license for Silver Mountain Grill at the McPhee Launch Ramp, 27575 Road V.4, Dolores, Co. (Charles and Carol Wilson, owners) Clerk's Deputy Tammy Neely gave an overview of the license. Charles and Carol Wilson informed the Board of their application. Comm. Koppenhafer opened the hearing to public comment. Having no public comments, Comm. Koppenhafer closed that portion of the hearing. After hearing the evidence presented, Comm. Rule moved to approve a hotel restaurant liquor license for Silver Mountain Recreation, Inc. contingent upon specific location in the area being noted, seconded by Comm. Chappell and carried. Comm. Koppenhafer closed the public hearing.

ONLINE COPY

ECHO BASIN DUDE RANCH: Deputy Neely presented a renewal for a resort complex liquor license for Echo Basin Dude Ranch (Daniel Bjorkman, owner). Deputy Neely stated she has a letter from the Sheriff's Office stating they found no liquor violations with this facility. Health Inspector Melissa Wilson informed the Board of the progress of needed repairs to the septic system that has been done. Based on the repairs that have been done, she recommended approval of the liquor license. Comm. Chappell moved to approve the resort complex liquor license for Echo Basin Ranch with related facilities permit. Seconded by Comm. Rule and carried.

SPECIAL EVENTS PERMIT – VETERANS OF FOREIGN WARS. Deputy Neely presented a special events permit application from the Veterans of Foreign Wars that is to be held at the Sugar Pine Ranch on the dates of August 30th through September 2, 2007 during the Sugar Pine Ranch Rally. Comm. Rule moved to approve a special events permit for VFW #5231 for the Sugar Pine Ranch Rally events that is to be held on August 30, through September 2, 2007, seconded by Comm. Chappell and carried.

NEITA MUNIZ inquired about the cleaning of the Dolores Cemetery. The Board will discuss the status of the Dolores Cemetery District board members with the Town of Dolores. Administrator Harrison will look into who is on the Board and a contact person for the Dolores Cemetery District.

ADMINISTRATOR HARRISON discussed the following: (1) 2008 budget objectives. (2) He stated he is advertising for a Road and Bridge supervisor. (3) He presented a contract between the Colorado Department of Public Health and Environment and Montezuma County to conduct the tobacco program. Comm. Rule moved to sign the task order waiver between the CDPHE and Montezuma County to conduct the tobacco program. Seconded by Comm. Chappell and carried. (See attached)

HOUSING AUTHORITY BOARD: Comm. Rule moved to appoint **Jackie Barker** to the Housing Authority Board of Commissioners to a 4 year term expiring May, 2011, seconded by Comm. Chappell and carried.

PLANNING: Planning Manager Susan Carver informed the Board of a complaint she received concerning the construction of another home on a parcel. She will follow up on the complaint. She discussed another proposed change to the land use code for consideration.

CORRESPONDENCE: The following correspondence was read and noted.
Letter of resignation from Don Yeomans resigning from the Road Department (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 11:55 A.M.

County Clerk

Chairman

Minutes of the May 29, 2007 meeting were read and approved June 4, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 4, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 04, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Tuesday May 29, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$276,926.86, District Attorney fund check #50720 in the amount of \$23,576.21, Treasurer fund check #50719 in the amount of \$211,876.41 Road department fund checks in the amount of \$72,300.27, Treasurer fund check #20409 in the amount of \$56,999.71; and Landfill fund checks in the amount of \$12,689.59. Treasurer fund check #5250 in the amount of \$11,955.45 were approved for payment.

ROAD: Traffic analyst Jim Burton met to update the Board on the road count program. Administrator Harrison stated he had received a phone call concerning industrial truck traffic on Road 38. **LATER: Lloyd Everret** stated he has a request from the Cortez School Bus Garage for chloride treatments at the bus garage. Lloyd will get back to them. Alvin Carver contacted the department concerning culvert installation and doing ditch work on Road 25. They will look into it.

ADMINISTRATOR HARRISON informed the Board of proposed changes to the mineral lease money. He questioned the Board concerning the possibility of putting a question on the November coordinated election ballot asking to extend term limits from two terms to three terms for the offices of Assessor, Clerk, Treasurer, and Sheriff. The Board will consider the question.

PLANNING: Planning Director Susan Carver informed the Board that the irrevocable letter of credit for McClellan Brothers Investments, LLC is expiring. Director Carver will contact Casey McClellan as to the status of the project. She stated she has received a response from AraMark Sports and Entertainment Services,

Inc. They asked for a seven day extension in which to respond to her letter, which was agreed to. (See attached). She presented her recommendations concerning a complaint of a structure being a second house on Road W. She went to the site and her recommendation is to take no action at this time as the structure does not appear to be residential. (See attached). Director Carver gave an overview of the Planning Commission's meeting held on May 24, 2007. (See attached) Director Carver presented a HIP waiver petition for a proposed maintenance facility for **Tri-State Generation and Transmission. (Representatives, Patrick Davis, Mac Fellin, and Don Cook** were present) Comm. Chappell moved to send the waiver petition for Tri-State Generation and Transmission to the Planning Commission concerning the maintenance facility. Seconded by Comm. Rule and carried. (See attached) A request for preliminary approval for AR3-9 and AR10-34 zoning and preliminary plan for a 10 lot major development located at 26350 Hwy 184, Dolores, Co. (**Dennis and Deborah Hight, applicants,** were present). Comm. Chappell moved to approve the Cottonwood Ranch Subdivision and to approve the request for AR3-9 and AR10-34 zoning. Seconded by Comm. Rule and carried. A petition for a public hearing was received from Dan Bjorkman for the purpose of reviewing and determining a zoning request for AR3-9 on property located at 12470 Road 44, Mancos. Co. A hearing has been scheduled for July 16, 2007 at 2:30 p.m.

TOWN OF MANCOS: The Board received information on June 4, 2007 in regards to annexation proceeding to consider property to be annexed into the Town of Mancos. (Creekside Annexation) (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of May, 2007... (See attached).

LUNCH: 12:15 p.m.

TOM HOOTEN is applying for a Wal-Mart Foundation grant and requested a letter of support. Mr. Hooten works with Ability Consultants, a non-profit organization that assists persons with disabilities. He works with a chess club at the schools and this grant will help fund that program. (See attached)

M.B. McAFEE AND JACKIE BARKER representatives for the Bridge Emergency Shelter presented a report on the homeless shelter. They discussed the location for the shelter for 2007-2008. The Board indicated they may be able to use the same facility as last year with no de-tox facility.. (See attached)

RELEASE BOND: Planning Director Susan Carver presented a release of a bond issued to Montezuma County from **TransColorado Gas**, a subsidiary of Kinder Morgan, Inc. to cover weed control under High Impact Permit #469. The permit term has expired. Comm. Rule moved to sign the weed bond release for High Impact Permit #469. Seconded by Comm. Chappell and carried. (See attached)

PROPOSED FEE STRUCTURE: Planning Director Susan Carver gave an overview of the 2006 expended budget for the planning department and explained the proposed fee increases. Comm. Chappell moved to accept Option A proposed fee structure with the addition of road impact fees for high impact permits. Fees will go in to effect June 5, 2007. Seconded by Comm. Rule and carried. (See fee structure attached) She presented a proposal for an increase in road impact fees. Comm. Rule moved to increase road impact fees to \$2400.00 per lot, \$500.00 per lot per mile to the nearest State Highway. Seconded by Comm. Chappell and carried. (See attached)

LEWIS CEMETERY BOARD OF DIRECTORS: Comm. Rule moved to appoint the following to the Lewis Cemetery Board of Directors. Billy Rose to a 2 year term expiring 2009, Carol Wilson to a 4 year term expiring 2011, and Kimberly Martin to a 6 year term expiring 2013.

CORRESPONDENCE: The following correspondence was read and noted.

Letter from Marjorie Keller concerning caretaking at the Fairview Cemetery. (See attached)

Letter from Colorado State Forest Service – Exhibit D, Montezuma County Annual Fire operating plan. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 5:05 P.M.

County Clerk
06/04/2007

Chairman

Minutes of the June 4, 2007 meeting were read and approved June 18, 2007.
There was no meeting on June 11, 2007 due to CCI conference.

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 18, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 18, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday June 4, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

PROPERTY AND CASUALTY INSURANCE: Bentley Colbert with Wolcott Insurance explained the property and casualty bids from Trident and St. Paul Travelers. A bid was also received from CTSI. Attorney Slough recused himself from any discussions. Comm. Rule moved to accept the bid from Trident Insurance for the year beginning July 1, 2007 to July 1, 2008 in the amount of \$175,143.00, seconded by Comm. Chappell and motion carried. (See attached)

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a renewal for a retail liquor license for G Whil Liquors (Dana Baxstrom owner) The Sheriff's letter reported no violations reported with this owner or facility, however a stipulation, agreement and order for a 7 day suspension of its retail liquor license was issued by the State of Colorado. This order was to begin at 12:01 a.m. May 11, 2007 until 11:59 p.m. on May 12, 2007 and 5 days to be held in abeyance for 1 year. (See attached). Comm. Rule moved to approve the renewal of a retail liquor license for G Whil Liquors, seconded by Comm. Chappell and carried.

LANDFILL: Landfill manager Deb Barton presented the profit and loss statement for the month of May, 2007. (See attached)

VETERAN'S AFFAIRS monthly report for May, 2007 was submitted for approval. Comm. Chappell moved to approve the report for May, 2007 and certification of pay, seconded by Comm. Rule and carried. (See attached)

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DOLORES CEMETERY DISTRICT: A letter of interest in serving on the Board of Directors for the Dolores Cemetery District was received from Joe Blackmer, Gary Allen and Wayne Harrison. Comm. Rule moved to appoint the following to the Dolores Cemetery District Board of Directors: Joe Blackmer to a two year term expiring in 2009, Wayne Harrison to a four year term expiring in 2011, and Gary Allen to a six year term expiring in 2012. Motion was seconded by Comm. Chappell and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held to review and determine the proposed High Impact Permit applications filed by **Kinder Morgan, CO2 Company, L.P. Bob Clayton agent**. This permit is for 7 proposed CO2 wells. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Susan Carver gave an overview and Agent Bob Clayton spoke as to the project. Comm. Koppenhafer opened the meeting to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented, Comm. Chappell moved to approve the high impact permit application for Kinder Morgan CO2 Company, L.P, seconded by Comm. Rule and motion carried. (See Attached) Comm. Koppenhafer closed the hearing at this time.

PLANNING: Planning Director Susan Carver informed the Board she has received an amendment to the irrevocable letter of credit number 19 concerning McClellan Brothers Investments LLC. Director Carver discussed the Planning Commission work session on June 14, 2007. Director Carver presented a request from **Fiona King and Alan L. Cook** for a boundary line adjustment on lots 13 and 14 of the **Van Horn Subdivision**. Comm. Rule moved to approve the amended plat on lots 13, and 14 of the Van Horn Subdivision, seconded by Comm. Chappell and carried. The **Davidson Single Lot Development (Segrid Davidson owner, Charles Davidson, agent)** final plat was presented for review and determination. Comm. Chappell moved to approve the preliminary plan for the Davidson Single Lot Development and AR3-9 zoning. Seconded by Comm. Rule and carried.

LUNCH: 12:07 P.M.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins and LouAnn Everret.

WANDA MARTIN updated the Board on the activities of the Sheriff's Posse. She informed them of the volunteer hours the Posse has worked this year. Mrs. Martin also gave a review of the budget. Comm. Chappell moved to give \$1500.00 to the Sheriff's Posse, seconded by Comm. Rule and carried.

SENIOR NUTRITION Director Sue Fletcher presented the **CDOT** grant for fiscal year 2008 and 2009. Comm. Rule moved to sign the CDOT grant, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a zoning request for AR3-9 and pre-sketch plan for the proposed subdivision of 44 lots on 160 acres more or less on property owned by **Sin Vacas Properties, LLC, Timothy G. Singleton, agent** with legal representation by **Kelly R. McCabe**. This property is located at 31242 Road W, Dolores, Co. The roll was called, the public notice read and the proceedings were taped for the record. Planning Director Susan Carver gave an overview and Kelly McCabe spoke as to the proposed subdivision. Comm. Koppenhafer opened the
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hearing up to public comments at this time. Several audience members spoke in support of and in opposition to the proposed subdivision. (See sign in sheet) After hearing all comments made Comm. Koppenhafer closed the hearing to public comment at this time. After hearing all the evidence presented Comm. Rule moved to deny the AR3-9 zoning and pre-sketch plan. Seconded by Comm. Koppenhafer and motion carried. Comm. Koppenhafer closed the public hearing at this time. (Attachments)

TAMARISK LETTER: Comm. Rule moved to sign a letter to landowners concerning tamarisk control. Seconded by Comm. Chappell and carried. (See attached)

ACCOUNTS PAYABLE: General Fund # 50721-50877 in the amount of \$149,867.14, Road Fund # 20408-20481 in the amount of \$312,269.19, and Landfill # 5252-5281 in the amount of \$19,356.66 for the month of May, 2007 were approved for payment.

TREASURER'S REPORT for the months of April, 2007 and May 2007 were submitted. (See attached)

MOTION TO ADJOURN was made by Comm. Chappell, seconded by Comm. Rule and carried.

MEETING ADJOURNED 5:20 p.m.

County Clerk
06/04/2007

Chairman

Minutes of the June 18, 2007 meeting were read and approved June 25, 2007.

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 25, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 25, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Thomasina Neely, Chief Deputy County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday June 8, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ROAD: Lloyd Everett updated the Board on the projects for the following roads: Roads M, L, U, P, and S are being graveled. Potholes are being repaired on Road 28. The Board inquired about roads S and 25 and the progress of mag-chloride was discussed.

Administrator Ashton Harrison gave a weekly report. **County Finance Director Mary Ann Sanders** submitted the semi annual report by the County Treasurer to the Board for approval. Comm. Rule moved to accept the semi annual report for July 1st, 2006 through December 31, 2006. (See attached).

County Emergency Manager Lori Johnson met with the Board to discuss the fire on Road G in McElmo Canyon and presented an invoice for expenses to be paid out of the contingency fund. Also discussed was an emergency tower for law enforcement.

Planning: Planning Director Susan Carver presented the following applications:

A Variance application for **Paul and Tana Dubose**, on 27590 Hwy 145, Dolores Colorado. The variance is for a setback within the Dolores River Valley. The Board took no action pending an onsite review of the property.

A Mylar for a single lot development, for signature on **Tern and Debi Colyer**, 9998 Road 42 Mancos Colorado. Comm. Chappell moved to approve the Colyer Single Lot Development, seconded by Comm. Rule, motion carried.

An application for **David and Susan Doudy** to review and determine an AR3-9 zoning request and approval for final plat for a 2 lot moderate development on property located at 2691 Hwy 184 Dolores, Colorado. Comm. Chappell moved to approve the AR3-9 zoning, and final plat request for David Doudy Far View Subdivision, seconded by Comm. Rule, motion was carried.

An application to review and determine of an AR3-9 zoning request and approval of a final plat for a proposed 2 lot moderate development on property located at 24625 Road G Cortez Colorado. Comm. Rule moved to approve preliminary plat on a 2 lot subdivision, seconded by Comm. Chappell, motion was carried.

A letter of withdraw was presented by Goff Engineering and Surveying Inc. in reference concerning an application for Weber Hill AR3-9 zoning, for **Dan Bjorkman, Echo Basin Ranch** Mancos Colorado.

A letter submitted from Montezuma County Planning Dept to Montezuma Veterinary Clinic for a building expansion. (See Attached)

Lunch 12:05 noon

Ron Penman, Celia Penman, Jim Ackles, and Zea Beaver met with the Board to discuss Road S and request a stop sign at the intersection of Roads S and 25. No action was taken as the Board will solicit input from the Sheriff on the matter.

Liquor License: Deputy Clerk Judy Follman submitted an application for a Special Event Liquor Permit, for the Friends of the Library. Comm. Rule move to approve Special events permit for the Friends of the Library. Comm. Chappell seconded, motion carried.

BOARD OF EQUALIZATION HEARINGS: Montezuma County Commissioners convened on Monday June 25th, 2007, to sit as the Board of Equalization.

It being 2:30 p.m., the Montezuma County Commissioners heard an appeal concerning property assessment. On land owned by **Klondike Longboards LLC. / Frank Valen**. The roll was called and proceedings were taped for the record. Appraiser Scott Davis recommended that property stay assessed as is. Comm. Rule moved to agree with the Assessor's evaluation, Comm. Chappell seconded, motion carried.

It being 3:00 p.m., the Montezuma County Commissioners heard an appeal concerning property classification on land owned by **Sabrina Kohoutek**. The roll was called and proceedings were taped for the record. Appraiser Cynthia Claytor recommended that parcel # R014839 (15777 Road 30 "G") be reclassified as residential. Comm. Chappell move to approve abatement #R014839, Comm. Rule seconded, motion carried.

It being 3:15 p.m., the Montezuma County Commissioners heard from Assessor Mark Vanderpool concerning the property of **Wilber and Margaret Wilkey**, Parcel #R000533 (22987 Hwy 145). Assessor Vanderpool requested the appeal be canceled. Comm. Rule move to cancel hearing, Comm. Chappell seconded, motion carried.

It being 3:30 p.m., the Montezuma County Commissioners heard an appeal to reclassify property owned by **Roger Brooks**, Parcel #R014385 (44255 Road L). Appraiser Cynthia Claytor recommended to the Board that property be reclassified as residential. Comm. Chappell moved to approve property as residential, seconded by Comm. Rule, motion carried.

Planning: Planning Manager Susan Carver, met with the Board to discuss a compliance complaint for the construction and operation of employee housing units, owned by **Aramark Sports and Entertainment**, the property in question is located at 410 Mesa Verde Park, Mancos Colorado. Also present were representatives for Aramark, **Keith Erikson, and Jim Broersma**. Comm. Koppenhafer recommended that a High Impact Permit be submitted. (See Attached)

Kinder Morgan Co2 Co. High Impact Permit #536, #537, #538, #539, #540, #541, and #542, were submitted and signed for approval. (See Attached)

CORRESPONDENCE: Ron Lanier

MOTION TO ADJOURN was made by Comm. Chappell, seconded by Comm. Rule, and carried.

MEETING ADJOURNED 5:00 p.m.

County Clerk
6/25/07

Chairman

Minutes of the June 25, 2007 meeting were read and approved July 2nd, 2007.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 2, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 2, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Thomasina Neely, Chief Deputy County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday June 25, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$275,410.76, District Attorney fund check #50883 in the amount of \$23,953.37, Treasurer fund check #50882 in the amount of \$211,960.15, Road department fund checks in the amount of \$68,764.37, Treasurer fund check #20483 in the amount of \$54,335.42; and Landfill fund checks in the amount of \$13,754.57. Treasurer fund check #5284 in the amount of \$12,352.52 were approved for payment.

ROAD: Lloyd Everett met with the Board, to discuss the intersection of roads S and 25. The Board will talk to Lloyd Everret with the Road Department and the Sheriff concerning the placement of a stop sign at that intersection. Comm. Rule requested the Do Not Enter Sign on the Airport Road be set back 3 to 5 feet, as vision from that road was blocked. Mr. Everret stated roads are being chip and sealed.

LEBANON TOWNSITE: Danny Wilkin, Dick Swanner, Neil Acott, and Sam Lancaster, met with the Board to discuss the Lebanon town site subdivision established in 1908 and therefore grandfathered under the Land Use Code and exempt from fees. The Board stated for the record that there will be no road maintenance by the County for the proposed area. Administrator Ashston Harrison asked if they were willing to pay road impact fees even though they were not legally required so that existing taxpayers are not burdened. It was recommended that the Lewis-Arriola. Fire District be contacted regarding the construction of adequate turn arounds or hammerhead lanes for emergency vehicles. No Action was taken by the Board.

PLANNING: Planning Manager Susan Carver presented the following:

Variance Application for **Paul & Tana Dubose**. The Board visited the site. Comm. Chappell moved to vary the setback from 100 feet to a 60 foot setback from the riverbank on the property located at 25590 Hwy 145, Dolores Colorado For Paul & Tana Dubose, seconded by Comm. Rule, motion carried.

Preliminary Plat approval for a 2 lot minor subdivision located at 13900 Road 42 Mancos Colorado, for **Robert & Evelyn Wyatt**. Comm. Chappell moved to approve a preliminary plat on a 2 lot minor subdivision for Robert & Evelyn Wyatt with AR10-34 zoning, seconded by Comm. Rule, motion carried.

Preliminary Plat application for a 5 lot Moderate Development located at 21962 Road P, Cortez Colorado, for **Kevin & Donna Yackle**. Comm. Rule moved to approve preliminary plat for a 5 lot subdivision with AR3-9 zoning for Kevin & Donna Yackle, seconded by Comm. Chappell, motion carried.

