

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 4, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday January 4, 2010, at the Montezuma County Courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, December 28, 2009 were read. Comm. Chappell moved to approve the minutes of December 28, 2009 as corrected, seconded by Comm. Koppenhafer. Motion carried.

PAYROLL: General fund checks in the amount of \$347,927.02, District Attorney fund check #56630 in the amount of \$27,100.64, Treasurer fund check #56631 in the amount of \$260,315.98, Road department fund checks in the amount of \$79,021.79, Treasurer fund check #22668 in the amount of \$65,305.10; and Landfill fund checks in the amount of \$16,355.75, Treasurer fund check #6421 in the amount of \$14,421.59 were approved for payment.

2010 APPOINTMENTS: The following election of officers and appointments were made.

Comm. Koppenhafer made a motion to keep the Board of County Commissioners as they existed in 2009 as follows; Chairman, Larrie D. Rule, Vice Chairman, Steve Chappell and Commissioner of Deeds, Gerald W. Koppenhafer, seconded by Comm. Chappell and carried;

Comm. Chappell moved to appoint the following persons to the respective offices as existed in 2009, seconded by Comm. Koppenhafer and carried.

- County Attorney; Bob Slough
- County Administrator/Budget Officer; Ashton Harrison
- County Road Supervisor; Dean Roundtree
- Director of Social Services; Dennis Story
- Director of Public Health; Lori Cooper
- Health Officer; Dr. Gerald Griebel
- Region 9 Economic Development Board; Steve Chappell, Alternate; Larrie D. Rule
- Southwest Regional Transportation Committee; Larrie D. Rule, Alternate; Steve Chappell

APPOINTMENT CORTEZ CEMETERY: Comm. Rule abstained from all discussion and any motion made concerning the appointment to the Cortez Cemetery District Board at this time. The Board of County Commissioners felt changes were needed due to the financial status of the District. Comm. Koppenhafer moved to

appoint Pat DeGagne- Rule to a three year term, expiring Jan., 2013 to the Cortez Cemetery District Board of Directors, seconded by Comm. Chappell and carried. (See attached)

PLANNING COMMISSION: Planning Director Carver recommended the Board appoint Dennis Pottorff, Andy Logan, and Tim Hunter to the Planning Commission for a 3 year term. Comm. Koppenhafer moved to appoint Dennis Pottorff, Andy Logan and Tim Hunter to a three year term expiring Jan., 2013 to the Planning Commission, seconded by Comm. Chappell and carried. (See attached)

MONTEZUMA COUNTY LODGER'S TAX PANEL; Comm. Chappell moved to appoint Sue Scott and Lee Cloy to the Lodger's Tax Panel to a three year term expiring Jan., 2013, seconded by Comm. Koppenhafer and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree discussed the County taking over the care of the Dolores-Norwood road. The situation will be discussed further. No decisions were made at this time. Supervisor Roundtree reported that CDOT had some excess equipment for sale and he would like to go to Denver to look them. He talked about the blading of county roads. He said the Department is limited on sand and are sanding the dangerous spots first. Attorney Slough recommended the County stay separate and apart from Montezuma County Water Co. concerning expert witnesses in the law suit in regards to Roger and Dianne Weitzenkamp v Montezuma Water Co. and Board of County Commissioners in regards to County Road 26. The Board decided to keep the arms length position concerning the law suit.

EMERGENCY MANAGER Doug Walker updated the Board on the year end activity of the Emergency Management programs. He talked about the locations of repeaters. He said weather radios have been purchased through a grant and will be put in the schools.

SHERIFF'S OFFICE 2010 BUDGET: Sheriff Gerald Wallace met to discuss the 2010 adopted budget for the Sheriff's Office and the Detention Center. He talked about the reduction in overtime hours. He talked about training. He would like to be able to allow the Emergency Manager to receive the 3% salary increase. Sheriff Wallace wanted to verify that the insurance and bond monies were still available through the miscellaneous budget. He talked about the lack of communication concerning changes made before the finalization of the budget.