Preliminary Plat application for a single lot subdivision located at 12723 Road 21, Cortez Colorado for **Douglas & Carla Greene**. Comm. Chappell moved to approve preliminary plat for a single lot subdivision with AR3-9 zoning, seconded by Comm. Rule, motion carried.

Planning Manager Susan Carver submitted a Report to the Commissioners from the Planning Committee. (See Attached).

LUNCH: 12:30

HEALTH DEPT: Lori Cooper gave a monthly report to the Board.

Rob Peterka submitted **Addendum A To Sales Agreement** for **Tyler Technologies Inc.- Eagle Division**. Comm. Rule moved to sign agreement Addendum A To Sales Agreement between Tyler Technologies-Eagle Division, seconded by Comm. Chappell, motion carried. (See Attached)

VETERANS DEPT: Bud Carriere gave a 6 month report to the Board.

RESOLUTION #4-2007: A Resolution Cancelling the Suspension of the Ban on Open Fires. Comm. Chappell moved to adopt said resolution to cancel the suspension of fire ban, seconded by Comm. Rule, motion carried.

BOARD OF EQUALIZATION: Was reconvened at this time. The following abatement was presented. The roll was called and the proceedings were taped for the record.

Sandy Cavin & Dennis Saulters:

Appraiser Cynthia Claytor presented an appeal from Sandy Cavin concerning the classification of her land from agricultural to residential. Mr. Saulters gave a presentation of beekeeping and a product made from honey. Comm. Rule moved to stay with the Assessor's classification and evaluation of abatement, account #R580, for Sandy Cavin and deny, seconded by Comm. Chappell, motion carried. (See Attached)

FAIRGROUNDS: Administrator Ashton Harrison submitted the new fee schedule for the use of the Fairgrounds Facility. Comm. Rule moved to adopt and sign the **Montezuma County Fairgrounds Rate Schedule as of 7-2-2007**, seconded by Comm. Chappell, motion carried.

WEED PROGRAM: LeeAnn Milligan and Don Morris, met with the Board to discuss the organization of the Weed Control Dept.

Planning Manager Susan Carver submitted minutes for the Montezuma County Planning Committee Work Sessions for the dates of June 14, 2007 and June 21, 2007. (See Attached). She also submitted a draft for the amendments and changes for the Montezuma County Land Use Code. (See Attached).

SHERIFF'S DEPT: Sheriff Gerald Wallace submitted a contract for an **Agreement for Professional Services** between **Justice Benefits Incorporated** and **Montezuma County Colorado**. Comm. Rule moved to sign agreement for professional services specific to illegal aliens, seconded by Comm. Chappell, motion carried.

CORRESPONDENCE: The following correspondence was read and noted:

Letter of resignation from Fairgrounds Manager Darryl Buffington. Letter received July 2, 2007. (See Attached)
Southwestern Colorado Livestock Association (Cc: to Gerald Koppenhafer, see attached)
State of Colorado Division of Reclamation, Mining, and Safety. (See Attached)

Comm. Rule moved to adjourned, seconded by Comm. Chappell, motion carried.

Meeting Adjourned 5:30 p.m.

County Clerk

Chairman

Minutes of July 2nd, 2007 were read and approved July 9, 2007.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 9, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 9, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds - ABSENT
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday July 2, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Koppenhafer, and carried.

ROAD: Lloyd Everret informed the Board that the State has requested a road count be done on Hwy 184 during the Sugarpine Motorcycle Rally. He wanted to know what the Board's position was as to who should be responsible for doing the count. The Board's position is that the County would not do any road counts for private functions and that the State should contact a private entity. Mr. Everret said they are starting to lay hot asphalt beginning at the bottom of McElmo Canyon.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of June, 2007... (See attached).

JAMES DETRICH presented a TDR plat for **MKH RANCH** (10 TDRs) Mark King, Manager. Comm. Rule moved to sign the MKH Ranch TDR plat, seconded by Comm. Koppenhafer and carried. Comm. Chappell was absent.

COUNTY HEALTH INSURANCE: Finance Officer Mary Ann Sanders asked if the County plans to continue to pay the health insurance for **Mary Cross**, wife of deceased county employee James Cross, (refer to minutes dated July 1, 1996). The youngest child is now 18 years of age and still in high school. Comm. Rule moved to continue to pay the health insurance for Mary and Ross Cross until July 1, 2008. Seconded by Comm. Koppenhafer and carried. Comm. Chappell was absent.

ADMINISTRATOR'S REPORT: Administrator Harrison informed the Board he had been contacted by Don Bain concerning the parking fees for previously scheduled events at the Fairgrounds. It was the Board's position that any

previously scheduled events should pay parking fees. He discussed the award letter concerning the grandstands at the Fairgrounds and grant application deadlines.

ASSESSOR VANDERPOOL gave a yearly report concerning real property appeals and actions taken and a report listing all personal property accounts that did not file a personal property declaration schedule and the action taken by the Assessor's Office. (See attached)

PLANNING: Planning Director Susan Carver presented a single lot development for **Jackie Wallace, Cindy Lichliter, agent** for approval. The property is located at 11757 Road 41, Mancos, Co. Comm. Rule moved to approve the single lot development for Jackie Wallace and to zone the property AR10-34, seconded by Comm. Koppenhafer. Motion carried. Comm. Chappell was absent. (See attached). **Vernon Hoffman** appeared before the Board to appeal the after-the-fact exemption fees charged. He feels he should be charged the old fees. He was informed in January, 2007 as to what options were needed to bring the tracts into compliance and Board stated what the total fees would be that time. No application has been submitted to date. Due to the circumstances presented the Board agreed that once the application is received, the old fees will apply on this application only and he was given one week to get his application in to the Planning Department. The **Davidson Single Lot Development** final plat was presented for approval. Comm. Rule moved to approve the Davidson Single Lot Development, seconded by Comm. Koppenhafer and carried. Comm. Chappell was absent. Director Carver informed the Board of a letter she received from Colorado Department of Public Safety concerning Road 25 at Lebanon Estates Subdivision. She introduced Sgt. Ozanic with the Colorado State Patrol.(see attached) He observed the traffic signs near the north entrance to the subdivision to be confusing. Possible solutions were discussed. The Board will talk to the road department concerning painting a double yellow line indicating no passing along that section.

LUNCH: 12:30 p.m.

LANDFILL: Landfill manager Deb Barton presented the profit and loss statement for the month of June, 2007. She also gave a power point presentation concerning improvements to the landfill since July 1999 and future plans for the landfill. (See attached)

MONTEZUMA VISION PROJECT spokesman **Dave Wuchert** spoke as to air quality in our area. They would like to see a comprehensive plan to monitor air quality and ways to obtain the equipment needed to monitor air quality. He presented information concerning air quality, its impacts, and air quality monitoring needs in the County and Region. (See attached) **Roy Paul** spoke as to contamination studies that have been done in regards to air quality and types of contamination in the air. Mr. Paul referenced a BLM edition of surface management status map dated 2003. The map is on file with Administrator Harrison. **Meg Heath** met with some official requests from the Board as follows. (1) Write letters to both entities requesting air quality monitoring and a written response back from them. (2) Send copies of your requests to our Congressional Delegation, the Governor, and State Legislators. And (3) Make other formal and informal contacts to secure air quality monitoring. They would like to see air quality monitoring a regular item of business for the County and to designate Administrator Harrison as their contact on this issue (See attached). The Board stated they would be happy to write letters requesting equipment and students from State Universities to see if there would be interest in air monitoring projects. Another possibility might be to form a citizen's committee to assist Administrator Harrison. The Board asked for names of interested persons to be a part of this committee be submitted to Administrator Harrison.

LORI JOHNSON AND CONNIE JOHNSON with Emergency Management met to update the Board on emergency management issues. She updated them on the progress of the tower in Ute Mountain. She stated she will be attending a legal issues conference scheduled for next week. Connie Johnson informed the Board that the E-911 Authority Board will be in the area and wished to meet with the Commissioners. A tentative date will be August 20, 2007 at 2:00 p.m

LETTER TO STEVEN BEVERLIN: Comm. Rule moved to sign a letter to Steven K. Beverlin, Manager of the Dolores Public Lands Office concerning the upper Glade EA project 1950-1. Seconded by Comm. Koppenhafer and carried. Comm. Chappell was absent. (See attached)

RESOLUTION 5-2007: Comm. Rule moved to sign Resolution #5-2007 to place a ballot question on the November 6, 2007 ballot concerning extending term limits from two terms to three terms for the offices of Assessor, Clerk and Recorder, Sheriff and Treasurer. (See attached)

INTERGOVERNMENTAL AGREEMENT: Comm. Rule moved to sign the Intergovernmental Agreement for the Southwest Transportation Planning Commission and to appoint Comm. Rule to the Commission and Comm. Chappell as an alternate. (See attached)

PROPOSED CHANGES TO THE LAND USE CODE: Planning Director Carver reviewed and discussed proposed changes to the Land Use Code. The Resolution will be drafted and a Public Hearing will be set later.

CORRESPONDENCE: The following correspondence was read and noted.
Letter from Daniel Pope concerning his business. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Koppenhafer and carried.

MEETING ADJOURNED 4.15 p.m.

County Clerk

Chairman

Minutes of July 9, 2007 were read and approved July 16, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 16, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 16, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday July 9, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ACCOUNTS PAYABLE: General Fund # 50879-51056 in the amount of \$360,866.11, Road Fund # 20482-20557 in the amount of \$414,658.27, and Landfill # 5286-5323 in the amount of \$60,232.00 for the month of June, 2007 were approved for payment.

ROAD: Lloyd Everret discussed the ditching problem on Road 25. Mr. Everret talked about the parking problem on Road P concerning parking along the Right of Way at the access point of property belonging to Mesa Verde National Park along Road P. The Department could ditch it and place no parking signs. He discussed the chip seal project on Road L and Road 26 to the City limits.

JOHN PORTER with the **SOUTHWEST WATER CONSERVANCY DISTRICT** met to update the Board on the activities of the Southwest Water Conservancy District. (See attached)

ADMINISTRATOR HARRISON'S REPORT: Administrator Harrison discussed funding and maintenance of the grandstands at the Fairgrounds. He discussed the Fairgrounds Manager position. Sheriff Wallace met to inquire about the possibility of listing each county term limit extension question individually by office rather than listing them all together. The Board will look into his request. **LATER:** The Board decided to leave the term limit question as one question.

PLANNING: Planning Director Susan Carver presented the **Cottonwood Ranch Major Subdivision (Scott and Sharon Wallace, agents)** for final approval. Comm. Rule moved to sign the final plat for the Cottonwood Ranch Major Subdivision, seconded by Comm. Chappell and carried. Director Carver presented

the **Wyatt West Ranch 2 Lot Minor Development (Robert and Evelyn Wyatt owners, Kirk Wyatt agent)** for final approval. Comm. Chappell moved to sign the Wyatt West Ranch 2 lot minor development located at 13900 Road 42, Mancos, Co. Seconded by Comm. Rule and carried. Director Carver discussed HIP #94 regarding the expansion of a Montezuma Veterinary Clinic (Kit Schmidt, owner) on Hwy 491 Comm. Rule moved to approve the Planning and Zoning Commissions finding concerning Montezuma Veterinary Clinic's expansion stating he needs to have the UBC building code inspection certificate signed off. Seconded by Comm. Chappell and carried.

LUNCH: 11:45 A.M.

BOARD OF SOCIAL SERVICES: It being the time set aside the Board of Social Services is conducted at this time. Present were Director, Dennis Story, Lori Higgins and LouAnn Everret.

PLANNING DIRECTOR Susan Carver presented proposed amendments to the land use code for review. Comm. Chappell moved to set a public hearing for September 10, 2007 at 2:00 p.m. to address the proposed amendments to the Land Use Code. Seconded by Comm. Rule and carried. (See attached).

TOM BURRIS AND ANDREWS KLOTZ with the Montezuma-Cortez School District RE-1 presented a proposed resolution adopted and approved by the School District concerning school land dedication/fee. Resolution will be heard at the same public hearing scheduled for September 10, 2007. No action was taken at this time. (See Attached)

LETTER OF RESIGNATION dated July 3, 2007 was received from **Cindy Dvergsten** from the planning and zoning commission effective immediately.

BOARD OF EQUALIZATION: It being the time set aside the Board of Equalization is reconvened. The roll was called and the proceedings were taped for the record. The following appeals were heard:

Thomas E. and Carole S. Montgomery: Appraiser Clayton gave an overview of the appeal. The Montgomery's are protesting the latest valuation of their property located at 14408 Road 27.6, account number R003652. After hearing the evidence presented, Comm. Chappell moved to agree with the Assessor's adjusted valuation of \$132,870.00 located at 14408 Road 27.6 account number R003652. Seconded by Comm. Rule and carried. Thomas and Carole Montgomery were not present. (See attached)

James A., Jr. and Cleo Harp: Appraiser Claytor gave an overview of the appeal. Mr. and Mrs. Harp are protesting their property valuation on property located at 450 Dolores Rd. Mr. Harp telephoned the Commissioners on July 16, 2007 just before the hearing and stated that property located next to this property recently sold for more than the Assessor's valuation and will not be present for the appeal. Comm. Rule moved to agree with the Assessor's valuation of \$80,150.00 on account number R006689, seconded by Comm. Chappell and carried. (See attached)

William C., III and Nancy J. Herndon: Appraiser Claytor gave an overview of the appeal. Mr. Herndon appeared to appeal the property valuation on property located at 40736 Road G account number R012377.

After hearing the evidence presented Comm. Rule moved to agree with the Assessor's valuation of \$57,750 without a septic system on account number R012377, seconded by Comm. Chappell and carried. (See attached)

Joe Ann and Mark H. Mattson: Appraiser Clayton gave an overview of the appeal. Mr. and Mrs. Mattson appeared to appeal the valuation of their property located at 33421 Road N.25, account number R005468. After hearing the evidence presented Comm. Chappell moved to agree with the Assessor's valuation of \$68,470.00 on account number R005468, seconded by Comm. Rule and carried. (See attached)

Roger J. and Joyce L. Lawrence: Appraiser Clayton gave an overview of the appeal. Mr. Lawrence appeared to appeal concerning the property classification from agricultural to residential on his property located at 28571 Road P, account number R003662. After hearing all the evidence presented Comm. Rule moved to agree with the Assessor's classification as residential on property located at 28571 Road P, account number R003662. Seconded by Comm. Chappell and carried. (See attached)

Michael A. and Betty L Johnson: Appraiser Clayton gave an overview of the appeal. Mr. and Mrs. Johnson are appealing the value of property located at 25845 Road 9, account number R013422. Mr. and Mrs. Johnson were not present. Comm. Chappell moved to agree with the Assessor's value on account number R013422 at \$28,330.00. Seconded by Comm. Rule and carried. (See attached)

Board of equalization was recessed until July 30, 2007.

CORRESPONDENCE: The following correspondence was read and noted.

Letter to Steven Beverlin Upper Glade EA Project. Signed by Rangeland Stewardship Committee (See attached)

Letter from Colorado State University – Extension update. (See attached)

Fax letters from Miscelle Allison regarding opposition to air quality monitoring. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried,

MEETING ADJOURNED 4: 50 P.M.

County Clerk
07/16/07

Chairman

Minutes of the July 16, 2007 meeting were read and approved July 23, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 23, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 23, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday July 16, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ROAD: Lloyd Everret introduced **Bob Creed** who spoke to the trenching done by his company on Road P concerning the Qwest line. To rectify the misplaced cable it was decided to abide by the letter written to the Road department by InfraSource Underground Services which is 1. To lay a temporary cable out of the excavation area and re-excavate the trench that was dug on the shoulder of the road, then trench and compact in six inch lifts with base material to the finish grade. 2. Install new cable with a cable plow as discussed and compact the rip as needed. And 3, after the compaction is complete, they will remove and replace all contaminated gravel and grade to county specs. Work should begin within the next two weeks. (See attached).

Joyce Humiston-Berger and Nathan Barton met to update the Board on the progress done for the upcoming motorcycle rally and invited the Board to come to the ranch and see what has been done to date. CDOT wants a pre-rally traffic count and a traffic count during the rally. It was agreed that the County would do the road counts with CDOT permission. **Loretta Murphy** presented new Right of Way easements for Montezuma County's Dolores Road Shop. Comm. Chappell moved to sign the ROW easements on the condition that property owners, Montezuma Water Company, Clayton E. and Deborah Caldwell, and Horton and Darlene Bumguardner sign and record the deeds, seconded by Comm. Rule and carried.

HEALTH DIRECTOR Lori Cooper presented a renewal for Child Health Plan Plus program for July 2007-2008 for signature. Comm. Chappell moved to sign the renewal for the Child Health Plan Plus, seconded by Comm. Rule and carried. Renewal is on file at the Health Department.

ADMINISTRATOR HARRISON discussed the situation concerning the road impact funds for Road L. **Attorney Slough** presented copies of three letters he received from Cortez City Attorney, James Hatter concerning the road impact fees for Road L. (See attached). Discussed fairground fees charged by another fairground facility in the area. He discussed proposals concerning the grandstands at the Fairgrounds along with budget availability from the Conservation Trust Fund.

PLANNING: Planning Director Susan Carver presented the final plat on the **Wallace Single Lot Development (Jackie Wallace, owner, Cindy Lichliter, agent)** for approval and signature. There were concerns about the access not being on the Mylar. She will talk to the surveyor. She presented a variance request from **Sisters Two Hofsan, LLC (Vernon Hoffman)** requesting a variance to the 50' setback requirement on property located at 29269 Road H., Cortez. Comm. Rule moved to grant the variance to the 50' setback for Lot 3 of Sisters Two Hofsan on parcel number 5609-333-01-003, seconded by Comm. Chappell and carried. (See attached). Director Carver presented the preliminary plat for review and determination for a proposed 2 lot minor development and zoning request on property located at 17021 Road 28.8, Dolores (**Black Rhino Ranch, Ted Stearman**) Comm. Rule moved to approve the preliminary plat and zoning of AR10-34 for the Black Rhino Ranch, seconded by Comm. Chappell and carried. **LATER:** Comm. Rule moved to accept the Wallace Single Lot Development, seconded by Comm. Chappell and carried.

VETERAN'S AFFAIRS monthly report and certification of pay for June, 2007 was submitted for approval. Comm. Chappell moved to approve the report and certification of pay for June, 2007, seconded by Comm. Rule and carried. (See attached)

LUNCH: 12:05 P.M.

FINANCE MANAGER Mary Ann Sanders updated the Board on the status of the health insurance bids.

ADMINISTRATOR HARRISON discussed the revised bids received concerning the grandstands at the Fairgrounds. The bids were from **CBS Constructors and Dant Clayton**.

SOUTHWEST MEMORIAL HOSPITAL representatives Chuck Bill and Dan Jessup presented the financial statements for three months of operations ended June 30, 2007. (See attached)

LIQUOR LICENSES: Clerk's Deputy Judy Follman presented the following liquor license renewals for approval. (1) **Kelly Place** renewal of a beer and wine liquor license. She reported the law enforcement check came back clear. Comm. Rule moved to approve the beer and wine license renewal for Kelly Place, seconded by Comm. Chappell and carried. (2) A 3.2 beer renewal for Skyline Food and Gas. She reported the health and law enforcement check came back clear. Comm. Rule moved to approve the 3.2 beer renewal for Skyline Food and Gas, seconded by Comm. Chappell and carried. (3) A renewal for a retail liquor license for **Hilltop Liquors**. She stated the law enforcement check came back clear. Comm. Rule moved to approve the liquor license renewal for Hilltop Liquors, seconded by Comm. Chappell and carried.

FAIR BOARD: Jan Sennhenn along with **Treasurer Sherry Dyess** met to discuss the County Fair Budget.

CORRESPONDENCE: The following correspondence was noted and read.

Letter from Jerry and Carol Jones concerning mosquito control (See attached)

Letter to Bob Slough from Administrator Harrison concerning County Road L and Brandon's Gate Subdivision impact fees. (See attached)

Letter signed by the Sheriff, Assessor and Treasurer concerning the term limit question. (See attached)

Letter from the U.S. Department of Interior concerning a proposed minor boundary revision at Mesa Verde National Park. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 3:50 P.M.

County Clerk
07/23/07

Chairman

Minutes of the July 23, 2007 meeting were read and approved July 30, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 30, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 30, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday July 23, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

BOARD OF EQUALIZATION HEARINGS: It being the time set aside, the Montezuma County Commissioners re-convened on Monday, July 30, 2007, to sit as the Board of Equalization. The following petitions were heard:

TIMOTHY L. AND ASHLEE R. WEBB. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor presented an appeal from Timothy L. and Ashlee R. Webb (account number R015560) concerning the classification of his land from agricultural to vacant. Mr. Webb presented his case for agricultural classification. After hearing all the evidence presented, Comm. Rule moved to agree with the Assessor's recommendation of the vacant classification on account number R015560, seconded by Comm. Chappell and carried. (See attached)

BRIAN G. AND CHERYL HICKS. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor presented an appeal from Brian G. and Cheryl Hicks concerning property classification from agricultural to residential on account number R013026. Mr. Hicks called in and presented his case for agricultural classification. After hearing all the evidence presented, Comm. Rule moved to agree with the Assessor's Office classification of residential on account number R013026, seconded by Comm. Chappell and carried. (See attached)

JAMES STEVEN AND SHERYL DIANE BLAIR: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis presented an appeal from James Steven and Sheryl Diane Blair concerning

the property classification from agriculture to residential on accounts numbered R013320 and R013843. Mr. and Mrs. Blair along with **Gayel Alexander** presented their case for agricultural classification. Mrs. Alexander stated her family is leasing the ground for agricultural purposes. After hearing the evidence presented Comm. Chappell moved to classify the property as agricultural on accounts numbered R013320 and R013843, seconded by Comm. Rule and carried.

BOARD OF EQUALIZATION was recessed until 2:00 p.m.

ADMINISTRATOR HARRISON presented a revised alcohol policy dated July 30, 2007 for the Montezuma County Fairgrounds. Comm. Rule moved to accept the revised alcohol policy dated July 30, 2007 for the Montezuma County Fairgrounds, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Planning Director Susan Carver presented an application of a preliminary plat for a 5 lot cluster incentive planned unit development located at 25470 Road 18, Pleasant View, Co. (**Casey Blackmer owner, Blackmer Enterprises LLC**) **Lori Blackmer, agent** was present. Comm. Chappell moved to approve the preliminary plat for a 5 lot cluster incentive located at 25470 Road 18, Pleasant View, Co. for Blackmer Enterprises LLC, Lori Blackmer, agent with the building envelope location being changed to the west first 5 acres on lot 5, with buildable area being .72 acres, seconded by Comm. Rule and carried. (See attached). Director Carver presented a request to amend Resolution P41-84 for a boundary line adjustment located at 26184 Road L (**Larrie Rule and Patricia DeGagne.**) Comm. Rule recused himself from this proceeding. Comm. Chappell moved to approve the boundary line adjustment for Larrie Rule and Patricia DeGagne and Diesel Technology resulting in 1.8 acre adjustment more or less for Larrie Rule and Patricia DeGagne and a 3.8 acre adjustment for Diesel Technology. Seconded by Comm. Koppenhafer and motion carried. Comm. Rule had recused himself previously. (See attached) Director Carver reported on the Planning Commission meeting held on July 26, 2007 (See attached). Due to the resignation of Cindy Dvergsten Comm. Chappell moved to appoint **Dennis Atwater** as a voting member of the Planning Commission, seconded by Comm. Rule and carried.

LUNCH 12:00 NOON

CHRIS MAJORS with **Majors and Haley** explained the 2006 county audit. Comm. Rule moved to accept the county audit, seconded by Comm. Chappell and carried.

BOARD OF EQUALIZATION HEARINGS: It being the time set aside, the Montezuma County Commissioners re-convened on Monday, July 30, 2007 at 2:00 p.m., to sit as the Board of Equalization. The following petitions were heard:

SAMUEL F. AND MELINDA F. GREEN: The roll was called and the proceedings were taped for the record. Appraiser Cindy Claytor presented an appeal from Samuel and Melinda Green on parcel number 5357-243-00-012 concerning the property assessment for tax year 2007. Mr. Green was present. After hearing all the evidence presented Comm. Rule moved to agree with the Assessor's Office assessment for tax year 2007 on parcel number 5357-243-00-012, seconded by Comm. Chappell and carried. (See attached)

CLINTON C. AND KIM W. ALLEN: The roll was called and the proceedings were taped for the record. Appraiser Cindy Claytor presented an appeal concerning classification from agriculture to residential on parcel number 5357-351-00-004 for Clinton and Kim Allen. Mr. Allen was present. After hearing all the evidence presented Comm. Chappell moved to classify parcel number 5357-351-00-004 as agricultural, seconded by Comm. Rule and carried. (See attached)

ARTHUR AND BETSEY KRILL: The roll was called and the proceedings were taped for the record. Appraiser Cindy Claytor gave an overview of an appeal on parcel number 5605-343-01-001 and 5605-343-01-002 concerning the property classification from agricultural to residential. Mr. and Mrs. Krill were present. After hearing all the evidence presented Comm. Rule moved to agree with the Assessor's Office and classify parcel number 5605-343-01-001 and 5605-343-01-002 as residential, seconded by Comm. Chappell and carried. (See attached)

KRIS MUSCARI AND TIM HASSINGER: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview of an appeal on account number R003824 from Kris Muscari and Tim Hassinger concerning property classification from agricultural. Mr. Hassinger was present. After hearing all the evidence presented, Comm. Rule moved to agree with the Assessor's Office as to the residential classification, seconded by Comm. Chappell and carried. (See attached)

DAVID R. SMITH REVOCABLE TRUST: The roll was called and the proceedings were taped for the record. Appraiser Cindy Claytor gave an overview of a classification appeal from agricultural to vacant land on parcel number 5337-353-00-001 on property owned by David R. Smith Revocable Trust. David R. Smith was present. After hearing all the evidence presented Comm. Chappell moved to classify the property parcel number 5337-353-00-001 as agricultural, seconded by Comm. Rule and carried (See attached)

MARGARET J. RUSSELL: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview of a valuation appeal on parcel number 5605-283-12-003 on property owned by Margaret Russell. Larry Russell represented Margaret Russell. After hearing all the evidence presented Comm. Chappell moved to have the Assessor's Office revisit and measure the land area and square footage and to adjust the valuation accordingly, seconded by Comm. Rule and carried. (See attached)

WILDERNESS LOST CANYON HUNTING RESERVE AND WILDERNESS RESORT, LLC: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview of a classification appeal on account numbers R003825, R003826, R003827, R003830, R003831, R003853, R003857, R003861, R003862, R993865, R013013, R013014, R013015, R013084, R013085 and R003863 owned by Wilderness Lost Canyon Hunting Reserve and Wilderness Resort, LLC, William H. Dean, Managing Partner. Mr. Dean was present. After hearing all the evidence presented Comm. Chappell moved to classify the above listed account numbers as agricultural, seconded by Comm. Rule and carried. (See attached)

STACY LANE AND KENDALL LEA ALLEN: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview of an appeal received on property owned by Stacy and Kendall Allen, account number R002579 concerning valuation. Stacy and Kendall Allen were present to appeal the property valuation. After hearing all the evidence presented Comm. Rule moved to agree with the

Assessor's Office as to the residential classification and the valuation on account number R002579, seconded by Comm. Chappell and carried. (See attached)

EDWARD AND CATHERINE HALLAM: The roll was called and the proceedings were taped for the record. Appraiser Cindy Claytor gave an overview of an appeal from Edward and Catherine Hallam on account number R013175 concerning the classification from agriculture to vacant. Edward Hallam was present. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's Office and classify account number R013175 as vacant, seconded by Comm. Rule and carried. (See attached)

BENNETT R. DAVIS: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview on account number R001912 on property owned by Bennett R. Davis concerning the property valuation. Mr. Bennett Davis was present. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's Office valuation on account number R001912, seconded by Comm. Rule and carried. (See attached)

HAROLD L. AND NANC E. WATKINS: The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor gave an overview of account number R013688 concerning property classification. It was the recommendation of the Assessor's Office to classify the property as agricultural. Mr. Watkins was present. Comm. Rule moved to agree with the Assessor's Office recommendation on account number R013688 and classify the property as agricultural, seconded by Comm. Chappell and carried. (See attached)

ANN WILLYARD: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview of an appeal concerning valuation on property owned by Ann Willyard, account number R005962. Ann Willyard was not present. Appraiser Davis recommended the valuation be reduced to \$343,780.00. Comm. Chappell moved to agree with the Assessor's Office recommendation and set the valuation at \$343,780.00, seconded by Comm. Rule and carried. (See attached)

BERRY J. AND BETH L. ORR: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview on account number R003832 on property owned by Berry J. and Beth L. Orr concerning the classification from agricultural to residential. Mr. Orr was on a conference call. After hearing all the evidence presented, Comm. Rule moved to agree with the Assessor's Office to classify the property as residential on account number R003832 seconded by Comm. Chappell and carried. (See attached)

RICHARD L. AND BONNIE K. TIBBITS: The roll was called and the proceedings were taped for the record. Comm. Rule recused himself from this hearing. Appraiser Scott Davis gave an overview of account number R002189 and R002190 concerning the classification from agriculture to residential. Richard and Bonnie Tibbits were present. After hearing all the evidence presented Comm. Chappell moved to classify account numbers R002189 and R002190 as agricultural, seconded by Comm. Koppenhafer and carried. Comm. Rule was recused from this hearing. (See attached)

BURNS LAND AND CATTLE CO., INC. AND CORTEZ LAND AND CATTLE, LLC. The roll was called and the proceedings were taped for the record. Comm. Rule recused himself from this hearing. Appraiser Scott Davis gave an overview of account numbers R001718, R014208, R013279 and R014841 on property

owned by Burns Land and Cattle Co., Inc. and Cortez Land and Cattle, LLC concerning classification to vacant land. Joe Burns was present along with Rick Kirks. After hearing all the evidence presented Comm. Chappell moved to classify account numbers R014208, R013279 and R014841 owned by Cortez Land and Cattle, LLC as agriculture, seconded by Comm. Koppenhafer and carried. Comm. Rule was recused from this hearing. (See attached). Burns Land and Cattle Co., Inc. is appealing account number R001718 classification to vacant land. This hearing was postponed until August 6, 2007 at 3:45 p.m. No action was taken on account number R001718 at this time.

SISTERS TWO HOFSAN: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview on account numbers R015759, R015760, R015761, R015762 and R015763 concerning valuation on property owned by Sisters Two Hofsan. Billy Sanchez was present. After hearing all the evidence presented Comm. Rule moved to agree with the Assessor's Office valuation on account numbers R015759, R015760, R015761, and R015662. Seconded by Comm. Chappell and carried. (See attached) Comm. Rule moved to agree with the Assessor's Office valuation on account number R015763, seconded by Comm. Chappell and carried. (See attached)

BOARD OF EQUALIZATION was recessed at 7:30 p.m. until August 6, 2007 at 3:00 p.m.

ADMINISTRATOR HARRISON informed the Board of a memorandum he received from Sheriff Gerald Wallace concerning final employee paychecks. (See attached) It is the County's policy to do direct deposits of county employee's paychecks unless said employee is terminated or otherwise authorized by the County Commissioners.

CORRESPONDENCE: The following correspondence was read and noted:

Letter from Montezuma County Attorney Bob D. Slough to James Hatter regarding County Road L and Brandon's Gate. (See attached)

Final Determinations from State of Colorado Division of Property Taxation for St Philip Anglican Church and Sophia Retreat and Conference Ctr. LLC (See attached)

Letters to Congressman John Salazar, Senator Wayne Allard, and Senator Ken Salazar supporting the Colorado Forest Management Improvement Act of 2007 (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 7:55 P.M.

County Clerk
07/30/07

Chairman

Minutes of the July 30, 2007 meeting were read and approved August 6, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 6, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 6, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday July 30, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$273,330.68, District Attorney Fund check #51064 in the amount of \$24,867.55, Treasurer Fund check #51066 in the amount of \$216,208.66 Road department fund checks in the amount of \$67,345.41, Treasurer Fund check #20560 in the amount of \$54,563.17; and Landfill fund checks in the amount of \$14,308.42. Treasurer fund check #5326 in the amount of \$12,489.97 were approved for payment.

SHERIFF WALLACE asked the Board to suspend the fire ban on open fires in the unincorporated areas of Montezuma County. Comm. Rule moved to adopt **RESOLUTION 6-2007** suspending the ban on open fires. Seconded by Comm. Chappell and carried. (See attached)

ROAD: **Lloyd Everret** presented a quote from Wagner Equipment concerning the purchase of a new generator Cat model 3412. He stated by trading in the old generator and a 966E the quote was \$15,368.00. He discussed the parking situation on Road P. Discussed culverts on Road S. The Department will do the improvements that are currently in place regarding portions of Road L.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of July, 2007. (See attached).

ADMINISTRATOR HARRISON presented bids for the grandstands at the County Fairgrounds from CBS Constructors and from Dant Clayton. **Terri Forth** with Thomas Engineering discussed the differences with the

bids. Administrator Harrison stated that a contract should be entered into with DOLA, a grant agreement should be executed with the State of Colorado and an agreement with an engineer is in place and that the GOCO grant should be closed before awarding the final bid. The Board tentatively identified proposal number one from **CBS Constructors** as the apparent lowest qualified bid.

PLANNING: Planning Director Susan Carver informed the Board of three applications for High Impact Permits from Bill Barrett Corporation Oil and Gas Exploration and Production for three proposed natural gas wells on property owned by Jerroll, Marianne and Scott Koskie located at 24028 Road X, Lewis, Co. She was asking to forward applications to the Planning Commission. Comm. Rule moved to forward the applications to the Planning Commission, seconded by Comm. Chappell and carried. (See attached). An application for **Verde View** a two lot moderate subdivision (**Gene Rodgers, owner**) was presented for review and determination of zoning requests. Comm. Chappell moved to zone AR3-9 on lot 2 and AR 10-34 on Lot 1 of the Verde View 2 lot moderate subdivision, seconded by Comm. Rule and carried. (See attached) Mr., Rodgers was present. Director Carver presented a variance application and an application for review and determination of a zoning request and preliminary plat on a proposed three lot minor development on property located at 11290 Road 42, Mancos from **RPR Holdings, Inc. (Robert Riggert, president)** The variance is for an interior road construction from a 24 foot wide road to an 18 foot wide road. Comm. Rule moved to approve the preliminary plan, to zone the property as AR10-34, and to vary the interior road from a 24 foot road to an 18 foot road. Seconded by Comm. Chappell and carried. Mr. Riggert was present. (See attached) Director Carver informed the Board of a request for a bond release for **Kinder Morgan** permit number 432. Director Carver will contact the Road Department before the release is granted. She informed the Board of a complaint she received in regards to the Nolan Gravel Pit. She will draft a letter to Noland Inc., concerning the complaint. (See attached) **LATER:** Comm. Rule moved to release the bond number 61S103817054 in the amount of \$50,000.00 for Kinder Morgan on application number 432, seconded by Comm. Chappell and carried. (See attached)

SUSAN THOMAS representing the **San Juan Citizens Alliance** met with the Board to discuss a proposed resolution concerning the proposed Desert Rock power plant that is to be built in the four corners area. She is requesting the Board to adopt a resolution opposing the construction of said power plant. Several audience members spoke in support of and in opposition to the power plant. (See sign in sheet) The Board stated they could not support this resolution as written. The Board stated they will write a resolution in support of a power plant built in compliance with the current technology and with a stipulation to bring the existing power plants into compliance. **Health Director Lori Cooper** updated the Board on the status of obtaining the air quality monitoring equipment.

LUNCH: 12:30 p.m.

ECONOMIC DEVELOPMENT STEERING TEAM: Rebecca Whitehead spoke as to the progress of economic development steering team. They would like a member of the commission or the administrator to be a part of their steering team. She stated the group is working on a vision program as to what economic development should look like for the County. (See attached)

HOUSING AUTHORITY: Administrator Harrison informed the Board of the resignation of Robert Brubaker from the Housing Authority board of directors. Comm. Chappell moved to appoint Comm. Rule to the Housing Authority Board, seconded by Comm. Koppenhafer and carried.

LAW ENFORCEMENT AUTHORITY: Comm. Chappell moved to set September 24, 2007 at 2:00 p.m. as the date and time to hold a public hearing to consider the proposed law enforcement authority, seconded by Comm. Rule and carried.

RESOLUTION 7/2007; Comm. Rule moved to adopt **Resolution 7-2007 repealing** resolution number 5-2007 and referring questions to the voters regarding lengthening term limits, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: It being the time set aside, a public hearing is held concerning the application for **Community Development Block Grant (CDBG)** funds for a regional business loan fund. The public notice was read, the roll was called and the proceedings were taped for the record. **Ed Morlan** gave a power point concerning the CDBG funds. This hearing will be the primary means of obtaining citizen views and responding to proposals and questions related to community development and housing needs, proposed CDBG activities and past CDBG performance. This involves 5 southwest Colorado counties with LaPlata County acting as lead county. After hearing the presentation Comm. Chappell moved to sign the application for Community Development Block Grant Business Revolving Loan Funds, seconded by Comm. Rule and carried. (See attached). The hearing was closed.

SHERIFF GERALD WALLACE AND UNDERSHERIFF DAVE HART updated the Board on the activities of the Sheriff's Office. He requested the purchase of tasers for the patrol deputies due to the increased number of assaults on the deputies. Sheriff Wallace presented a rural law enforcement grant to replace the radar trailer. Comm. Rule moved to sign the 2007 rural law enforcement grant for the replacement of the radar trailer, seconded by Comm. Chappell and carried. (See attached)

BOARD OF EQUALIZATION HEARINGS: It being the time set aside, the Montezuma County Commissioners re-convened on Monday, August 6, 2007, to sit as the Board of Equalization. The following petitions were heard:

GILBERT B. SCHWARTZ, TRUSTEE: The roll was called and the proceedings were recorded for the record. Appraiser Scott Davis presented an appeal from Gilbert B. Schwartz, Trustee on account numbers R014838, R014837, R014935, R015078, and R008863 concerning the property classification of vacant land. No one representing the Gilbert B. Schwartz, Trustee was present. After hearing all the evidence presented Comm. Rule moved to agree with the Assessor's Office classification as vacant land on account number R014935, seconded by Comm. Chappell and carried. Comm. Rule moved to agree with the Assessor's Office classification of vacant land on account number R014837, seconded by Comm. Chappell and carried. Comm. Chappell moved to agree with the Assessor's recommended adjustment of \$745,400.00 on account number R014838, seconded by Comm. Rule and carried. Comm. Rule moved to agree with the Assessor's Office recommended adjusted value of \$195,150.00 on account number R015078, seconded by Comm. Chappell and carried. Comm. Chappell moved to agree with the Assessor's adjusted recommendation of \$139,410.00 on account number R008863, seconded by Comm. Rule and carried. Comm. Rule moved to agree with the Assessor's recommendation on account number R008869, seconded by Comm. Chappell and carried. (See attached)

JANE ZUBRYCKI: The roll was called and the proceedings were recorded for the record. Appraiser Scott Davis presented an appeal from Jane Zubrycki account number R014967 concerning the property valuation. Mrs. Zubrycki was not present. After hearing all the evidence presented Comm. Rule moved to agree with the Assessor's adjusted value of \$687,120.00 on account number R014967, seconded by Comm. Chappell and carried. (See attached)

DAYS INN OF CORTEZ AND LAZY G CAMPGROUND: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis presented an appeal from Days Inn of Cortez and Lazy G Campground account number R015894 concerning the property valuation. After hearing all the evidence presented, Comm. Chappell moved to agree with the Assessor's valuation of \$776,840.00 on account number R015894, seconded by Comm. Rule and carried. (See attached)

MICHAEL JUST: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis stated the appeal had been settled concerning the valuation on property owned by Michael Just account number R005422. After hearing all the evidence presented, Comm. Chappell moved to agree with the Assessor's adjusted value of \$280,810.00 on account number R005422, seconded by Comm. Rule and carried. (See attached)

BURNS LAND AND CATTLE CO. INC: The roll was called and the proceedings were taped for the record. Comm. Rule recused himself from hearing this appeal. Appraiser Scott Davis gave an overview on an appeal from Burns Land and Cattle Co., Inc. concerning the property classification. Joe Burns was present. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's recommendation to reclassify the property as residential and the adjusted valuation of \$120,000.00 on account number R001718, seconded by Comm. Koppenhafer. Comm. Rule recused himself from the proceedings. (See attached)

TIMOTHY WAYNE, DANIEL LEE AND ANDREW FRANKLIN PLEASANT: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis gave an overview on an appeal concerning the classification of vacant land and the increase in valuation on account number R015243. Mr. Timothy Pleasant was present. After hearing all the evidence presented Comm. Chappell moved to adjust the value to \$24,000.00 and classify the land as vacant on account number R015243, seconded by Comm. Rule and carried. (See attached)

SMITH ENERGY L.P.: J.P. von PLONSKI AGENT: The roll was called and the proceedings were taped for the record. Appraiser Scott Davis introduced Jerry Wisdom with Visual Lease Services who gave an overview on an appeal concerning the valuation of account numbers P100024, P100013, P100025, P100026, P100027, P100028, P100029, P100023, P100022, P100011, P100012, P100014, P100015, P100016, P100017, P100018, P1000149, P100020, and P100021. Mr. von Plonski was on a conference call. After hearing all the evidence presented Comm. Rule moved to agree with the Assessor's valuations on the above listed account numbers, seconded by Comm. Chappell and carried. (See attached)

K.E. ANDREWS AND COMPANY, MIKE WILLIAMS AGENT FOR QUESTAR E&P, RIM OPERATING CO. AND UNIT PETROLEUM: The roll was called and the proceedings were taped for the

record. Appraiser Scott Davis introduced Jerry Wisdom with Visual Leasing Services who gave an overview on an appeal concerning the valuation on account numbers on **Rim Operating Co.** P100073, P100072, P100071, P100068, P100066, P100065, P100064, P100051, P100049, P100048, P100047, P100046, P100045. Mr. Mike Williams, agent was on a conference call. After hearing all the evidence presented concerning Rim Operating Co., Comm. Rule moved to agree with the Assessor's valuation on the above referenced account numbers, seconded by Comm. Chappell and carried. (See attached) Mr. Wisdom then presented an appeal concerning the valuations for **Unit Petroleum** account numbers P100041, P100229, P100228, P100044, P100043, P100042, P100040, P100039, and P100038. This hearing was continued until Tuesday, September 4, 2007 at 2:30 p.m. No action was taken at this time. The hearing for **Questar Exploration and Production** was also continued to be heard on Tuesday, September 4, 2007 at 2:30 p.m. No action was taken at this time.