KIM WELTY gave an environmental review for Housing Solutions. She talked about HUD's environmental review process (Homeowners rehabilitation project) and talked about a project checklist. Comm. Koppenhafer moved to sign the categorical exclusion for projects/activities subject to 24C.F.R., part 58.5 and other requirements found at 24 C.F.R. part 58.6 will be complied with by Housing Solutions of the Southwest, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Planning Director Susan Carver presented an application for review and determination of a final plat for a single lot development on property owned by **Paul and Lillian Bostrom** located at 23866 Road L, Cortez. Director Carver gave an overview of the application while Paul Bostrom explained the application in detail. Comm. Chappell moved to approve the final plat for a single lot development for Paul and Lillian Bostrom located at 23866 Road L, seconded by Comm. Koppenhafer and carried.

CORRESPONDENCE: The following correspondence was read and noted:

Letter to Mr. Mat Bradshaw in reference to 49 Square Ventures LLC Recycling Facility on County Road 39 northwest of Mancos. (See attached)

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

MEETING ADJOURNED 11:35 a.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 11, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 11, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, January 4, 2010 were read. Comm. Koppenhafer moved to approve the minutes of January 4, 2010 as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree and **Bill Ivy** with the Forest Service met to discuss the rehabilitation of the **Dolores/Norwood Road**. Bill presented a Draft proposal for the Board to look at. Dean reported that it would be a combined effort with Dolores County. Bill told the Commissioners that he had received their letter in regards to the Jurisdiction change for the Dolores Norwood Road. If all went smoothly with the process they could have a decision within 30 to 60 days. Dean also reported to the Commissioners that he had gone to Denver last week to look at trucks to purchase. There was a discussion in regards to the Fair grounds and a water problem.

County Treasurer Sherry Dyess, presented a list of **Public Depositories** for the deposit of Public Funds for Montezuma County. Comm. Chappell moved to approve the list of Public Depositories submitted by Sherry Dyess, seconded by Commissioner Koppenhafer, motion carried. (See attached)

CONTINUED PUBLIC HEARING: It being the time set aside the public hearing concerning a dog resolution is continued. The roll was called and the hearing was taped for the record. Attorney Slough read the proposed resolution. The hearing was opened for public comment. Those public comments in favor of the resolution were Don Hoffman, Mike Lavey, Gala Pock, Robert Jensen, Greg Kempf and Ronald Porter. Those opposed to the resolution were Darrel Graff, Lloyd Everett, Sherry Dyess, and Miscelle Allison. After discussion it was decided to continue the hearing at a later date so that Attorney Slough could re-word some of the resolution. Comm. Koppenhafer moved to continue the hearing to January 29, 2010 from 10:30 a.m. to 11:00 a.m., seconded by Comm. Chappell, motion carried.

LUNCH: 12:00

Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay, seconded by Comm. Koppenhafer, motion carried (See attached)

MONTEZUMA COUNTY LANDFILL Debby Barton dropped off the un-reconciled Year Ending Profit and Loss schedule.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR35+ zoning request for the following properties (1) 19230 Road 26.2, Dolores, Co., consisting of 35 acres owned by **Timberline Properties of Colorado, LLC**. Property located at 19253 Road 26.2, Dolores, Co., consisting of 35 acres and owned by **Casey and Yvonne McClellan**; and property located at 19501 Road 26.2, Dolores, Co., consisting of 40 acres owned by **Casey McClellan**. (2) Property located at 22600 Road Z, Lewis, Co., consisting of 120 acres owned by Timberline Properties of Colorado, LLC. (3) Property located at 25529 Road X., Lewis, Co., consisting of 240 acres and property located at 25021 Road X., Lewis, Co., consisting of 160 acres and owned by Timberline Properties of Colorado, LLC. (4) Property owned by Timberline Properties of Colorado, LLC and located at 20280 Road CC, Pleasant View, Co., consisting of 155 acres and property located at 23925 Hwy 184, Dolores, Co., consisting of 790 acres and owned by **McClellan Brothers Investments, LLC**. The roll was called, the public notice was read and the hearing was taped for the record.

PUBLIC NOTICE: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR35+ zoning request for the following properties: Property with an address to be determined on County Road H, Cortez, Co., consisting of 80 acres located in S.3, T.35N., R. 15W N.M.P.M. and owned by **Casey N. McClellan**, property located at 29998 Road H, Cortez, Co., consisting of 40 acres owned by Casey N. McClellan and property at 29996 Road H., Cortez, Co., owned by **Timberline Properties of Colorado, LLC**. consisting of 40 acres. The roll was called, the public notice was read and the proceedings were taped for the record.