THE BOARD OF EQUALIZATION WAS RECESSED until Tuesday, September 4, 2007 at 2:30 p.m.

CORRESPONDENCE: The following correspondence was read and noted.
Letter from Southwest Colorado Livestock Association inviting the Board to their annual picnic. (See attached)
Complaint concerning roads in Cedar Knolls Subdivision from Angela Randall. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 6:10 P.M.

County Clerk
08/06/07

Chairman

Minutes of the August 6, meeting were read and approved on August 13, 2008

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 13, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 13, 2007 at the courthouse in Cortez, Colorado, there were present:

- Gerald W. Koppenhafer, Chairman
- Larrie D. Rule, Vice-Chairman
- Steve Chappell, Commissioner of Deeds
- Bob D. Slough, County Attorney
- Ashton N. Harrison, Administrator
- Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday August 6, 2007 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule, and carried.

ROW EASEMENTS: **Loretta Murphy** presented Right Of Easements for signatures between Montezuma County and the following: Clayton and Deborah Caldwell, Montezuma Water Company, and Horton and Darlene Bumguardner. Comm. Rule moved to sign the Right Of Way Easements between Montezuma County and Clayton and Deborah Caldwell, Montezuma County and Montezuma Water Company, and Montezuma County and Horton and Darlene Bumguardner. Seconded by Comm. Chappell, motion carried. (See attached).

MILEAGE RATE: Administrator Ashton Harrison stated the current mileage reimbursement rate was 35.1 cents per mile and that the Federal rate was 48.5, Comm. Chappell moved that the Mileage Reimbursement rate be changed from .35 to .44 cents per mile effective January 1, 2008. Seconded by Comm. Rule, motion carried.

ADMINISTRATOR HARRISON: Reported that he had met with the Montezuma County Health Department Director, Lori Cooper and the State Health Director in regards to the **AIR QUALITY REPORT**. He stated that he had requested that the state provide a map of all the air quality control stations in Montezuma County with the data they are monitoring. Administrator Harrison discussed the County Health plan.

AGENDA SCHEDULING Administrator Harrison discussed the possibility of scheduling all Planning issues on the 3rd Monday of each month. It was decided to have a trial time to see how it worked.

PLANNING: **Director Susan Carver** presented the final Plat for **Verde Views**, a 2 lot moderate Subdivision on property located at 28680 Road N, Dolores Co., owned by **Gene Rodgers**. Comm. Rule moved to approve the final plat for Verde Views as presented. Seconded by Comm. Chappell, motion carried.

PROPERTY VALUATION ARBITRATORS: Comm. Rule moved to approve the list of Arbitrators for Property Valuation Disputes consisting of **Todd Starr, Jon Kelly, and Cameron Secrist**. Seconded by Comm. Chappell, motion carried. (See attached).

LUNCH: 12:05

LANDFILL: **Landfill Manager Debby Barton** presented the profit and loss statement for the month of July, 2007. She informed the Board of a cost estimate to recondition the engine for the 633C scraper from Wagner Equipment. (See attached).

MOSQUITO CONTROL DISTRICT: **President Eldon Simmons** informed the Board about the work that is being done throughout the county in regards to mosquito control.

SENIOR NUTRITION : **Sue Fletcher along with Mary Holaday**, met to discuss the rental fees and contracts for use of the County Annex.

CBS CONSTRUCTORS: The Board was on a conference call with **Wade Kolbo** General Manger of CBS Constructors regarding the Fairgrounds grandstand project. **Fairgrounds Manager Michael Stevenson and Terri Forth with Thomas & Forth Engineering** were present. CBS will send a contract for review. No action was taken at this time.

HEALTH DEPARTMENT: Comm. Rule moved to approve the **Task order contract #154** between The Department of Public Health and Environment and Montezuma County. Second by Comm. Chappell, motion carried. (See attached)

VETERAN'S AFFAIRS: Comm. Koppenhafer moved to sign the County Veterans Service Officer's monthly report and certification of pay for July, 2007, seconded by Comm. Rule and carried. (See attached).

CORRESPONDENCE: The following correspondence was read and noted:

A letter from **Department of Local Affairs** concerning EIAF #05885-Montezuma County Road Shop Roof. (See attached).

A letter from **Colorado Department of Human Services** in regards to the Colorado Works participation program. (See attached)

MOTION TO ADJOURN: Was made by Comm. Chappell, seconded by Comm. Rule and carried.

MEETING ADJOURNED: 4:00 P.M.

County Clerk
8/13/07

Chairman

Minutes of the August 13, meeting were read and approved on August 20, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 20, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 20, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney (Absent)
Ashton N. Harrison, Administrator
Kim Percell Deputy Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday August 13, 2007 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule, and carried.

ROAD DEPARTMENT REPORT: A discussion was held with **Lloyd Everett** and **Michael Stevenson**, (Fair Grounds Manager) regarding the **FAIRGROUNDS BLEACHER PROJECT**. A beginning date of October 1, 2007 and a completion date of March 1, 2008 were discussed. Commissioners also discussed the water use at the Fairgrounds.

Other projects discussed were ROAD N, ROCK CREEK and the chip sealing schedule. **Administrator Ashton Harrison** received an email from **Hal Shepherd** with the **CITY OF CORTEZ** requesting a beginning date for the project on **ROAD L**. Ashton Harrison returned an email stating the work would begin either this Thursday (August 23, 2007) or next Monday (August 27, 2007). (See attached)

SHERIFF GERALD WALLACE presented a **D.U.I. GRANT** for signatures.
Commissioner Rule moved to sign the **COLORADO DEPARTMENT OF TRANSPORTATION APPLICATION FOR LEAF PROJECT 2008**. Seconded by Commissioner Chappell, motion carried.
(See attached)

JERRY KOSKIE talked with the commissioners about the dangers on the intersection of Road 23 and Hwy 184. It was decided to visit the site for further evaluation.

PLANNING: Director Susan Carver withdrew the presentation for the final plat approval for the **WILLIAMS 2 LOT MODERATE SUBDIVISION** owner **JAMES WILLIAMS**. The paper work was not

complete at this time. She will reschedule for final approval. Susan requested a public hearing be set for a High Impact Permit for the **LIFE SEED HEALING CENTER**, property owner **Karen Lovelien**, for September 17, 2007 at 2:45 p.m. Susan presented a revised **PLANNING FEE SCHEDULE** with typing corrections. (See attached)

LUNCH: 11:55

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins, and LouAnn Everret.

NINA WILLIAMS with the Montezuma Land Conservancy requested a letter of support to **GREAT OUTDOORS COLORADO GRANT** for application. Commissioner Chappell moved to sign the letter of support to **GREAT OUTDOORS COLORADO TRUST FUND**. Seconded by Commissioner Rule, motion carried, (See attached)

ACCOUNTS PAYABLE: General Fund #51058-51279 in the amount of \$206,572.92, Road Fund # 20559-20626 in the amount of \$247,485.97, and Landfill #5325-5364 in the amount of \$26,821.93 were approved for payment.

TREASURER'S REPORT for the month of July, 2007 was received. (See attached)

MAIL BALLOT RESOLUTION: Commissioner Rule moved to sign Resolution #8-2007 to conduct a coordinated mail ballot election on November 6, 2007. Seconded by Commissioner Chappell motion carried. (See attached)

SCHOOL COMMUNITY YOUTH COALITION COMMISSION, Director Missy Miller, along with **Dana Cox Program Director**, and Crystal Robson introduced the programs that they are currently working on. They were requesting support from the Commissioners in three areas. The first being a member to serve on the **PREVENTION POLICY BOARD**, second they asked for continued support of the **TEEN MAZE PROGRAM** and third support of the **SUBSTANCE ABUSE CAMPAIGN**. They presented a Community readiness survey. (See attached)

ARBITRATORS FOR PROPERTY VALUATION DISPUTES LIST: Administrator Ashton Harrison stated that Jon Kelly would not be able to be on the list. Commissioner Larrie Rule moved to amend the **LIST OF ARBITRATORS FOR PROPERTY VALUATION DISPUTES** to include **Attorney Todd Starr** and **Attorney Cameron Secrist**, amended August 20, 2007. Seconded by Commissioner Chappell, motion carried. (See attached)

ADMINISTRATOR ASHTON HARRISON relayed to the Commissioners that **LEADERSHIP MONTEZUMA** would like one of them to speak on October 4th, 2007.

CORRESPONDENCE: The following correspondence was read and noted:

A letter from resident **Lewis McCool** concerning the **DESERT ROCK ENERGY PROJECT**.
(See attached)

A letter from **NATURAL ENERGY RESOURCES COMPANY** concerning **EMERGENCY DEVELOPMENT TO SAVE COLORADO'S WATER AND AGRICULTURE**.
(See attached)

MOTION TO ADJOURN was made by Commissioner Rule, seconded by Commissioner Chappell, motion carried.

MEETING ADJOURNED: 4:20 P.M.

County Clerk
08/20/2007

Chairman

Minutes of the August 20, meeting were read and approved on August 27, 2007.

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**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 27, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 27, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday August 20, 2007 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell, and carried.

CLUB 20 representative Kelly Wilson reported on Club 20 activities. He informed the Board of a meeting scheduled in Montezuma County on November 20, 2007.

ROAD: Lloyd Everret stated the Department will remove the school zone signs from the roads where the schools were closed. He said the chip seal work on Road L will begin today. Mr. Everret was informed of a request for a 4 way stop be installed at the intersection of Roads 15 and W. He will look into it.

ADMINISTRATOR HARRISON presented a Police Academy Agreement for review. A revised agreement will be forth coming.

PLANNING: Planning Director Susan Carver presented the mylar for signature for a three lot minor development in the name of **RPR HOLDINGS, INC (Robert P. Riggert, president)** The property is located at 11290 Road 42, Mancos, Co. Comm. Rule moved to approve the Riggert three lot minor development and findings, seconded by Comm. Chappell and carried. (See attached) Director Carver presented a two lot minor development located at 33884 Road M, Mancos, Co. (**Doc and Michelle Charbonneau, owners**) for review and determination of AR10-34 zoning request and preliminary plan approval. Comm. Chappell moved to approve the preliminary sketch plan for Doc and Michelle Charbonneau and approve the zoning request from AR35+ to AR 10-34. Seconded by Comm. Rule and carried. Director Carver presented the final plat for the **Williams two lot moderate subdivision (James Williams, owner – Arlene Allen, agent)** on property located at 24625 Road G, Cortez, Co. for approval. Comm. Rule moved to approve the Williams two lot moderate

Subdivision, to approve the AR 3-9 zoning request and approve the findings. Seconded by Comm. Chappell and carried. (See attached) She reported on the Planning Commission Meeting held on August 23, 2007. (See attached)

MONTEZUMA COUNTY HISTORICAL SOCIETY: **Frank Pyle**, president of the Montezuma County Historical Society, **Bill Graham**, **June Head** and others (See sign in sheet) informed the Board of their activities and to ask the Board to support their efforts concerning a museum and possible help with funding. The group will look into all avenues available and report back to the Board.

MANCOS TOWN CLEAN-UP. **Sara Kimball** with the Town of Mancos along with **Mayor, Michelle Black and Mancos Marshall, Boyd Jones** informed the Board of their efforts to have a town clean-up. She inquired about help with the Landfill fees. **Tim Bates** from the Landfill spoke as to what would be accepted at the Landfill. The Board will discuss this issue with the Landfill Manager, Deb Barton before making any decision.

LUNCH: 12:05 p.m.

DESERT ROCK POWER PLANT: The Board reviewed a draft for a proposed resolution commenting on the environmental impact statement for the proposed Desert Rock Power Plant.

RESOLUTION 9-2007: Comm. Chappell moved to approve Resolution 9-2007 concerning the Desert Rock Power Plant, seconded by Comm. Rule and carried. (See attached)

ROB PETERKA informed the Board that the Census Bureau is gearing up for the 2010 census and asked how involved the County wants to be concerning data. The Board will consider the options. No action was taken at this time.

FAIRGROUNDS manager, Michael Stevenson met to discuss the water bills for the Fairgrounds.

ADMINISTRATOR HARRISON presented an exhibit A, scope of services for grant EIAF 5263 and a draft lease and use permit between the Ute Mountain Ute Tribe, County of Montezuma and the State of Colorado for review in regards to the 800 MHz tower. He would like to see more information. No action was taken at this time. (see attached)

CORRESPONDENCE: The following correspondence was read and noted:

Memorandum to all department heads concerning their presentation of the 2008 budget requests. (See attached)

Agenda of the Montezuma County DFIRM CCO meeting of August 21, 2007. (See attached)

Letter from Great Outdoors Colorado to Sue McWilliams in regards to final payment for Montezuma County Equine/Pedestrian Trail System. (See attached)

E-Mail from Administrator Harrison to Terri Forth in regards to the contract for the grandstands. (See attached)

JAIL TOUR was conducted at this time.

MEETING ADJOURNED after tour of the Jail facility.

County Clerk

Chairman

Minutes of the August 27, 2007 meeting were read and approved on Tuesday September 2007

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**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 4, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, September 4, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday August 27, 2007 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$274,966.72 District Attorney Fund check #51282 in the amount of \$23,494.72, pre-paid District Attorney, Treasurer Fund check #51069 in the amount of \$904.28, Treasurer Fund check #51283 in the amount of \$212,936.67; Road department fund checks in the amount of \$65,373.78, Treasurer Fund check #20628 in the amount of \$52,740.35; and Landfill fund checks in the amount of \$14,003.75. Treasurer fund check #5366 in the amount of \$12,337.33 were approved for payment.

ROAD: Lloyd Everret discussed the placement of guardrails and other work that will be done at the Fairgrounds. He stated that the chip sealing is complete. Mr. Everret said he has received a few complaints concerning the speed limit on Road U and 20, he said that once the chip sealing is done the roads are designated at 40 miles per hour.

PEGGY CLOY met to discuss pollution issues concerning asphalt plant operations owned by Kirkland Construction and operating at the Noland Cedar Point Pit that is owned and operated by Sky Ute Sand and Gravel, LLC. Planning Director Susan Carver stated the High Impact Permit process is beginning. The Board asked if Ms. Cloy could get doctors reports in relation to illnesses caused by such pollution.

PLANNING: Planning Director Susan Carver informed the Board she has received a request from **Donald and Vicki Royce** to allow two dwellings to be connected to the same individual sewage disposal system on property located at 6892 Road 24.2, Cortez, Co. **Melissa Wilson**, with the Health Department, spoke concerning septic regulations. Don Royce was present. Comm. Chappell moved to approve the multiple

sewage connection for Don and Vicki Royce on property located at 6892 Road 24.2, Cortez, Co., seconded by Comm. Rule and carried. (See Attached) Director Carver presented the final plat and findings for approval on the **Black Rhino Ranch** 2 lot minor development (**Ted Stearman, owner**). Comm. Rule moved to approve the final plat and findings for Black Rhino Ranch Tract 1 Minor Subdivision, seconded by Comm. Chappell and carried. (See attached).

LIQUOR LICENSE: Clerk's Deputy Judy Follman and Tammy Neely presented a liquor license renewal for a retail liquor license for **Dawson Lake Store (Robin Woodson)**. They reported there was no violation listed for this facility. Comm. Rule moved to approve the retail liquor license renewal for Dawson Lake Store, seconded by Comm. Chappell and carried. Deputy Neely discussed the need for the Sheriff's Office to do a violations check locally concerning liquor licenses. The Board requested the violations check continue to be done locally. She discussed the new liquor license fee schedule.

LORI JOHNSON with Emergency Management discussed the status of the radio tower grant, agreements, and leases.

SHERRI WRIGHT with RE-1 school district and on a working group working on the allocation of severance tax and federal mineral lease revenue distributions met to discuss the mineral lease distributions.

LUNCH: 12:25 P.M.

HEALTH DEPARTMENT DIRECTOR Lori Cooper stated there has been one case of West Nile Virus in humans reported in Montezuma County. Director Cooper presented the following contracts for approval: (1) A task order between the Colorado Department of Public Health and Environment and Montezuma County in regards to the WIC program. Comm. Rule moved to approve the task order for the WIC program, seconded by Comm. Chappell and carried. (2) A task order between the Colorado Department of Public Health and Environment and Montezuma County in regards to the TBI (Traumatic Brain Injury) for approval. Comm. Rule moved to approve the task order for the TBI program, seconded by Comm. Chappell and carried. The complete task orders are on file at the Health Department.

PLANNING DIRECTOR Susan Carver informed the Board of an application for **ARAMARK Sports and Entertainment** and asked it to be forwarded to the Planning Commission. Comm. Chappell moved to forward the application and information concerning ARAMARK to the Planning Commission for review. Seconded by Comm. Rule and carried.

CONTINUATION OF BOARD OF EQUALIZATION: It being the time set aside the Board of Equalization was reconvened at this time to continue the hearings on Questar Exploration Production, Unit Petroleum, and Rim Operating. This was conducted via conference calls with **Jerry Wisdom, Steve Sutterfield, and William Mack with Visual Lease Services and Mike Williams and Mark Andrews with Questar Exploration Production, Unit Petroleum and Rim Operating**. The roll was called and the proceedings were taped for the record. Mike Williams and Mark Andrews stated they are in agreement with the revised values that have been adjusted by the Assessor's Office on Unit Petroleum and Rim Operating. Comm. Chappell moved to agree with the revised values as presented by the Assessor's Office, seconded by Comm. Rule and carried. The hearing for Questar was heard. The hearing for Questar was continued until October 15, 2007 at 3:00 P.M. so a field

inspection can be done. No action was taken on this matter at this time. Comm. Koppenhafer recessed this hearing until October 15, 2007 at 3:00 p.m.

BOARD OF EQUALIZATION recessed.

FAIRGROUNDS GRANT: Comm. Rule moved to approve the **DOLA** grant application removing \$20,000.00 for the design and inspection of the grandstands which will be done by the County, and to approve the remaining amount of \$391,600.00. Seconded by Comm. Chappell and carried.

CORRESPONDENCE: The following correspondence was received and noted:

Letter from Town of Mancos to the Planning Department concerning the Town of Mancos Water Dock. (See attached)

Letter received from United Search and rescue of Montezuma County concerning award applications. (See attached)

Notice of Forfeitures concerning property owned by Community Connections, Inc. (See attached).

Letter from the Mancos Valley Chamber of Commerce concerning the Noland Gravel Pit. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:00 p.m.

County Clerk
09/04/07

Chairman

Minutes of the September 4, 2007 meeting were read and approved September 10, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 10, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 10, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Tuesday September 4, 2007 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule, and carried.

ROAD: Lloyd Everret discussed the purchase of pipe for the Fairgrounds. Comm. Rule moved to approve the purchase of 2- 7/8 inch pipe and pay for it out of the capital fund. Seconded by Comm. Chappell and carried. There is a water leak at the Fairgrounds and the Road Department will work with Fairgrounds manager, Michael Stevenson to correct it. Mr. Everret stated the Department is graveling Road 31. There is a problem with water not draining properly on Roads 21 and DD. Mr. Everret was informed of pot holes developing on the east portion of Road M. Lloyd stated he has made no progress concerning the sale of CDOT's surplus equipment.

CBS CONSTRUCTORS: Administrator Harrison presented the contract with CBS Constructors concerning the grandstands at the Fairgrounds for review. He stated the DOLA grant needs to be fully executed before entering into a contract with CBS. Comm. Chappell moved to sign the contract between CBS Constructors and Montezuma County for the installation of the grandstands at the Fairgrounds, contingent upon the execution of the DOLA grant. Seconded by Comm. Rule and carried. (See attached). Comm. Chappell moved to approve the invoice to CBS Constructors in the amount of \$89,000.00 to be delivered upon the contract with CBS Constructors being fully executed. The motion was seconded by Comm. Rule and carried.

SENIOR NUTRITION representative Mary Holaday met to discuss the rental fees for the County Annex. Comm. Rule moved to adopt the Senior Services fee schedule and contract to use the Annex with an effective date of October 1, 2007, seconded by Comm. Chappell and carried. (See attached)

JUDI LICHLITER met to discuss concerns regarding proposed changes to the Clean Water Restoration Act of 2007 (HR 2421 and S 1870). She stated the act would regulate all water and water related activities. A letter will be drafted and signed by the Board of Commissioners opposing the Act.

LUNCH: 12:10 noon

JAN SENNHENN with the Extension Office appeared to inform the Board that she has received no applications for positions on the Fair Board. She gave an update for the Extension Office dated July-August, 2007. (See attached)

PUBLIC HEARING: It being the time set aside, a public hearing is held regarding proposed amendments to the Montezuma County Land Use Code. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the procedure to be followed to present the amendments. She reviewed the first 7 proposed amendments. Comm. Koppenhafer opened the hearing to public comments for the first 7 amendments. Several audience members asked a variety of questions on the first 7 amendments and one letter was submitted (See attached) (See sign in sheet). After hearing all the evidence presented, **Comm. Rule** moved to accept the amendment changes for 1,2,3,4,5,6, and 7 and to delete the words “determine and” from **2203.1 (F)** and **2205.1 (F)**. Seconded by Comm. Chappell and carried.

The proposed amendment **3204 (item 8)** Add 3204.1 - Zoning Board of Adjustment was discussed. Comm. Koppenhafer opened this amendment for public comment. Several audience members spoke and read letters (See attached). This amendment was tabled at this time and will be heard later in this hearing.

Amendment **5105.2 (item # 9)**, avoidance and mitigation of hazardous conditions to be amended to delete the words “or will be eliminated. Hearing was opened to public comment. One audience member spoke. Public comment portion was closed. After hearing all the evidence presented, **Comm. Chappell** moved to delete the words “or will be eliminated” from 5105.2, seconded by Comm. Rule and carried.

Director Carver gave an overview concerning the amendment to **5105.4 (B)(2) (item # 10)**. She introduced **Ian Barrowclough**, a consultant for RPI Consulting and **Tom Burris** with Montezuma – Cortez School District RE-1 who spoke in regards to the establishment of a school land dedication/fee and presented the Montezuma Cortez School District Re-1 School Land Dedication/Fee Resolution. (See attached) RE-1 Business Manager, Tom Burris presented a fee in lieu proposal for school district facilities information/budgets. (See attached) Comm. Koppenhafer opened the hearing to public comment. Several audience members spoke. Public comment period was closed at this time. After hearing all the evidence presented, Comm. Chappell moved to approve 5105.4 (B)(2) dedication of sites and land areas or payments in lieu thereof for schools, seconded by Comm. Rule and carried.

Director Carver gave the overview for the amendment to chapter 6 (**6101 (item #10)**), public notice procedure. She stated it is to streamline the public notice procedure for the Boards of Commissioners and Planning. Comm. Koppenhafer opened the hearing up to public comment at this time. Several audience members spoke during the public comment period. After hearing all the evidence presented, **Comm. Rule** moved to approve the changes to **6101**, the public notice procedure and to approve **6104.4 (item 12)** correcting a typographical error to **5303.4**, seconded by Comm. Chappell and carried. After some discussion the motion Comm. Rule made concerning the public notice procedure, 6101, was rescinded and **Comm. Rule** moved to abide by the State Statutes and leave the public notice procedure referred to in 6101 to 15 days for Planned Unit Developments. Seconded by Comm. Chappell and carried.

Director Carver gave an overview of proposed amendment to **8101 (item 13)**, enforcement provisions by adding 8101.1. Comm. Koppenhafer opened the hearing to public comments. Several audience members spoke for and in opposition to the change and some asked questions and made suggestions. After some discussion Comm. Chappell moved to continue this public hearing until October 22, 2007 at 1:30 p.m. to consider item number 8 (3204 Board of Commissioners to serve as the Board of Adjustments) and item number 13 the enforcement issues. Seconded by Comm. Rule and carried. This hearing was recessed until October 22, 2007 at 1:30 p.m.

CORRESPONDENCE: The following correspondence was read and noted.
An Invitation from the Pinon Project concerning the State Suicide Prevention Plan (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED; 6:40 P.M.

County Clerk

Chairman

Minutes of the September 10, 2007 meeting were read and approved September 17, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 17, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 17, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Tuesday September 10, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ACCOUNTS PAYABLE: General Fund #51281-51447 in the amount of \$158,857.30, Road Fund # 20631-20699 in the amount of \$608,770.99, and Landfill #5368-5395 in the amount of \$16,332.04 were approved for payment.

ROAD: Lloyd Everett discussed a beaver pond blocking water on Road P. The Fairgrounds were discussed concerning water leaks and light poles. Mr. Everett stated that they received a call about an abundance of dust on Road 41. Sheriff Wallace questioned signage on County Roads. Administrator Harrison received a call about water seeping on Road G.

LINDA MOORE, St. Margaret Mary Church, met with the Board to request the use of the County Annex to have Oktoberfest and the use of a special event 3.2 beer permit. The City of Cortez approved the Special Events Beer Permit. Comm. Rule moved to approve the sale of 3.2 beer and usage of the Montezuma County Annex, Comm. Chappell seconded. Motion was carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of August, 2007 (See attached).

LANDFILL Manager Deb Barton, gave the Board the monthly Profit and Loss Statement for the month of August, 2007. (See attached)

MIKE PRESTON presented letters to Senator Wayne Allard, Congressman John Salazar and Senator Ken Salazar asking their support in opposing the Clean Water Restoration Act. Comm. Rule moved to sign the letters, seconded by Comm. Chappell and carried. (See attached)

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins and LouAnn Everret.

ADMINISTRATOR HARRISON Bill Bedker, County Maintenance, and Jim Herrick with Top Line Installers met to discuss the roof replacement for the armory. They also discussed the DOLA grant application for the roof. Administrator Harrison will advertise for bids. Comm. Rule moved to sign the grant application between DOLA and Montezuma County, contract number #F08S5885 in the amount of \$97,489.00 for the armory roof. Seconded by Comm. Chappell and carried. **FINANCE DIRECTOR Mary Ann Sanders** discussed the County health plan and the bids that have been received. The Board decided to continue with C.T.S.I. County Health Pool, plan A. (See attached)

MARIANNE MATE and STEVE BEVERLIN met to update the Board on the McPhee break water project and work that has been done. Marianne Mate updated the Board on the Division of Wildlife grant that has been applied for and she stated she is receiving proposals in regards to the break water project.

LUNCH 12:00 noon

PLANNING: Planning Director Susan Carver explained a change in existing land use for property owned by **Marvin and Eldena V. Elliott**. The property is located at 29101 Hwy 160, Cortez, Co. 81321 and the property is leased for a greenhouse operation. Director Carver recommended no action is required at this time. **Marvin Elliott** was present. (See attached) Director Carver presented an application for a High Impact Permit for a communications tower on property owned by Glenna Harris located at 20601 Hwy 491, Lewis, Co. The applicant is Commnet Wireless, Keith Utt, agent. The threshold standards will be exceeded as follows; (#2) Building height -180' tower, (#11) traffic and it is the Planning Commissions recommendation for a high impact permit application be done to review and determine any potential for highly significant impact within the proposed to development, per 2101.4 and 2201.1 . Comm. Chappell moved to send the building of a 180' foot tower to the Planning Commission seconded by Comm. Rule and carried. (See attached) **Director Carver** presented an after-the-fact exemption for Bryan and Theresa Oaks. They were informed of zoning options. The Board recommended they go through a zoning public hearing. An After the Fact Exemption for the **Baker Family Living Trust** on property located at 37875 Hwy 184, Mancos, Co., **Connie Pearson and Roger Averill, agents**. Comm. Chappell moved to grant the after-the-fact exemption for the Baker Family Living Trust, seconded by Comm. Rule and carried. (See attached).

PUBLIC HEARING: It being the time set aside, a public hearing is held for the purpose of reviewing and determining a request for a high impact permit for a healing/creative center on property owned by **Karen Lovelien**. The property is located at 43908 Hwy 160, Mancos, Co. on lot 1 of the Ahmonto Vista Moderate Subdivision. The roll was called, the public notice was read, and the proceedings were taped for the record. Planning manager Susan Carver gave an overview of the application. Karen Lovelien presented the request to conduct a small home-based business, for a healing/creative center. Comm. Koppenhafer opened the meeting

for public comments. Hearing no public comments that portion of the meeting was closed. Director Carver informed the Board that Ms. Lovelien is also requesting a variance for Road 43.9 from a 24 foot road to an 18 foot road that is currently there. After hearing all the evidence presented, Comm. Chappell moved to approve the High Impact Permit for Karen Lovelien on property located at 43908 Hwy 160, Mancos, Co. on lot 1 of the Ahmonto Vista Moderate Subdivision and to approve a variance for an 18' road turn around being a hammerhead or cul-de-sac built to road and bridge standards and that the fuel mitigation plan be signed. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

PLANNING DIRECTOR CARVER presented an application for an After-The-Fact Exemption for the **Henderson Family Trust: Curtis and Barbara Henderson owner, Tamsie Cooper agent**. The property is located at 39578 Hwy 184 and 39620 Hwy 184, Mancos, Co. Comm. Chappell moved to approve the preliminary review and determination for a request to amend exemption #P-20-86 on property located at 39620 Hwy. 184, Mancos, Co. The property is adjacent to property owned by Tamsie Cooper. Seconded by Comm. Rule and carried. (See attached) **Director Carver** presented a letter of complaint from neighbors concerning a building being built on property located at 21795 Road W, Mr. Mike Poplin. Director Carver will send Mr. Poplin a letter regarding the standards for set backs and lighting and stating the continued construction of the structure will be at his own risk. An application from **Schwarzkopf Acres, (Gary Schwarzkopf, owner)** for zoning requests of AR3-9 and AR10-34 and final plat approval for a 5 lot moderate development on property located at 13960 Road 26 and 26184 Road P, Cortez, Co. was submitted by Director Carver. Comm. Rule moved to approve the final plat for a 5 lot moderate development for Schwrzkopf Acres and to AR3-9 and AR 10-34, seconded by Comm. Chappell and carried. A single lot development and AR10-34 zoning request and a preliminary plat was presented for review and determination on property located at 21038 Road S, Cortez, Co. **Lyle Rice, applicant**. Comm. Chappell moved to approve the AR10-34 zoning and preliminary plat on a single lot development located at 21038 Road S, Cortez, Co. Seconded by Comm. Rule and carried.

AUTHORITY BOARD ORDER: Comm. Chappell made a motion to direct the Clerk to issue Order Number 0-06-07 to the Treasurer to transfer \$317,821.00 from the Jail Sales Tax Revenue to the General Fund. Seconded by Comm. Chappell and carried. (See attached)

AUTHORITY BOARD ORDER: Comm. Chappell made a motion to direct the Clerk to issue Order Number 0-07-07 to the Treasurer to transfer \$373,282.00 from the Capital Fund to the General Fund per the 2007 budget. Seconded by Comm. Rule and carried. (See attached)

VETERAN'S AFFAIRS monthly report for August, 2007 was submitted for approval. Comm. Rule moved to approve the report for August, 2007 and certification of pay, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

Letter from Michelle Allison to Colorado Attorney General, John W. Suthers concerning Montezuma Vision Project (See Attached)

A second letter from Michelle Allison dated September 17, 2007 regarding the proposed amendments to the Land Use Code will be submitted to the Board in accordance with the standards of the Planning Department procedures.

Letter from District Court, Judge Sharon Hansen, concerning court security personnel (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 5:10 p.m.

County Clerk

Chairman

Minutes of the September 17, 2007 meeting were read and approved September 24, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 24, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 24, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Tuesday September 17, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ROAD: Lloyd Everret stated the Department is blading graveled roads this week and work on the rock creek detour may begin next week. Discussed the water problem at the Fairgrounds. Talked about beaver control.

PLANNING: Signed the findings and permit for High Impact Permit number 543, **Lifeseed Center/Creative Healing Center, Karen Lovelien, owner.** (See attached) **Director Susan Carver** presented a review of complaints regarding aggregate operations and response thereto on property owned by **Noland, Inc.** on property located at 38251 Hwy 160, Mancos. Co. and review of provisions of the Montezuma County Land Use Code (Section 2201) **Katherine Burke**, attorney for Noland, Inc. spoke stating there should not be a high impact permit required because of pre-existing uses. She gave supplementary information on behalf of Noland, Inc. (See attached). **Rick Noland** with Noland, Inc. discussed inspections and reports done on the pit. He said that the State and Federal inspectors stated the asphalt plant operated by Kirkland Construction is in compliance with State and Federal standards. It was requested that Mr. Noland obtain the permits and EPA reports done concerning Kirkland Construction for the Board's review before any decisions will be made. The Board continued this matter until October 29, 10:00 a.m. No action was taken at this time. **LATER:** The Board decided to hold a public hearing on October 29, 2007 at 10:00 a.m. The Board will file a letter of complaint to the Colorado Department of Health along with the letters of complaints that have been received to determine if Kirkland Construction (Ryco Equipment Leasing R.L.L. P.) is in compliance with all State and Federal laws. (See attached).

BOARD OF EQUALIZATION: It being the time set aside the Board of Equalization is reconvened. The roll was called and the proceedings were taped for the record.

An abatement petition was received from **Douglas Paul Ribeca (account number R015491)** concerning the property classification. **Assessor Mark Vanderpool** stated the property was taken out of agricultural use in error and recommends a tax abatement/refund for tax year 2006 of \$1,687.98. After hearing all the evidence presented Comm. Chappell moved to agree with the Assessor's recommendation concerning the agricultural classification on Account number R015491 for tax year 2006, and approve the rebate of \$1,687.98. Seconded by Comm. Rule and carried. (See attached)

The Board heard an appeal from **Melvin R. Houx** concerning denial of a Senior Property Tax Exemption. **Assessor Mark Vanderpool** gave an overview of the appeal. The Assessor's Office denied the property tax homestead exemption due to the ownership requirement. **Melvin R, Houx** presented his appeal. After hearing all the evidence presented, Comm. Rule moved to agree with the Assessor's recommendation for denial of account number R13162, seconded by Comm. Chappell and carried. (See attached)

The Board of Equalization was recessed at this time.

MANCOS SCHOOL DISTRICT RE-6: Michael Canzona and Sue McWilliams met to ask for a letter of support concerning a grant application through the Colorado Historical Society for upgrading the old high school gymnasium to ADA standards. Comm. Chappell moved to sign a letter of support for the Mancos School District RE-6 to refurbish their gymnasium, seconded by Comm. Rule and carried. (See attached)

LUNCH: 12:30 P.M.

ADMINISTRATOR HARRISON: Administrator Harrison discussed his concerns with future high impact permit or waiver permit processes whenever a complaint is received. He gave a County financial update.

PUBLIC HEARING It being the time set aside, a public hearing is held regarding the consideration for adopting a resolution providing for the creation and funding of the Montezuma County Law Enforcement Authority in the unincorporated areas of Montezuma County and refer same to the eligible electors at the coordinated election November 6, 2007. The roll was called, the public notice was read and the proceedings were taped for the record. **Sheriff Gerald Wallace** spoke in support of the authority and gave reasons why the authority is needed. Comm. Koppenhafer opened the hearing to public comment at this time. Audience members spoke in support of adopting the resolution (see sign in sheet). Hearing no further comments Comm. Koppenhafer closed the public comment portion of the hearing. After hearing all the evidence presented Comm. Chappell moved to approve Resolution 10-2007, seconded by Comm. Rule and carried. (See attached). Comm. Koppenhafer closed the public hearing at this time.

LORI JOHNSON with **Emergency Management** presented a lease agreement and use permit between the State of Colorado, the Ute Mountain Ute Tribe and Montezuma County for the 800 MHz digital trunk radio system. Comm. Rule moved to sign the lease agreement and use permit, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Planning Director Susan Carver informed the Board of some testing Bill Barrett Corporation Oil and Gas Exploration will be doing. She presented a letter received from the Town of Mancos with concerns that in a drought year, water service via the Town of Mancos water dock may be suspended. (See attached) She asked if the high impact permit process for Sugar Pine Rally could only be reviewed for next year rather than having a public hearing again. The Board stated the permit was for one year only and a high impact permit would need to be applied for again each year.

CORRESPONDENCE: The following correspondence was read and noted:
E-mail from Doug Ryder dated September 24, 2007 concerning Air Pollutant Emission Notice (APEN) permit on RYCO Equipment Leasing, RLLP (Kirkland Const.) (See attached)

COUNTY ANNEX CONTRACT: Comm. Rule moved to approve the amended contract and fee schedule for the use of the County Annex, seconded by Comm. Chappell and carried. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:30 p.m.

County Clerk
09/24/07

Chairman

Minutes of the September 24, 2007 meeting were read and approved October 1, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 1, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 1, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday September 24, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$271,019.47, District Attorney Fund check #51453 in the amount of \$24,096.24, Treasurer Fund check #51452 in the amount of \$214,233.67 Road department fund checks in the amount of \$65,342.70, Treasurer Fund check #20702 in the amount of \$52,728.37; and Landfill fund checks in the amount of \$14,378.06. Treasurer fund check #5398 in the amount of \$12,173.43 were approved for payment.

ROAD: Alvin Carver met to discuss a problem on Road 25 with underground water running down the bar-ditch and into a field and asked if the County can help to relieve that water from running into the field. Lloyd Everret will contact Montezuma Valley Irrigation to see if they have any issues with lowering the pipe at least two feet. Administrator Harrison will do an agreement with Rodney Gray, the property owner concerning the water storage upon the final project determination. Mr. Everret stated he has arranged a meeting with Goff Engineering concerning the Rock Creek Bridge project. He mentioned that work on the bridge project may begin Wednesday.

PLANNING: Planning Director Susan Carver informed the Board of the response to a complaint received regarding the setback standards for structures on property owned by **Michael D. and Jill Poplin** and located at 21795 Road W, Lewis, Co. The Poplins have filed an application for a variance to the setback standard to the Planning Department. Since the Subdivision has covenants, the Board declined to make any decision regarding granting a variance. (See attached) Director Carver presented for approval the findings and final plat for

Lichliter 2 lot Moderate development, Catherine Lichliter, owner The property is located at 12171 Road 26, Cortez, Co. Comm. Rule moved to approve the Lichliter 2 lot moderate subdivision with lot 2 zoning of AR3-9 and lot 1 zoning of AR10-34 and to approve the findings. Seconded by Comm. Chappell and carried. (See attached). Director Carver presented a waiver petition for the City of Cortez in regards to the Cortez Municipal Airport. **Russ Machen and Rebecca Whitehead, agents.** This request is for the purpose to review a waiver request to the High Impact Permit process for an expansion of a parking lot and future hangar development. Comm. Chappell moved to approve the waiver from the high impact permit process for the proposed construction of a parking lot and to begin the High Impact Permit process for the expansion of hangars. Seconded by Comm. Rule and carried. (See attached) Director Carver presented the minutes of the Planning Commission meeting held of September 27, 2007. (See attached)

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented the following renewals for approval;

(1) **Maverik Country Store** for a 3.2 beer license. Comm. Rule moved to approve the renewal for Maverik Country Store, seconded by Comm. Chappell and carried.

(2) Deputy Neely presented a renewal for a retail liquor license for **Log Cabin Liquors**. Comm. Rule moved to approve the renewal for a retail liquor license for Log Cabin Liquors, seconded by Comm. Chappell and carried. Comm. Rule moved to rescind the prior motion for Log Cabin Liquors due to questions concerning the signatures on the application, seconded by Comm. Chappell and carried

(3) A renewal for a beer and wine license for the **Inn at McElmo Canyon**. Comm. Rule moved to approve the beer and wine license for Inn at McElmo Canyon, seconded by Comm. Chappell and carried.

MIKE PRESTON informed the Board that he has accepted a position as general manager with the Dolores Water Conservancy District.