PUBLIC NOTICE: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR35+ zoning request on property located at 18655 Road 10, Pleasant View, Co., owned by **Hovenweep Canyon Ranch, LLC**. The property consists of 470 acres. The roll was called, the public notice was read and the proceedings were taped for the record.

Director Susan Carver presented an overview of all properties. Commissioner Koppenhafer moved to approve the AR+35 zoning request for all of the properties listed in all three public notices scheduled for 2:00 p.m. on January 11, 2010 as presented to the board of County Commissioners. Second by Commissioner Chappell, motion carried (See attached)

PLANNING: Planning Director Susan Carver presented a request to forward a high impact permit application to the Planning Commission. Said application is for the purpose of reviewing and determining a high impact permit request as submitted by **Fraley and Company, Inc.**, agent **David Fraley**. The request is for the purpose of adding three 30,000 gallon propane storage tanks to the existing business on three congruent properties consisting of 23.02 acres located at 6723 Hwy 491, 23760 Road G, and 23770 Road G, Cortez, Co.

Comm. Koppenhafer moved to forward the application by Fraley & Company Inc. for Industrial zoning and a High Impact permit for three large tanks. Seconded by Comm. Chappell, motion carried.

Planning Director Susan Carver made a request to forward a high impact permit application to the Planning Commission for the purpose of reviewing and determining a high impact permit submitted by **Tucker Transportation, Inc.** The application is requesting to construct and operate a shop/office building and storage of various equipment and materials associated with drilling operations. The property is owned by **Robert and Karen Tucker** consisting of 15.76 acres and located at 12801 Hwy 491, Cortez, Co. Represented by **Attorney Hazen Brown**. Commissioner Chappell moved to forward the application for Tucker Transportation, Inc. to the Planning Commission. Seconded by Commissioner Koppenhafer, motion carried.

CORRESPONDENCE: The following correspondence was read and noted: Letter from **Miscelle Allison** to the Office of Inspector General U.S Department of Interior Fraud Hotline, regarding illegal funding for the Canyon of the Ancients; Letter from **Southwest Memorial Hospital** regarding ability to receive patients for participants; Letter from **Southwest Colorado Mental Health Center Inc.** in regards to the counties support of the Acute Treatment Unit; Letter from **Department of Local Affairs** regarding the local government Contact Information for Goodman Point Water District; Letter from **Energy Forum & Expo Co.** regarding the fifth Annual Energy Forum & Expo on February 26, 2010.

Copy of letters sent to **Dennis Pottorff, Andrew Logan, and Tim Hunter** regarding Montezuma County Planning Commission. Letter sent to **Tom Rice** regarding EA for proposal to drill a natural gas well.

MOTION TO ADJOURN was made by Comm. Koppenhafer, seconded by Comm. Chappell and carried.
MEETING ADJOURNED 4:10 p.m.

County Clerk

January 11, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 18, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 18, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, January 11, 2010 were read. Comm. Chappell moved to approve the minutes of January 11, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ACCOUNTS PAYABLE: General Fund # 54409-54597 in the amount of \$363,168.70, Road Fund # 21808-21863 in the amount of \$106,224.89, and Landfill # 5970-6007 in the amount of \$21,898.14 for the month of December, 2009 were approved for payment.

ROAD: Road Supervisor Dean Roundtree discussed the rehabilitation of the Dolores/Norwood Road concerning the gravel hauling. Dean will talk to Bill Ivy in regards to an agreement on said road. He also talked about the water drainage problem at the Fairgrounds and things to look at during the site visit today.

BOARD OF EQUALIZATION: It being the time set aside an abatement hearing is held for Kevin P. Kuykendall concerning a change in classification on property located at 13070 Road 44 guess, Mancos, Co. Schedule number R004327. The roll was called and the proceedings were taped for the record. Mr. Kuykendall was not present. Appraiser, Cynthia Claytor presented the abatement for tax years 2007 and 2008 stating the property was taken out of agricultural classification and listed as vacant property. The Assessor's Office recommended denial of the abatement. The owner was requested to send something showing the property is still used as agricultural. A copy of a grazing lease dated March 7, 2007 was presented by the owner. Appraiser Claytor stated that upon review of the evidence presented the Assessor's Office determined that the evidence does substantiate a change in the classification of the property and the property has been reclassified as agricultural for tax year 2009; however the protest period for 2007 and 2008 has passed and she said the taxes have not been paid for 2 years. After hearing all the evidence presented Comm. Chappell moved to agree with

the Assessor's Office for the denial of abatement for tax years 2007 and 2008 on account number R004327, seconded by Comm. Koppenhafer and carried. Comm. Rule closed the hearing at this time. (See attached)