LUNCH: 12:00 noon

CASE NUMBER 2007CV65: A complaint was delivered to Comm. Rule from Roland Hoch and Roy Elder, as plaintiffs v defendant; The Board of County Commissioners of Montezuma County. The complaint has been forwarded to the insurance company. The County Clerk was not served with this complaint. Attorney Slough has recused himself concerning this matter and the County will contact another attorney to handle this case.

CASE NUMBER 07 CV 38 Order and Judgment was received (Country View Estates Homeowners v Board of County Commissioners and Bengtson Family Trust. (See attached)

DEPARTMENT BUDGET PRESENTATIONS: The following departments presented their budget requests.

SHERIFF'S OFFICE: Sheriff Wallace and Under sheriff Dave Hart.

DISTRICT ATTORNEY: District Attorney Jim Wilson

CLERK AND RECORDER: Clerk Carol Tullis

ASSESSOR: Assessor Mark Vanderpool

TREASURER: Treasurer Sherry Dyess

ADMINISTRATOR HARRISON informed the Board that **Community Connections** has not lost their non-profit status. They failed to file a report concerning property taxes and have to pay property taxes on property located in Montezuma County.

CORRESPONDENCE: The following correspondence was read and noted.
Letter from the League of Women Voters in response to the Desert Rock Energy Project (See attached)
Thank You from Mancos School District RE-6 (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried,

MEETING ADJOURNED 4:10 p.m.

County Clerk
10/01/07

Chairman

Meeting of the October meeting was read and approved October 8, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 8, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 8, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman. Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday October 8, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ROAD: Discussed a problem with Roads BB and 10 where trucks are having trouble getting out of the fields. **Lloyd Everett** stated the Department is in the process of taking care of the problem. He discussed the work on the McElmo road. He said they had the majority of the bypass done and still had some culvert work to do. Talked about the Lebanon Estates area on Road 25.

ROAD AND BRIDGE BUDGET for 2008 was discussed at this time.

PLANNING: Planning Director Susan Carver met to get clarification of C.R.S statute 38-44-112 Agreements. (See attached) She presented findings (7/30/07) for a boundary line adjustment request for Larrie Rule and Patricia Degagne for signature. (See attached)

SENIOR NUTRITION: Sue Fletcher and Mary Holaday presented two CDOT contracts, 5310 and 5311 between Montezuma County and CDOT for the provision of public transportation services in non-urbanized areas. Comm. Rule moved to sign contracts 5310 and 5311, seconded by Comm. Chappell and carried. (See attached)

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a renewal for a retail liquor license for **Log Cabin Liquors**. Comm. Rule moved to approve the retail liquor license renewal for Log Cabin Liquors, seconded by Comm. Chappell and carried. Deputy Neely presented a special events application for **Four Seasons Greenhouse** for a wine tasting event. Comm. Rule moved to approve the posting of the special events

permit for Four Seasons Greenhouse's wine tasting event, seconded by Comm. Chappell and carried.

NANCY THOMAS AND TERI FORTH met to update the Board on the detox shelter program. They are asking for permission to begin the subdivision process with the City of Cortez. Mrs. Thomas and Mrs. Forth stated they will ask the City to waive the subdivision fees, however, if the City declines to waive the fees, Thomas and Forth Engineering would pay the fees and there would be no cost to the County. Comm. Chappell moved to approve the preliminary work on the Minor Subdivision of Lot 1, Block 2, Montezuma County Public Facilities P.U.D., seconded by Comm. Rule and carried.

CORTEZ ARMORY PROJECT: Bids were opened for the replacement of the roof on the Cortez Armory. **Top Line Installer, Jim Herrick, owner** was the only bid submitted. No action was taken at this time. **LATER:** Comm. Rule moved to award the contract to Top Line Installers in the amount of \$122,018.00 for the roof at the Armory, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00 NOON

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of September, 2007. (See attached) She discussed some classes she attended in Rocky Ford, Co.

DEPARTMENT BUDGET PRESENTATIONS: The following departments presented their budget requests for 2008.

LANDFILL: Landfill Manager Debby Barton.

COMPUTER AND IT DEPARTMENT: Rob Peterka

PLANNING: Planning Director Susan Carver

SENIOR SERVICES: Sue Fletcher and Mary Holaday

HEALTH DEPARTMENT: Health Director Lori Cooper

CDHS: Comm. Chappell moved to sign the Memorandum of Understanding between the State of Colorado, Colorado Department of Human Services, and Montezuma County. Seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

E-Mail from Doug Ryder with the Colorado Department of Health in reference to RYCO Equipment (See attached)

Letter from Harris Water Engineering, Inc. in regards to evaluation of Road Impact Fees. (See attached)

Letter from Jerry and Carol Jones concerning the ineffectiveness of the mosquito control program. (See attached)

Letter from the State Board of Equalization - notice of public hearing. (See attached)

10/8/07

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Letter from the State Board of Land Commissioners of the State of Colorado – Oil and Gas Lease Auction. (See attached)

Letter from USDA Forest Service – Dolores Public Lands Office, Environment Assessment. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 4:40 p.m.

County Clerk
10/8/07

Chairman

Minutes of the October 8, 2007 was read and approved October 15, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 15, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 15, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman – Absent until 11:00 a.m.
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Vice- Chairman. Rule** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday October 8, 2007 were read. Comm. Chappell moved to approve the minutes as presented, seconded by Comm. Rule, and carried.

ROAD: There was no road report. The site visit to Road 25 was postponed.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of September, 2007. (See attached).

LETTER OF ENGAGEMENT: Comm. Chappell moved to allow Administrator Harrison to sign the letter of engagement for services from the law firm of McLachlan, Whitley and Underell, LLC for services they will render concerning the lawsuit filed on Road 43. Seconded by Comm. Rule and carried (See attached).

WORK AND FINANCIAL PLAN: Comm. Chappell moved to sign the agreement between **USDA-APHIS-WS** and Montezuma County for the calendar year, 2008 for the wildlife services program, seconded by Comm. Rule and carried. (See attached)

PERFORMANCE AND PAYMENT BOND: Comm. Chappell moved to accept the performance bond and payment bond for **Top Line Installers** for the roof at the Armory. Seconded by Comm. Rule and carried. (See attached)

LODGER'S TAX BOARD: Due to a vacancy in the Lodger's Tax Board, an advertisement will be placed in the newspaper for applications to fill the vacancy.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins and LouAnn Everett.

2008 BUDGET: The Board discussed the 2008 budget. Financial Director, Mary Ann Sanders was present.

LUNCH: 12:10 p.m.

PLANNING: Planning Director Susan Carver presented a request to approve a second dwelling on the same individual septic system on property owned by **Doug and Erika Walker**, 11496 Road 42, Mancos, Co. County health inspector Melissa Wilson gave an overview of the request. Comm. Rule moved to approve the request for a second dwelling on one septic system on lot 2 of the Riggert Subdivision for Doug and Erika Walker, seconded by Comm. Chappell and carried. **Dexter Gill** met to discuss enforcement of the land use code regarding the shop building being built on the Poplin residence. Director Carver will notify Mr. Gill when a variance application is filed by the Poplins. Planning Director Carver presented a request by **Bill Barrett Corporation** for an authorization to conduct a 2D seismic program called **Koskie 2D** in sections 22,27, and 34 Township 38N Range 16W. Comm. Rule moved to sign a waiver to the high impact permit process under the Montezuma County land use code for Bill Barrett Corporation (See attached)

Director Carver presented for review an application for a High Impact Permit for the construction of a storage facility on property located at 6820 Road 24, Cortez, Co. **Michael Marston, landowner, Duane Dale, agent for D. & F. Storage.** Comm. Chappell moved to send the application for a high impact permit for **D & F Storage** to the Planning Commission. Seconded by Comm. Rule and carried. (See attached)

CONTINUATION OF BOARD OF EQUALIZATION: It being the time set aside the Board of Equalization was reconvened at this time to continue the hearings on **Questar Exploration Production.** The roll was called and the proceedings were taped for the record. This hearing was conducted as a conference call with **Visual Lease Services, Jerry Wisdom, agent. K.E. Andrews, Mike Williams, and Ben Thompson agents, Questar, Kathy Ball, agent and Leonard Maez, agent, and Appraiser Scott Davis** with the Assessor's Office.

After hearing all the evidence presented, Comm. Chappell moved to accept Visual Lease Services evaluation of Questar properties for taxation with actual value being \$7,575,900.00. Seconded by Comm. Rule and carried. (See attached) Comm. Koppenhafer closed the hearing. Board of Equalization was adjourned at 3:40 p.m.

CONTINUED 2008 budget discussions.

CORRESPONDENCE: The following correspondence was read and noted.

Letter from **Erica Simonow** concerning a dangerous intersection at Hwy 145 and Road P. (See attached)

Letter from Roger Brooks concerning his parcel size. (See attached)

10/15/2007

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Letter from Kevin Russell Cook concerning the zoning board of adjustments. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:12 p.m.

County Clerk

Chairman

Minutes of the October 15, 2007 were read and approved October 22, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 22, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 22, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday October 15, 2007 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell, and carried.

FAIRGROUNDS: Conducted a site visit of the fairgrounds.

ACCOUNTS PAYABLE: General Fund #51449-51649 in the amount of \$444,101.97, Road Fund # 20701-20766 in the amount of \$148,941.40, and Landfill #5368-5395 in the amount of \$27,316.35 were approved for payment.

ROAD: **Ivan Unkovskoy** met to inquire about placement of a permanent gate across the red signed portion on Road 30 going to his property. **Lloyd Everett** stated the detour was built on the McElmo road and they are waiting for Goff Engineering to help with the concrete bid. Administrator Harrison informed the Board that he had been contacted by property owners concerning interest in vacating a portion of Road 37. Administrator Harrison will ask landowners to submit letters expressing any concerns they might have. It was stated one option would be to have the County close the road during the winter months due to inclement weather conditions.

SCOTT DARLING, GIS Specialist, presented a participation option/product preference for the 2010 decennial census with the Census Bureau concerning their data. Comm. Chappell moved to accept Option number 2, seconded by Comm. Rule and carried. (See attached)

CDOT: Comm. Rule moved to amend the agreement number 5311 between Colorado Department of Transportation and Montezuma County, for senior transportation amending the amount to \$42, 800.00, seconded by Comm. Chappell and carried. (See attached)

VETERAN'S AFFAIRS monthly report and certification of pay for September, 2007 was submitted for approval. Comm. Rule moved to approve the report and certification of pay for September, 2007, seconded by Comm. Chappell and carried. (See attached)

TREASURER'S report for the Month of August, 2007 was submitted. (See attached)

PLANNING: Planning Director Susan Carver presented an application from **Michael and Jill Poplin** for a variance to the setback standards concerning replacing/upgrading an existing structure. **Jill Poplin** gave an overview of the project. Comm. Rule moved to deny a variance on the application from Michael and Jill Poplin, seconded by Comm. Chappell and carried. (See attached)

FAIR BOARD member Deb Avery and Extension agent Tom Hooten met to request a reduction in the number of members on the County Fair Board from 8 to 10 members to 5 or 7 members. Comm. Rule moved to change the members to 5 with 2 alternates and the majority equals a quorum. Seconded by Comm. Chappell and carried.

DEB AVERY with the Cultural Center met to request use of the Annex for their Birding Festival scheduled for May 7th through the 11th 2008. She requested the fees be waived for this event. Comm. Rule moved to waive the fees for the use of the annex for the Birding Festival, seconded by Comm. Chappell and carried.

LUNCH: 11:45 a.m.

CONTINUATION OF PUBLIC HEARING: It being the time set aside, a continuation of a public hearing is held regarding proposed amendments to the Montezuma County Land Use Code. The roll was called, and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the proposed amendments. Letters from Kevin Cook and Michelle Allison were submitted for the record at this time for the Board to read. (See attached) Director Carver began with the proposed amendment change number 8, concerning the Board of Commissioners serving as the Board of Adjustments. Chairman Koppenhafer opened the hearing to public comment on amendment number 8 at this time. Several audience members spoke in opposition to the proposed amendment. After hearing all the evidence presented concerning the proposed amendment number 8, Comm. Chappell moved to reject the proposed amendment number 8 to the Land Use Code and leave 3204 and 3205 as currently written. Seconded by Comm. Rule and carried. Director Carver then gave an overview of the proposed amendment number 13, enforcement, fees, miscellaneous provisions. Chairman Koppenhafer opened this amendment up to public comment at this time. Several audience members spoke concerning this amendment. Chairman Koppenhafer closed the public comment portion of the hearing. After hearing the evidence presented concerning the proposed amendment number 13, Comm. Rule moved to deny the proposed amendment number 13, seconded by Comm. Chappell and carried. Chairman Koppenhafer continued this hearing until 1:30 p.m. Monday, October 29, 2007.

CORRESPONDENCE: The following correspondence was read and noted.

Thank you card from Dianne Nielson concerning cleaning the bar ditch. (See attached)

Letter from CTSI concerning educational training evaluations. (See attached)

Letter from the Colorado Department of Transportation – draft of FY 2008 to 2013 Region 5 STIP (See attached)

Letter from Trident Insurance Services – Elder/Hoch complaint. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 4:10 p.m.

County Clerk

Chairman

Minutes of the October 22, 2007 meeting were read and approved October 29, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 29, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 29, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday October 22, 2007 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell, and carried.

ROAD: Lloyd Everett discussed a new access on Road 23. He will discuss the access with the landowner before proceeding. Mr. Everett stated he had a call from Brian Lewis concerning a need Mr. Lewis has for bedding material. It was noted that the land is owned by the BLM and we would have to see what the lease agreement says before a decision can be reached. Mr. Everett was asked about stripping on the Mildred road between roads N and P. He stated they might install delineators along that portion of the road.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding the review of actual land use conditions and to determine whether a high impact permit application shall be submitted by the landowner, Noland Inc. or any other persons, on property located at 38251 Hwy. 160, Mancos, Co. The public notice was read, the roll was called and the proceedings were taped for the record. Planning Director Susan Carver gave an overview of the complaint concerning Noland Inc. **Rick Noland** and his attorney **Katherine Burke** spoke to the Board about the inspections he has. Comm. Koppenhafer opened the hearing to public comment at this time. **Betsy Harrison** spoke representing the Noland Pit study group and a group of Mancos Valley residents and requested the high impact permit process be required. (See exhibit A). **Oran White** stated his concerns with the fumes from the plant. (See exhibit B) **Jack Burk** spoke about air quality and submitted a handout with comparison of emissions from asphalt plants. (See exhibit C). **Dick Perry** talked about his quality of life and would like to see resolutions in opposition to the asphalt plant, a resolution to require owners of gravel pits to do proper watering to hold the dust down and to require a high impact permit application be done. **Patricia Burk** talked about health issues (see exhibit D) she then presented petitions requesting a high impact permit for this facility. (See exhibit E) and signed affidavits. (See exhibit F) **Attorney Josh Mack** representing **John**

Fleitz, discussed the existing use of the facility and the adverse effects. (See exhibit G) **Mary Jane Gosselin** discussed the quality of air and truck traffic. (See exhibit H) **Laird Carlson** discussed the pollutants in the air. **Silvia Fleitz** talked about the operations at the plant. **Jimmy Burton** spoke to the odor and excess traffic and dust. **Peggy Cloy** has health worries for herself, her business and her customers. **Tom Peterson, director of Colorado Asphalt Pavement Associations** spoke concerning the danger of fumes from asphalt plants. (See exhibit I) **Jon Kelly** attorney representing Betsy Harrison spoke as to hazardous materials exceeding the threshold standards and the necessity for a high impact permit. (See exhibit J) **Greg Kemp** discussed the use of the Noland property for gravel mining. **Dave Sipe** spoke stating he is for business growth and that a high impact permit should be looked into. He addressed concerns with the diesel from the stacks and traffic issues. **John Fleitz** asked Mr. Noland to run his business in an inoffensive manner and with integrity as he has done in the past. **Felicity Breonnan** spoke concerning the APEN permit. She would like to see this matter settled on the local level and not at the State or Federal level and to use the high impact permit process. **Jack Burk** talked about the EPA emissions data. **T. Myers** stated there are three points he would like to make. (1) There is an increased impact. (2) Improve the process and (3) he addressed the CDPHE complaint information (see exhibit K and L) Hearing no further comments Comm. Koppenhafer closed this portion of the hearing. Katherine Burke responded as to the permitted use and Rick Noland discussed the inspection report from the Colorado Division of Reclamation Mining and Safety Minerals Program Inspection Report. (See exhibit M) After hearing all the evidence presented Comm. Chappell moved to require the present asphalt plant and all future asphalt plants on the Noland Inc. property be required to obtain a high impact permit from the County and for the asphalt plant currently operating on the Noland Inc. property to submit a high impact permit application no later than November 9, 2007 and failure to do so shall result in having all operations cease immediately. Seconded by Comm. Rule and carried. Comm. Koppenhafer closed the public hearing at this time.

LUNCH: 12:25 p.m.

CONTINUATION OF PUBLIC HEARING: It being the time set aside a continuation of the public hearing is held in regards to the proposed amendments to the land use code. The roll was called and the proceedings were taped for the record. Planning Director Susan Carver gave an update of some changes and presented **Resolution 11-2007** for approval. Comm. Rule made a motion to approve Resolution 11-2007 amending the Montezuma County Land Use Code, seconded by Comm. Chappell and carried. (See attached)

ADMINISTRATOR HARRISON presented the energy/mineral impact assistance project grant for the 800 MHz tower located on Ute Mountain. Comm. Chappell moved to approve EIAF #5263 Montezuma County 800 MHz tower contingent upon the lease agreement being signed by the BIA and The Ute Mountain Ute Tribe. The motion was seconded by Comm. Rule and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held to review and determine the proposed high impact permit applications filed by **Bill Barrett Corporation, Don Hamilton, agent** for drilling and operations of three natural gas wells on property owned by **Jeroll D., Marianne, and Scott Koskie**. The property is located at 24028 Road X, Lewis, Co. Planning Director Susan Carver gave an overview of the applications. **Don Hamilton, Jim Felton, and Kurt Reinecke** with Bill Barrett Corporation updated the Board on the work they have done in the area and their future plans concerning this project. Comm. Koppenhafer opened the meeting to public comment at this time. Jeroll D. Koskie spoke and presented a letter of consent from the United States Department of Interior. (See attached) After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit application for Bill Barrett Corporation to

drill three natural gas wells on the Koskie location on Road X and to require a \$50,000.00 bond be in place, seconded by Comm. Rule and carried. (See attached)

PLANNING DIRECTOR Susan Carver informed the Board of an attachment C water supply information summary from the State of Colorado, Office of the State Engineer. She also presented an e-mail from Heidi Frey concerning the Summerhaven Subdivision. (See attached)

SHERIFF GERALD WALLACE met to update the Board on the Sheriff's Department. He discussed the special deputy classification which would affect the Sheriff's Posse.

CORRESPONDENCE: The following correspondence was read and noted.
E-mail from Trident Insurance Services in reference to Claimant: Hoch. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Koppenhafer and carried.

MEETING ADJOURNED 3:55 p.m.

County Clerk

Chairman

Minutes of the October 29, 2007 meeting were read and approved November 5, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 5, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 5, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday October 29, 2007 were read. Comm. Rule moved to approve the minutes as presented, seconded by Comm. Chappell, and carried.

PAYROLL: General fund checks in the amount of \$278,318.23, District Attorney Fund check #51651 in the amount of \$23,807.94, Fund check #51456 in the amount of 461.86 Treasurer Fund check #51652 in the amount of \$215,887.11. Road department fund checks in the amount of \$68,851.91, Treasurer Fund check #20770 in the amount of \$53,447.73; and Landfill fund checks in the amount of \$12,709.27. Treasurer fund check #5435 in the amount of \$10,640.74 were approved for payment.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of October, 2007. (See attached).

AUTHORITY BOARD ORDER: Comm. Rule made a motion to direct the Clerk to issue Order Number 0-08-07 to the Treasurer to transfer \$95,000.00 – Operations of Fairgrounds and \$89,180.00 – matching funds for the grandstands for a total of \$184,180.00 from the Conservation Trust Fund to the General Fund. Seconded by Comm. Chappell and carried. (See attached)

ROAD: **Lloyd Everett** stated the Department is sending the water trucks and doing blade work on Road 16 North of Hwy 491. Mr. Everett said he has had no luck contacting CDOT. He said he will keep trying. He will continue trying to contact Jim Siscoe with Montezuma Valley Irrigation in regards to Road 22. **Raymond Keith, Frank Willburn, and Larry Lee Jr.** met to discuss the condition of a portion of Road 37. It was decided to gate the road during the winter months and to apply 3” rock when time is available.