ORDER # 0- 01-10. Comm. Chappell moved to transfer from the Law Enforcement Authority Fund to the General Fund \$19,815.00, seconded by Comm. Koppenhafer and carried. (See attached) account number

ORDER # 0-02-10. Comm. Chappell moved to transfer from the Jail Sales Tax Revenue to the General Fund \$347,291.00 for jail operations for 2010, seconded by Comm. Koppenhafer and carried. (See attached)

STATIONERY BID: The bids for the County's stationery needs for 2010 were presented. Amber Kingery with the Administration Office presented stationery bids from Cortez Copy and Print and A Sign and More. Comm. Chappell moved to award the stationary bid to Cortez Copy and Print for 2010, seconded by Comm. Koppenhafer and carried. (See attached)

MONTEZUMA COUNTY PUBLIC HEALTH AGENCY; County Health Director Lori Cooper updated the Board concerning ozone levels in Montezuma County.

SITE VISIT to the Montezuma County Fairgrounds was conducted at this time.

LUNCH:

PUBLIC HEARING: It being the time set aside a continued public hearing is held regarding a request to amend two separate high impact permits and special use permits as submitted by Bill Barrett Corporation, Don Hamilton, Agent. The roll was called, the public notice was read and the proceedings were taped for the record. Said amendments are to expand the 4 acre well pads to 6.0 on property located at 24751 Road 21 and to 6.4 acres on property located at 21450 Road Z #G acre well pads on properties owned by Charles M. McAfee & Company, RLLLP. The properties are located at 24751 Road 21, Lewis, Co. and 21450 Road Z #G, Lewis, Co. Planning Director Susan Carver gave an overview of the applications. Agents representing Bill Barrett Corp are Jim Felton, Doug Dennison, Jim Foster and Don Hamilton. They explained the applications in detail and said the applications are just an expansion of the well pads. Comm. Rule opened the hearing to public comment at this time. **Chuck McAfee** stated discussions were held since the last meeting and he feels all concerns were covered appropriately. Hearing no further public comments, Comm. Rule closed that portion. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the amendment to high impact permit number 584 to increase the size of the well pad on S.12, T.38N, R. 17 W, N.M.P.M. to 6.0 acres, seconded by Comm. Chappell and carried.

Comm. Koppenhafer moved to approve an amendment to high impact permit number 582 to increase the size of the will pad to 6.4 acres on S.19, T.38N, R.16W, N.M.P.M., seconded by Comm. Chappell and carried. Comm. Rule closed the hearing at this time. (See attached)

FINDINGS: Comm. Chappell moved to approve the findings for Special Use Permit and High Impact Permit number 582 amended for Bill Barrett Corp. on property owned by Charles M. McAfee & Co. RLLLP, seconded by Comm. Koppenhafer and carried. (See attached).

FINDINGS: Comm. Chappell moved to approve the findings for Special Use Permit and High Impact Permit number 584 amended for Bill Barrett Corp. on property owned by Charles M. McAfee & Co. RLLLP, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Signed contract for accounting services between Montezuma County and Mary Ellen Denomy. She will provide accounting and auditing services on certain oil and gas production accounts for tax year 2010 and prior. (See attached)

Order from the Board of Assessment Appeals regarding the Daniel L. and Katherine A. Bjorkman v Montezuma County Board of Commissioners. (See attached)

Letter from Dolores Schools thanking Jim Sattley for snow removal around the bus garage and administration building. (See attached)

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

MEETING ADJOURNED. 2:40 p.m.

County Clerk

January 18, 2010

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 25, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, January 25, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, January 18, 2010 were read. Comm. Chappell moved to approve the minutes of January 18, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree talked to Bill Ivy who stated the graveling efforts were fine on the Dolores/Norwood Road. Dean said the backhoe was replaced at the Roundup station and wanted to know what the Board thought about selling the old Case backhoe or sending it to another department. The Board said to send it to the auction. He asked about an old grader that the Road Department doesn't use stating the Town of Mancos might use it and it was decided to give it to the Town of Mancos if they want it. They all discussed the snow plowing issues throughout the County.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of December 31, 2009. (See attached).

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

CONTINUED PUBLIC HEARING: It being the time set aside a continuation of a public hearing is held on a proposed dog control resolution. The roll was called and the proceedings were taped for the record. Attorney Slough read proposed Resolution 1-2010 into the record. Sheriff Gerald Wallace was on a conference call. The question as to who would prosecute violators was raised. It was stated that the District Attorney would be the prosecutor. Comm. Rule opened the hearing to public comment at this time. **Greg Kemp** talked about owners with multiple dogs that confront people. **Robert Jensen** asked about subsequent violations. He asked about the problem concerning barking dogs. Paragraph 6A was read regarding said violations. **Kris Poff** asked about working dogs. It was explained that the State statutes exempt working dogs. Hearing no further public

comment, Comm. Rule closed that portion. The Board said that barking dogs would not be addressed in this resolution. Sheriff Wallace said barking dogs could be addressed in other areas. After hearing all the evidence presented Comm. Chappell moved to adopt Resolution 1-2010 concerning dog control in the County amending resolution 2-88, seconded by Comm. Koppenhafer and carried. The resolution will be published in the newspapers. (See attached)

VIKI WORCESTER with the Sheriff's Office presented the catastrophic inmate health insurance policy for approval. Comm. Chappell moved to approve the catastrophic inmate health insurance medical coverage policy underwritten by American Fidelity, seconded by Comm. Koppenhafer and carried.

SHERRIE BLACKMER met with the Board to discuss issues she has in regards to the personal care provider agency with the Health Department.

CORRESPONDENCE: The following correspondence was read and noted:

Fund Activity statement for the 4th quarter for 2009 concerning the Montezuma County Sheriff's Office employee fund. (See attached)

Letter from the Southwest Colorado Livestock Association. (See attached)

Letter to Honorable John Salazar, Michael Bennett, and Mark Udall in reference to the Dec. 15, 2009 site visit to the Canyon of the Ancients National Monument. (See attached)

Letter from Summit Ridge Water District with district map. (See attached)

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

MEETING ADJOURNED. 11:50 a.m.

County Clerk

January 25, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 1, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 1, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, January 25, 2010 were read. Comm. Koppenhafer moved to approve the minutes of January 25, 2010 as corrected, seconded by Comm. Rule and carried.

PAYROLL: General fund checks in the amount of \$352,474.23, District Attorney fund check #56812 in the amount of \$28,165.16, Treasurer fund check #56813 in the amount of \$272,929.16, Road department fund checks in the amount of \$81,491.33, Treasurer fund check #22736 in the amount of \$68,303.77; and Landfill fund checks in the amount of \$17,547.98, Treasurer fund check #6453 in the amount of \$14,627.03 were approved for payment

ROAD: Road Supervisor Dean Roundtree discussed an irrigation pipe in McElmo canyon along the Jimmy Porter property. The County will offer to provide the pipe if Mr. Porter would install it. Discussed the mediation meeting in regards to the law suit between Montezuma Water Co, Montezuma County and the Weisenkamps. The suit has yet to be settled. Supervisor Roundtree brought to the attention of the Board a gate across Road 16 on the **Leon and Yvonne Gilliland** property. Evidently a gate was placed on the road to keep Gary Mahaffey's cattle in. Nothing could be found where the road has been abandoned. Dean will contact Greg Mahaffey on behalf of Gary Mahaffey concerning the gate. A slush problem was reported on Road 23 and X. Dean also talked about the problems with potholes on the county roads.

BOARD OF EQUALIZATION: It being the time set aside an abatement hearing is held for an abatement petition received from Robert Wilson for tax year 2009 on account number R016830. Appraiser Cynthia Claytor stated the property was a mixed use property that split in 2009 and should have been processed in 2009 and she said the Assessor's Office is recommending abatement in the amount of \$1,640.95. Comm.