Administrator Harrison stated he will not pursue an agreement with Rodney Gray in regards to Road 25 as the road work has been completed.

PLANNING: Planning Director Susan Carver presented a high impact permit application for a motorcycle rally for years 2008 through 2010 with a yearly review of the application by the Board and to send the application on to the Planning Commission. (Montezuma Rally, Inc, Thomas E. Hover, Jr. agent). The property is owned by Glen Humiston and located at 40334 Hwy 184, Mancos. Co. Comm. Rule moved to move the high impact application to the Planning Commission, seconded by Comm. Chappell and carried. (See attached) Planning Director Carver then presented a report to the Commissioners concerning the Planning Commission Meeting held on October 25, 2007. (See attached). She presented a permit application for commercial or industrial use for **Western Excelsior Corporation, Norman Birtcher agent** concerning the review and determination of a proposed use of an air curtain destructor for disposal of wood waste on property located at 955 Grand Ave., Mancos, Co. Norman Birtcher explained the concept of the burner and **Deb Barton** with the County Landfill gave her input. Comm. Rule moved to grant a waiver for 30 days to see how the unit would impact the area. It was also moved to have the 30 day trial period begin once the start up begins. Seconded by Comm. Chappell and carried. (See attached)

Director presented the findings and permit for Bill Barrett Corporation, High Impact Permit numbers 544. 545 and 546 for signature. (See attached)

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of October, 2007 (See attached). She informed the Board of the hire of **Chris Horne** as the new office manager. Manager Barton gave an update on recent training sessions. She gave an overview of the landfill proposed rate structure. Comm. Chappell moved to approve the proposed rate increases for the Montezuma County Landfill to be effective January 1, 2008, seconded by Comm. Rule and carried. (Attached)

LOUANN JACOBSON AND HEATHER MUSCLAW with the **Bureau of Land Management** met to update the Board concerning the Canyon of the Ancients National Monument Resource Management Plan. A planning newsletter #4 was presented. (See attached) She explained there is also a CD available. Ms. Jacobson gave a quick overview of the plan. A draft resource management plan- draft environmental impact statement handout was presented and discussed. (See attached)

HOMELESS DETOX SHELTER (The Bridge) representatives **Alan Cook, director of C.A.R.S. (Cortez Addictions Recovery Services, Inc.)** and **M. B. McAfee** met to update the Board on the homeless detox shelter and reviewed the operating budget. They discussed the plans for the building of the shelter and the land donation from the County. (See attached) **Art Neskahi** with the **Tribal Voice** spoke in support of the shelter.

LUNCH: 12:15 p.m.

JAN SENNEHENN presented a draft of operating guide lines of the Montezuma County Fair Board for review. Comm. Chappell moved to accept the operating guidelines of the Montezuma County Fair Board as presented. Seconded by Comm. Rule and carried. (See Attached)

IT SPECIALIST Rob Peterka met to discuss the bid for a new phone system for various county offices. **Rodney Lipe** was also present. Comm. Chappell moved to approve \$37,896.00 to be paid from the Capital Fund for phones and hardware from R.L. Telecom, LLC and to enter into a 60 month contract with Qwest, seconded by Comm. Rule and carried. (See attached)

ADMINISTRATOR HARRISON presented an executed lease agreement and use permit between the Ute Mountain Ute Tribe, County of Montezuma and State of Colorado for the 800 MHz digital trunk radio system. along with Resolution 2007-144 of the Ute Mountain Ute Tribe.(See attached). He presented the contract approvals for EIAF #5263 Montezuma County 800 MHz Tower-WIN. (See attached) Administrator Harrison presented the Performance Bond and payment bond in the amount of \$356,000.00 for CBS Constructors in regards to the grandstand design and construction at the Fairgrounds. (See attached).

Comm. Rule moved to give Administrator Harrison authority to sign the public housing annual plan, seconded by Comm. Chappell and carried. (See attached)

Administrator Harrison informed the Board of a quote from Keesee Motors on a 2008 Ford Escape in the amount of \$19,544.00 to replace a vehicle for the Health Department. Comm. Rule moved to approve the purchase of a 2008 Ford Escape for the Health Department in the amount of \$19,544.00 to be paid out of the Capital Fund. Seconded by Comm. Chappell and carried.

SHERRY WRIGHT gave the Board information concerning the working group of the interim committee on the allocation of severance tax and federal mineral lease receipts. (See attached) Comm. Rule moved to reimburse Sherry Wright for expenses incurred by her in the amount of \$1,965.20 for working on the severance tax and mineral lease distribution committee for the State, seconded by Comm. Chappell and carried.

CORRESPONDENCE: The following correspondence was read and noted.

The Colorado Court of Appeals No. 06CA1784 – Order Affirmed. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED: 4:00 p.m.

County Clerk
11/5/07

Chairman

Minutes of the November 5, 2007 meeting were read and approved November 13, 2007. Monday, November 12, 2007 was a holiday.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 13, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, November 13, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday November 5, 2007 were read. Comm. Chappell moved to approve the minutes as corrected, seconded by Comm. Rule, and carried.

FINANCE MANAGER Mary Ann Sanders presented the semi-annual report from the Treasurer for the months of January through June, 2007. Comm. Rule moved to accept the semi-annual report, seconded by Comm. Chappell and carried. (See attached)

TREASURER'S REPORT for the month of September, 2007 was received. (See attached)

ROAD: Lloyd Everett reported **Montezuma Valley Irrigation** will not begin laying pipe on Road 22 until either the beginning of 2008 or the end of 2009. He said he has been in contact with CDOT concerning their available equipment, however, there will be no information given to anyone at this time. **Wayne and Susan Eppich** met to discuss Road 41 by Cedar Grove Cemetery. Mr. Eppich asked if the County couldn't put guard rail there. The Department will install some guard rail. (See attached) Mr. Eppich asked how he could convey a small parcel of land to the cemetery district. It was suggested he look into getting an exemption then convey the property. Mr. Everett informed the Board of truck traffic caused by Kinder Morgan on Roads N, 17 and P. He said the Department will put extra water trucks on the roads to keep the dust down. He said the Department is working on changing the truck route.

DIVISION OF WATER RESOURCES representatives Cheston Hart and Bob Becker met to discuss water critical areas and the availability of water for new subdivisions. Mr. Hart would like to see better communication from the County when new subdivisions are approved. He said they are really looking into cisterns and water docks. They mentioned they would like to see engineering reports done on new subdivisions.

Comm. Koppenhafer was excused at this time. Vice- Chairman Rule will conduct the meeting.

LIQUOR LICENSE: Clerk's Deputy Judy Follman presented the following liquor licenses for renewal and a special event for approval. She presented a special events liquor license for **Four Seasons Greenhouse** for a wine tasting event. Comm. Chappell moved to approve a special events liquor license for Four Seasons Greenhouse, seconded by Comm. Rule and carried. Deputy Follman presented a renewal for hotel/ restaurant license for **Sophia's Lodge and Retreat**. Comm. Chappell moved to approve the renewal for Sophia's Lodge and Retreat, seconded by Comm. Rule and carried. The renewal for hotel/ restaurant license for **Roundup Junction** was presented for approval. Comm. Chappell moved to approve the renewal for Roundup Junction, seconded by Comm. Rule and carried.

LUNCH: 11:45 a.m.

PLANNING: Planning Director Susan Carver presented a third amendment to Resolution P-20-86E on property located at 39620 Hwy. 184, Mancos, Co. and owned by **Tamsi Cooper**. Ms. Cooper wishes to sell, convey, transfer 5 acres, more or less to the **Henderson Family Trust, Curtis and Barbara Henderson, trustees**. Comm. Chappell moved to approve the third amendment to Resolution P-20-86E on property located at 39620 Hwy. 184, Mancos, Co. seconded by Comm. Rule and carried. (See attached).

Melissa Wilson with the Health Department presented information concerning a request from **Janice and James Reich** on property located at 33735 Road K.8, Mancos, Co. The request is to have two structures going into one septic system. Ms. Wilson recommended allowing the two structures on one septic system. Comm. Chappell moved to allow two structures on one septic system on property located at 33735 Road K.8, Mancos, Co. for James and Janice Reich. Motion seconded by Comm. Rule and carried. (See attached)

Melissa Wilson then presented a request from **Perry and Lana Berry** for a multiple connection on one septic system. The property is located at 27130 Road P, Dolores, Co. Ms. Wilson recommended approval. Comm. Chappell moved to approve the application for Perry and Lana Berry to have two structures on one septic system on property located at 27130 Road P., Dolores, Co. Seconded by Comm. Rule and carried. (See attached)

Comm. Koppenhafer returned at this time.

LAW ENFORCEMENT AUTHORITY: Discussions in regards to the voter approved Law Enforcement Authority was held at this time. **Assessor Vanderpool** discussed the effective date for the Authority. It was stated it would go into effect 30 days after the canvass of votes. The Board of County Commissioners will be the governing body for this Authority once it becomes official.

2008 budget work session was held. Administrator Harrison explained the 2008 budget. Finance Director Sanders was present.

CORRESPONDENCE: The following correspondence was read and noted.

Memorandum of Understanding between the State of Colorado Department of Human Services and the Board of County Commissioners of Montezuma County. (See attached)

Example of a letter used in Walsenburg concerning water related issues. (See attached)

Letter from Region 9- Seed funds for 2008 Montezuma Economic Development (See attached)

Letter from FEMA – flood insurance study (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Koppenhafer and carried.

MEETING ADJOURNED: 4:30 p.m.

County Clerk
11/13/07

Chairman

Minutes of the November 13, 2007 meeting were read and approved November 19, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO**

**Monday
November 19, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 19, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Kim Percell Deputy County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Tuesday November 13, 2007 were read. Comm. Rule moved to approve the minutes as corrected, seconded by Comm. Chappell, and carried.

ROAD REPORT: Lloyd Everett reported the County has most of the supplies for the guard rail for **Cedar Grove Cemetery**. They will need to buy some materials. Lloyd reported that some landowners on Road V wanted to change the speed limit signs back to 35 MPH. Commissioner Rule stated the Sheriff wanted the speed limits on the county roads to be consistent. Lloyd also reported the need for grant funding for chip sealing in McElmo Canyon. Administrator Harrison requested and received permission from the Commissioners to apply for an impact grant next year.

Tom Hema discussed **Road 29.6 and Road 29.7** needing speed bumps. Commissioner Rule stated that the liability was an issue. It was decided that Mr. Hema would talk to the developer about a gate, with a turn around lane for snowplows.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story, Lori Higgins, and LouAnn Everret.

ADMINISTRATOR HARRISON presented a DRAFT budget for the commissioners to review.

ART NESKAHI, BILL JOHN and M. B. MCAFEE presented a proposed **COUNTYWIDE HUMAN RELATIONS COMMISSION**. (See attached)

HEALTH DEPARTMENT ADMINISTRATOR: Lori Cooper updated the Commissioners on the flu vaccinations supplies. They are currently out of stock and are not reordering.

KEVIN TOMAN: was requesting a letter of support regarding motorized equipment on the United States Forest Service land. His concern was motorized vehicles on the **Bear Creek Trail**. Administrator Harrison will arrange a meeting with the United States Forrest Services and the Commissioners. (See attached)

LUNCH

PLANNING: Planning Director Susan Carver presented a request for AR 3-9 zoning and a preliminary plat for Phase 1 of a 51 lot Major Impact Development, owners **Lawrence L. and Donna Jean Suckla, Agent Donald Etnier**, located at 29923 Road L, Mancos Co.. Commissioner Rule moved to approve AR 3-9 zoning, findings and preliminary plat on Phase 1 of **SADDLE RIDGE** contingent on Montezuma Water Company sign off and drainage plan sign off, thereby creating vested rights. Second by Commissioner Chappell, motion carried. (See attached)

Susan presented an AR 3-9, AR 10-34 zoning request and a Preliminary Plat approval of a 4 lot Moderate Development, owners **Danny and Jean Wilkin** located at 7493 Road 22.9, Cortez, Co. **Dick Swanner agent**, presented a letter for Danny and Jean Wilkin (see attached) Commissioner Chappell moved to approve the Preliminary Plat with findings for a 4 Lot Moderate Development, **WINDMILL RIDGE** owners Danny and Jean Wilkin and to approve AR 3-9 zoning on lots # 1, 2, 3, and Zoning 10-34 on lot #4. Second by Commissioner Rule, motion carried. A notice will be published regarding vested rights. Susan Carver gave a copy of these rights to Richard Swanner. (See attached)

An application was presented for **Brian R. Karsten** for a preliminary approval for an After the Fact Exemption, request to combine two tracts, located at 11863 HWY 491 Cortez, Co. (see attached)

A Preliminary Plat presentation for a 7 lot major Development, owners **Jeffrey D. Booten, Dee L. Booten and Cherokee General Contractors Inc, Scott Trust Agent**, located at 37973, 37975 and 38032 HWY. 184 Mancos Co. Named **DOC'S REST SUBDIVISION**. Commissioner Rule moved to approve the **Doc's Rest** 7 lot major development with AR 3-9 zoning, findings and preliminary plat. Second by Commissioner Chappell, motion carried. A public notice will be published and 3 years through Vested rights will be established. (See attached)

COUNTY SANITARIAN Melissa Wilson presented an appeal on behalf of **Leslee Ham** for a variance on a septic permit. Property located at 26730 Road H, Cortez, Co. Commissioner Rule moved to approve the appeal for a Vault, 1500 gallon septic system with a Contract letter to Melissa Wilson for the scheduled pumping. Second by Commissioner Chappell, motion carried. (See attached)

Planning Director Susan Carver, presented a Final Plat for approval for **DC Partners, Dale Crouse** owner, **Agent Maness & Associates**, located at 12555 Road 42 Mancos, Co. Commissioner Chappell moved to approve the Final Plat, findings and zoning AR 10-34 for the single lot development for **DC Partners**, owner **Dale Crouse**. Second by Commissioner Rule, motion carried. (See attached)

Setting a time for a Public Hearing for Review and Determination of a High Impact Permit Application submitted by **Michael J. Marston, Agent Duane Dale** for a storage facility located at 6820 Road 24 Cortez, Co. was continued until December 3, 2007.

Setting a time for a Public Hearing for Review and Determination of a High Impact Permit Application submitted by **Glenna Harris, Agent Comment Four Corners, LLC, Agents Keith and Tracy Utt** for a communications tower on property located at 20601 HWY. 491, Lewis Co. was continued until December 3, 2007

Setting a time for a Public Hearing for Review and Determination of a High Impact Permit Application submitted by the **City of Cortez, Agents Russ Machen and Rebecca Whitehead** for an expansion of the Cortez Municipal Airport located at 22870 Road F, Cortez Co. was continued to December 3, 2007.

Setting a time for a Public Hearing for Review and Determination of a High Impact Permit Application submitted by Montezuma Rally Inc., **Agent Thomas E Hover, Jr.**, for a four day motorcycle rally for the years 2008 through 2010 on property located at 40334 HWY. 184 Mancos Co. was continued until December 3, 2007.

Commissioner Chappell moved to approve the **Veterans Service Officers Monthly Report and Certification of Pay** as presented. Commissioner Rule second, motion carried.

ACCOUNTS PAYABLE: General Fund #51653-51828 in the amount of \$225,096.29, Road Fund # 20701-20767 in the amount of \$148,941.40, and Landfill # 5436-5467 in the amount of \$17,697.74 for the month of October 2007 were approved for payment.

CORRESPONDENCE: The following correspondence was read and noted.
Colorado Court of Appeals No.:06CA1688 Judgment Reversed and Case Remanded with Directions.
Dated November 15, 2007.

Letter from the **City of Cortez** to the Commissioners regarding a subdivision application for the **Homeless Shelter**.

MOTION TO ADJOURN was made by Commissioner Rule, second by Commissioner Chappell, motion carried.

MEETING ADJOURNED: 5:30 p.m.

County Clerk
11/19/07

Chairman

Minutes of the November 19, 2007 meeting were read and approved December 3, 2007.
There was no meeting held on November 26, 2007.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 3, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, December 3, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday November 19, 2007 were read. Comm. Rule move to approve the minutes as presented, seconded by Comm. Chappell, and carried

A LETTER from **Michael F. Green and George Buck** concerning an agreement between the Gonzaleses and Bements. A public hearing has been scheduled for January 21, 2008 at 10:00 a.m. in regards to Road K.6 (See attached)

ROAD: Lloyd Everett reported the Department will be blading the roads. Carol Tibbets contacted Lloyd concerning the **Tozer Pit** lease. She would like to have a contract with the County. The County would like to continue leasing the property. Mr. Everett will contact Mrs. Tibbets to discuss exactly what she needs before moving forward. Administrator Harrison discussed the energy and mineral impact assistance program application for the McElmo chip seal proposed project. (See attached)

ADMINISTRATOR HARRISON discussed the District Attorney's budget. Currently the budget is split with Dolores County. He talked about Montezuma County administering the entire budget with Dolores County paying Montezuma County their portion. The Board stated they had no problems with that request. He presented a handout showing the number of acres in the County that is zoned industrial and commercial for their information (see attached). Administrator Harrison informed the Board that the State changed their grant boiler plate concerning their contracts. This would affect the contract on the radio tower. Comm. Rule moved to re-approve the grant contract between the State of Colorado and the Board of County Commissioners for the 800 MHz tower on Ute Mountain Tribal land. Seconded by Comm. Chappell and carried. (See attached) He discussed the Board of Directors for the newly passed Law Enforcement Authority.

PEGGY CLOY with the Lodger's Tax Board presented a grant draft originated by the Lodgers Tax Committee concerning a cooperative project with the Durango Area Tourism Office. She said this would spread the blanket of opportunity for tourism and regional enhancement. (See attached) She made a request for the Board to allocate a total of \$3750.00 in existing funds to be allocated equally to the Cortez, Dolores, and Mancos Chambers. This will be combined with the same amount from La Plata County to apply for the CTO grant. Comm. Chappell moved to approve \$3,750.00 grant match from the Lodger's Tax fund with the Colorado State Tourism Office. Seconded by Comm. Rule and carried.

PLANNING: Planning Director Susan Carver met to set public hearings for review and determination of high impact permits on the following: High Impact Permit Application submitted by **Michael Marston, Duane Dale, agent**, for a storage facility on property located at 6820 Road 24, Cortez. It was decided to have them go through the Planning and Zoning Commission before setting a public hearing. High Impact Permit Application submitted by **The City of Cortez, Russ Machen and Rebecca Whitehead, agents**, for an expansion of the Cortez Municipal Airport located at 22870 Road F. The hearing will be scheduled for December 17, 2007 at 3:30 p.m. High Impact Permit Application submitted by **Montezuma Rally, Inc., Thomas E. Hover, Jr. agent** for a four day motorcycle rally for the years 2008 through 2010. The hearing has been scheduled for January 7, 2008 at 3:00 p.m. High Impact Permit Application submitted by **Glenna Harris, Keith and Tracy Utt agents for Commnet Four Corners LLC** for a communications tower on property located at 20601 Hwy 491, Lewis, Co. The hearing has been scheduled for January 14, 2008 at 10:00 a.m. Director Carver presented a letter to the Monument Manager for the Canyon of the Ancients National Monument from the Planning and Zoning Board, in reference to comment submittal draft resource management plan. (See attached). Discussed zoning issues along with high impact permits.

SPECIAL EVENTS LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented an application to be set for a public hearing for a special events liquor license for the **Four States Ag Expo**. The Board would like a better location description for the set up. Deputy Neely will discuss the lease and location with the applicants and will schedule a public hearing.

LORI JOHNSON with Emergency Management presented the contract with Motorola for the digital trunked radio system expansion project-Ute Mountain Colorado's Wireless Interoperability Network. **Ron Painchand** representative for Motorola Inc. explained the contract. Insurance requirements were discussed. Insurance verification will be sent as soon as possible. Comm. Rule moved to sign the agreement between Montezuma County and Motorola for the installation of the 800 MHz tower on Ute Mountain, seconded by Comm. Chappell and carried. (See attached)

UNITED STATES FOREST SERVICE representatives **Steve Beverlin, Penny K. Wu, and Tamie Baker** met to discuss the use of motorized vehicles in the Bear Creek Trail area. **Kevin Toman and Jimbo Buickerood** met to state their concerns with damage and noise caused by motorized vehicles and wanted to be sure local voices are heard. Mr. Beverlin stated a meeting was held and an analysis on the Rico/ West Dolores area is being done for that area. He said they will be sending a letter to landowners to solicit public input.

LUNCH: 12:05 p.m.

CONFERENCE CALL with **Michael McLachlan and Paul Sax** attorneys with **McLachlan, Whitley, and Underell LLC** and who have retained by the Board in regards to the law suit on Road 43. The Board's position was to dismiss the lawsuit with prejudice and each entity will pay their own costs and attorney fees. Comm. Koppenhafer and Attorney Slough removed themselves from any decision making. Mr. McLachlan will contact Attorney Todd Starr and proceed with dismissal with prejudice.

BOARD OF EQUALIZATION: It being the time set aside the Board of Equalization was convened. The following appeals were heard: The roll was called and the proceedings were recorded for the record.

ROGER J. AND JOYCE L. LAWRENCE: An appeal was received concerning their property classification from agriculture to vacant land on account number R013034. Appraiser Cynthia Claytor gave an overview of the appeal. **Mr. Roger Lawrence** presented his case stating there is an apple orchard on the property and he states he sells his apples. After hearing the appeal and due to no evidence presented to prove agricultural use Comm. Chappell moved to agree with the Assessor's Office recommendation of vacant land on account number R013034, seconded by Comm. Rule and carried. (See attached)

RYAN C. WARNER: An appeal was received concerning property classification from agricultural to residential. Appraiser Cynthia Claytor gave an overview of the appeal. **Ryan Warner and Ted Neergaard** stated the land is used in conjunction with contiguous land and used as pasture for cattle. After hearing the evidence presented and seeing the farm tax returns, Comm. Rule moved to classify the property as agricultural on account number R015952, seconded by Comm. Chappell and carried. (See attached)

DAN AND KATHI BJORKMAN: An appeal was received concerning property classification from agricultural. Appraiser Cynthia Claytor gave an overview of the appeal. Dan and Kathi Bjorkman were not present nor did they call in for the hearing. The evidence presented indicated no agricultural use. Comm. Chappell moved to agree with the Assessor's recommendation on account numbers R4373, R4517, R13699, R13700 and R12866, seconded by Comm. Rule and carried. (See attached)

COORDINATED ELECTION 2007: The official returns for the Coordinated Election of 2007 were submitted to the Board. (See attached)

HOUSING SOLUTIONS OF THE SOUTHWEST representatives **Christina Cordalis and Kim Welty** met to request \$1500.00 matching funds for the rehab program of helping repair homes for low income homeowners. No action was taken at this time.

ROADS: The Board clarified that a green signed road is an official County right-of-way and a red signed road is not an official County right-of-way.

Discussed the cost of repairs to and condition of a dozer at the Landfill.

CORRESPONDENCE: The following correspondence was read and noted:

A letter from Colorado Commission of Indian Affairs and a pamphlet of guidelines for effective human relations commissions, revised September, 1998. (See attached)

Letter from United States Department of Interior in regards to a draft nomination list of historic structures in Mesa Verde National Park. (See original nomination list filed in the Planning Office)

Letter from the Archaeological Conservancy concerning a draft management plan for the Lancaster Archaeological Preserve. (See attached)

Meeting minutes for October 30, 2007 –Montezuma County Extension Advisory Board signed by Jodie Sutton (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 5:05 p.m.

County Clerk
12/03/07

Chairman

Minutes of the December 3, 2007 meeting were read and approved December 10, 2007

ONLINE COPY

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 10, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, December 10, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds - ABSENT
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday December 3, 2007 were read. Comm. Rule move to approve the minutes as corrected, seconded by Comm. Koppenhafer, and carried

ADMINISTRATOR HARRISON read e-mail exchanges between him and **Dan Bjorkman** concerning the Board of Equalization hearing held recently. Mr. Bjorkman claims he was not given notice in time to respond during the hearing. **Assessor Vanderpool** was present. (See attached) The Board decided to re-schedule his hearing appeal to January 7, 2008 at 11:00 a.m. A letter will be sent certified, return receipt with 3 day delivery.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through December 10, 2007. (See attached)

ROAD: Lloyd Everett discussed concerns about the County turn around on K.6. The public hearing to consider a resolution to vacate and abandon a portion of **Road K.6** has been rescheduled from January 21, 2007 as previously recorded to January 28, 2007 at 10:00 a.m. He asked the Board if there was any agreement with the Forest Service in regards to emergency snow removal on the Dolores – Norwood Road. He stated it would be beneficial to know who is responsible to blade it out and what emergency services is in place to service the people in that area. Mr. Everett stated he has been contacted by **Bill Ivy** who asked the County if they couldn't help maintain the **Chicken Creek** road on a regular basis. It was stated they should submit a schedule A agreement.

PLANNING: Planning Director Susan Carver presented a letter from **Steve Kelly** regarding an interior road in the **Views Estates Subdivision**. Mr. Kelly stated road 21.3 and P.3 was supposed to be built to County standards but was not done. Mr. Kelly stated since the road is a public road and since the Home Owners

Association has no control over its use but maintains the road, he would like to see the County assume maintenance of the road or make Roads 21.3 and P.3 a private road so that the Views HOA can control the use.

PUBLIC HEARING: It being the time set aside a public hearing is held to amend the 2007 budget. The roll was called, the public notice was read and the proceedings were taped for the record. **Finance Manager Mary Ann Sanders** presented **Resolution 12-2007** to amend the 2007 budget. Comm. Koppenhafer opened the hearing to public comment at this time. Hearing no public comment Comm. Koppenhafer closed that portion of the hearing. After hearing all the evidence presented Comm. Rule moved to approve Resolution 12-2007 to amend the 2007 budget, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Koppenhafer closed the public hearing.

IT BEING THE TIME set aside a public hearing is held to adopt the 2008 budget. The roll was called, the public notice was read and the proceedings were recorded for the record. Administrator Harrison gave an overview of the 2008 budget. Comm. Koppenhafer opened the hearing to public comment. Assessor Vanderpool discussed the State assessed valuation. He stated a revision in their valuation has a slight downward revision. Hearing no other public comment Comm. Koppenhafer closed that portion of the hearing. After hearing all the evidence presented Comm. Rule moved to adopt **Resolution 13-2007** to adopt the 2008 budget as presented. Seconded by Comm. Koppenhafer and carried. (See attached) Administrator Harrison presented **Resolution 14-2007** to set the mill levies. Comm. Rule moved to adopt Resolution 14- 2007 to set the mill levies for the year 2007, seconded by Comm. Koppenhafer and carried. (See attached). Administrator Harrison presented **Resolution 15-2007** to set mill levies for the Montezuma County Law Enforcement Authority. Comm. Rule moved to adopt Resolution 15-2007 to set the mill levies for the Montezuma County Law Enforcement Authority, seconded by Comm. Koppenhafer and carried. (See attached) Administrator Harrison presented **Resolution 16-2007** to appropriate sums of money. Comm. Rule moved to adopt Resolution 16-2007 to appropriate sums of money. Seconded by Comm. Koppenhafer and carried. (See attached) Comm. Koppenhafer closed the public hearing at this time.

PLANNING: Margaret Clauson with the Planning office presented an application for review and determination of a request for an after-the fact exemption from **Brant Meinrod, Bob Durant** agent on property located at 9998 Road 29, Cortez. The Board gave preliminary approval for the request. (See attached) **Margaret Clauson** with the Planning Office presented an application from **Schelli Porter and Ernest and Bernice Scheller, Mike Porter, agent** for review and determination of a request for an amendment to an after the fact exemption on property located at 21180 and 21070 Road B, Cortez. The Board stated a variance to the set backs should be included with the after-the-fact exemption and they questioned the zoning. Mrs. Clauson will find out if the property is zoned before proceeding. Mrs. Clauson requested preliminary approval for an after-the-fact exemption to adjoin two tracts of land on property owned by **Brian R. Karsten** located at 11863 Hwy 491, Cortez. **Ellie Courtney, agent.** Preliminary approval was given for the exemption and approval to proceed to the public hearing process for zoning. (See attached). **LATER:** Margaret Clauson reported Schelli Porter's property of 48 acres was zoned AR10-34 and the 3 acre tract owned by Ernest and Bernice Scheller will require zoning to be established through the public hearing process. Preliminary approval was given to amend the exemption and to do a variance.

LUNCH 12:25 p.m.

LANDFILL: Landfill manager **Debby Barton** presented the profit and loss statement for the month of November, 2007. (See attached)

STEVE BEVELIN AND PENNY WU with the United States Forest Service gave an overview on the Dolores travel management plan. They stated that a nationwide policy requires the Forest Service to designate areas for motorized vehicle use. Penny Wu said work has been done to furnish a map for designated motorized vehicle roads. (See attached) They are finishing work on the Mancos, Cortez area and are in the planning process for the Rico, West Dolores area having held a public meeting on November 18, 2007 and getting ready to send out a scoping letter concerning the Rico/West Dolores area. They will periodically brief the Board on their progress. Comm. Koppenhafer mentioned he would like to see some sort of an agreement and procedure to follow concerning emergency plowing on forest service roads between Montezuma and Dolores County and the Forest Service.

M. B. McAFEE AND NANCY THOMAS met to update the Board on the homeless shelter. Administrator Harrison presented a letter of support and a quit claim deed for review. Nancy Thomas stated the subdivision plat has been approved through the City Planning and Zoning and will go before the City Council at their January, 2008 meeting. Comm. Rule moved to sign the quit claim deed between Montezuma County (grantor) and Cortez Addictions Recovery Services, Inc. (grantee) deeding Lot 1B, Block 2, of Minor Subdivision of lot 1 block 2, Montezuma County Public Facilities Planned Unit Development, City of Cortez for so long as said property shall be owned and used by a 501(a)(3) nonprofit entity or persons as a detox shelter facility; said property shall revert to Montezuma County if and when said ownership and use shall cease. Motion was seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule moved to sign a letter of support for Cortez Addiction Recovery Services, Inc (CARS) The Bridge Emergency Homeless Shelter and Detox Center. Seconded by Comm. Koppenhafer and carried. (See attached)

SOUTHWEST MEMORIAL HOSPITAL representative Dan Jessup presented the financial statements for the quarterly and year to date operations ended September 30, 2007. (See attached)

VETERAN'S AFFAIRS: Comm. Rule moved to sign the County Veterans Service Officer's monthly report and certification of pay for November, 2007, seconded by Comm. Koppenhafer and carried. (See attached).

LEEANN MILLIGAN with the extension office met to discuss the fairground fees for 2008 and the booking fees. The fees will remain the same for 2008 for the use of the fairgrounds.

MARK BRUNGER and **TIM MURPHY** representing G 3 Operating met concerning leasing minerals owned by the County. They stated they found property owned by Bill Palmer who owns the surface rights while Montezuma County owns the mineral rights on lots 10,11,14, and 15 in section 30, township 39 N. range 17 W N.M.P.M or tract 49. They are interested in leasing the oil and gas minerals on the property described above. He said that the County leased the minerals in 1949 and that nothing has been done with the minerals since. Research will be done to see if the County owns same before any decisions will be made. No action was taken at this time. (Attached)

SHERIFF GERALD WALLACE AND UNDERSHERIFF DAVE HART met to update the Board on the Sheriff's department. They discussed staff hiring and promotions. He stated the tasers have been purchased and they will be buying more radios. They are working with the Town of Dolores and the Ute Mountain Ute Tribe on budget issues. He discussed court security funding. Mountain State Employers Council represents employers with human resources and works with the Sheriff's Office on various issues and it was suggested the whole county use the Council as well.

MARIANNE MATE met to update the Board on the McPhee breakwater project. She discussed the grant application and funding. She presented an agreement between Montezuma County and Bluewater Design group for professional services. She states she will contact Southwest Conservation District to see if they would contribute monies not to exceed \$2500.00 for a site visit for professional services by the Bluewater Design Group. If they decline, the monies not to exceed \$2500.00 would be paid from the Conservation Trust Fund. Comm. Rule moved to sign the contract with Bluewater Design Group, for professional services, seconded by Comm. Koppenhafer and carried. (See attached)

RESOLUTION 17-2007: Comm. Rule moved to approve Resolution 17-2007 for support of the Mancos Water Conservancy District for Bill S. 1477 and H.R. 3437. Seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Letter from Kyle Carhart. (See attached)

Letter from USGS concerning geographic name proposal recommendation at Mesa Verde National Park. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Koppenhafer and carried.

MEETING ADJOURNED 5:45

County Clerk
12-10-07

Chairman

Minutes of the December 10, 2007 meeting was read and approved December 17, 2007

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 17, 2007**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday, December 17, 2007 at the courthouse in Cortez, Colorado, there were present:

Gerald W. Koppenhafer, Chairman
Larrie D. Rule, Vice-Chairman
Steve Chappell, Commissioner of Deeds
Bob D. Slough, County Attorney
Ashton N. Harrison, Administrator
Carol Tullis County Clerk

MEETING was called to order by **Chairman Koppenhafer** at 9:00 a.m. Recited the Pledge of Allegiance.

MINUTES of the regular meeting held on Monday December 10, 2007 were read. Comm. Rule move to approve the minutes as corrected, seconded by Comm. Chappell, and carried

ACCOUNTS PAYABLE: General Fund # 51830-52015 in the amount of \$172,494.37 Road Fund # 20842-20912 in the amount of \$121,833.83, and Landfill # 5471-5497 in the amount of \$14636.41 for the month of November, 2007 were approved for payment.

ROAD: **Lloyd Everett** presented bids he received for concrete for the **Rock Creek ditch project**. The first bid opened was from **PCC Preferred Contracting and Consulting LLC** from Pleasant View, Co. The bid was \$28,386.00 with an additional \$1250.00 for the performance bond. The second bid opened was from **Neil's Excavation and General Contracting** from Ignacio, Co. The bid amount was \$19,861.10. The next bid opened was from **Daniels's Concrete** for \$21,590.00 and the fourth bid opened was from **Ray Ward Trucking** for \$42,000.00. Comm. Rule moved to award the bid to the lowest bidder of Neil's Excavation and General Contracting from Ignacio, Co. in the amount of \$19,861.10, seconded by Comm. Chappell and carried. (See attached) Mr. Everett stated the Department is working on Road 37 installing a culvert.

SCOTT DARLING with the **GIS** department met to discuss problems in addressing of county roads and possible solutions such as naming roads in subdivisions. More discussions will follow at a later date.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted. Present were Dennis Story, and LouAnn Everett.

RESOLUTION TO CHANGE BUDGET: Comm. Rule moved to accept the resolution to change the budget for Montezuma County Social Services Fund for calendar year 2007, seconded by Comm. Chappell and carried. (See attached)

SHERIFF'S DEPARTMENT: **Dave Hart** with the Sheriff's Office presented grants for signature. One was a no match grant from Rural Law Enforcement for a radar trailer and the second is a gaming impact grant with an \$8,000.00 match. Comm. Rule moved to sign grant 25-JI-10-11-1 between U.S. Department of Justice and Montezuma County Sheriff's Office for a no match grant for a trailer used in the speed enforcement program. Seconded by Comm. Chappell and carried. (see attached) Undersheriff Hart presented a gaming impact grant for approval. Comm. Chappell moved to sign the gaming impact grant between State of Colorado (DOLA) and Montezuma County for the Sheriff's Office with a match of \$8000.00. Seconded by Comm. Rule and carried. (See attached)

PERSONNEL HEARING: Personnel hearing was closed at the request of the employee.

LUNCH: 12:55 p.m.

BRANDON JOHNSON with the Cortez Fire Protection District informed the Board of a small fire in the lobby at the Comfort Inn which is located in the County. The concern is for safety and life issues due to the fire alarms being turned off in the building for two days and the lack of fire extinguishers. The statutes will be researched before action is be taken. It was suggested a letter be written to the State Board.

PLANNING: Planning Director Susan Carver asked the Board to review and determine an application from **Herbert and Betsey Moise** to amend exemption P-21-1974 on property located at 27284 and 27326 Road H. Comm. Chappell moved to amend exemption P-21-1974 to increase size of lot 2 from a 3 acre tract to a 10 acre tract, seconded by Comm. Rule and carried. (See attached)

Director Carver presented for review and determination of a preliminary plat for a proposed 2 lot moderate development and a request for AR3-9 zoning on property located at 38215 Hwy. 184, Mancos for **Billie Baikie and Carrie Summers Baikie**. Mr. Baikie also submitted an application for a variance to the interior road width from 28' to 18'. Comm. Rule moved to approve a 2 lot moderate subdivision for Billie and Carrie Summers Baikie and AR 3-9 zoning and presketch plan and approve a variance from a 24' road width to an 18' road width to be built according to Montezuma County road and bridge standards and specifications. Seconded by Comm. Chappell and carried. (See attached)

Director Carver presented an application from **Lyle Rice** for review and determination of a final plat for a proposed single lot development on property located at 21038 Road S. Comm. Chappell moved to approve the final plat and findings on a single lot development on property located at 21038 Road S for Lyle K. Rice. Seconded by Comm. Rule and carried. (See attached)

ADMINISTRATOR HARRISON informed the Board that access to the sales tax and lodger's tax information has been transferred to County Treasurer Sherry Dyess.

VISUAL LEASE SERVICES contract for 2008 was presented for signature. Comm. Rule moved to sign the contract between Montezuma County and Visual Lease Services for 2008, seconded by Comm. Chappell and carried. (See attached)

SOUTHWESTERN WATER CONSERVATION DISTRICT letter was received informing the Board that John Porter's term on the Board of Directors for the District was expiring in January, 2008. A letter from John Porter was received requesting his re-appointment to the Board of Directors for a three year term. Comm. Rule moved to re-appoint John Porter to a three year term to the Southwestern Water Conservation District Board, seconded by Comm. Chappell and carried. (See attached)

ALFRED HUGHES met with the Board to discuss concerns he has about the land use code, the zoning map and Land Initiated Zoning in the County. He stated that 44% of the County is un-zoned and he would like to see comprehensive zoning and planning for the future be considered.

MELISSA WILSON with the Health Department presented for review and determination of a septic application from **Darell and Debra Darland**, for an additional dwelling to be connected to the same individual sewage disposal system on property located at 14260 Road 31, Mancos. They wish to abandon the old septic system and build a new engineered system to accommodate two dwellings. Realtor Bob Barnhart spoke on behalf of Mr. and Mrs. Darland. Comm. Rule moved to approve the application for Darell and Debra Darland to build a new engineered system to accommodate two dwellings on the same septic system not to exceed 1500 sq. ft. on the second dwelling on property located at 14260 Road 31, Mancos. Seconded by Comm. Chappell and carried. (See attached)

Melissa Wilson presented for review and determination of a septic application from **Ed and Mallory Anderson** for an additional dwelling to be connected to the same individual sewage disposal system on property located at 24907 Road M., Cortez. Comm. Chappell moved to approve the application for Ed and Mallory Anderson to attach an additional dwelling to an existing septic system with an engineered design on the attachment on property located at 24907 Road M., Cortez, seconded by Comm. Rule and carried. (See attached)

OFFICIAL HOLIDAY SCHEDULE: Comm. Rule moved to approve the official county holiday schedule for 2008, seconded by Comm. Chappell and carried. (See attached)

DISCRETIONARY FUNDS: A letter from the Cortez Cemetery District concerning the County's discretionary funds was received and discussed. (See attached)

CORRESPONDENCE: The following correspondence was read and noted.

USPS notification of letter delivered to Daniel Bjorkman concerning BOE hearing. (See attached)

Letter from Director of Sales and Marketing of ARAMARK, Mesa Verde Company, Judith M. Swain requesting appointment to the Montezuma County Lodgers Tax Board to fill the position vacated by the relocation of Lance Wellwood to California. (See attached)

Letter from the Summit Advisory Council thanking the Board for their past support. (See attached)

Letter regarding 2008 FTA Section 5311 Funds from CDOT. (See attached)

The meeting was recessed at 5:10 p.m. until Friday, December 21, 2007 at 9:00 a.m.

The meeting was reconvened on Friday, December 21, 2007 at 9:00 a.m.

CORRESPONDENCE: The following correspondence was read and noted.

Letter concerning arbitration proceeding for Sandra L. Cravin (See attached)

Copy of public notice from City of Cortez for a site plan review of the Bridge Homeless Shelter and Detox Facility. (See attached)

Letter from Secretary of State concerning the certification of the Premier Election Voting System. (See attached)

CERTIFICATION OF LEVIES AND REVENUE: Comm. Rule moved to certify the 2008 Certification of Levies and Revenue by Montezuma County Commissioners, seconded by Comm. Chappell and carried. (See attached)

LETTER OF AGREEMENT: Comm. Chappell moved to authorize Administrator Harrison to sign the agreement between Montezuma County and Office of Community Services, Fort Lewis College for 2008 for technical assistance from James Dietrich. Seconded by Comm. Rule and carried. (See attached)

MOTION TO ADJOURN was made by Comm. Rule, seconded by Comm. Chappell and carried.

MEETING ADJOURNED 10:10 a.m.

County Clerk

Chairman

The minutes of the December 17, 2007 meeting were read and approved January 7, 2008. There were no meetings held on December 24, 2007 and December 31, 2007 due to holidays.