Koppenhafer moved to approve the abatement according to the Assessor's recommendation on account number R016830 in the amount of \$1,640.95 for Robert Wilson, seconded by Comm. Rule and carried. (See attached)

BOARD OF EQUALIZATION: It being the time set aside an abatement hearing is held for an abatement petition received from Richard Vukelich for tax year 2009 on account number R014764. Appraiser Cynthia Claytor stated a computer error occurred where the LEA did not properly calculate and the Assessor's Office is recommending abatement in the amount of \$3,283.43. Comm. Koppenhafer moved to approve the abatement according to the Assessor's recommendation for Richard Vukelich, account number R014764 in the amount of \$3,283.43, seconded by Comm. Rule and carried. (See attached)

CTSI: County Administrator Harrison presented the proposal for pool membership in the Colorado Counties Casualty and Property Pool. (See attached)

MEDICAID DATA: County Administrator Ashton Harrison presented for the Board's review the revenue and expense information for the Medicaid data concerning the personal care provider agency and the other information requested by Sherri Blackmer. He stated that all the patients in the personal care provider program have found care from the private sector. He explained that the information presented is confidential due to the fact that patient information is included in the report.

EMPLOYEE APPEAL: It being the time set aside an employee appeal is held in regards to the notice of suspension and intent to terminate the employment of an employee at the Fairgrounds. Comm. Rule asked the employee if he wanted the hearing be an open hearing or a closed hearing. The employee stated an open hearing was ok. The termination deals with a violation of section 4.12 of the Montezuma County Employee handbook, absence without leave section. Mr. Ricardo Archuleta presented his case. He stated he lives on Road 14 in Cahone, Co. and due to the recent snow storms and other occurrences he could not get into work and he can't remember exactly how many days he missed work. He said he feels he should have been given a verbal warning first before being terminated. Fairgrounds manager LeeAnn Milligan and County Administrator Harrison presented their case. Manager Milligan presented documentation of the days missed by the employee. Administrator Harrison explained Mr. Archuleta has used all his vacation and sick days and the unpaid days off were documented. It was stated that outside services were hired to do the work because due to Mr. Archuleta's absence there were not enough employees available to take care of the work and she stated she has had to call someone from the Road Department to fill in on 3 separate occasions to work the main arena and other areas as needed. Manager Milligan stated that verbal and written warnings were given Mr. Archuleta. Mr. Archuleta responded to the comments made. He said all the work is up to date and they are not behind. He said Manager Milligan has never been there to help. He said he likes his job and would like to be reinstated. After hearing all the evidence presented Comm. Koppenhafer moved that due to two written warnings and failure to appear for work after the warnings the termination of Ricardo Archuleta be upheld, seconded by Comm. Rule and carried. Comm. Rule stated this hearing is over.

FAIRGROUNDS: Fairgrounds Manager Milligan discussed security at the Fairgrounds.

LUNCH: 12:10 p.m.

PLANNING: Planning Director Susan Carver presented for review and determination of a request to hold a one day spiritual concert and performance event on June 15, 2010. Said event is to be held at Echo Basin Guest and Dude Ranch owned by Daniel L. Bjorkman Trust, Fred Boshardt and Karen Lovelien agents. The property

is located at 43747 Road M, Mancos, Co. Director Carver explained the application concerning a request from Four Corners Center for Spiritual Living that will attract around 2,000 to 3,000 people with less than 1,200 staying overnight. Director Carver directed the Board to read the BOCC minutes dated December 6, 2004 during a public hearing for Echo Basin Ranch where a motion was made and seconded that concerts at Echo Basin Ranch are not grandfathered in and any future concerts will require a high impact permit process and a public hearing will be held. Karen Lovelien and Fred Boshardt explained their plans and the request for a spiritual event to be held on June 15, 2010. The applicants explained the efforts and conversations they have had with the various agencies the event could impact. It was stated that a high impact permit and special use permit process and a public hearing would have to be done.

CORRESPONDENCE: The following correspondence was read and noted:

Letter from San Juan Public Lands regarding the plan for the future. (See attached)

Letter from Colorado Department Public Health and Environment regarding the Montezuma County Landfill inspection for 2009. (See attached)

Information from Colorado Off-Highway Vehicle Coalition. (See attached)

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

MEETING ADJOURNED. 2:00p.m.

County Clerk

February 1, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 8, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 8, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, February 1, 2010 were read. Comm. Koppenhafer moved to approve the minutes of February 1, 2010 as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree talked about the county road plan and potential costs for 2010. (See attached) Discussed a certified letter sent to Albert G. Mahaffey and other parties involved concerning a gate blocking access on a portion of Road 16. The history concerning the status of road 16 will be researched by staff , before the Board of County Commissioners will make any decision regarding said status.(See letters attached). Dean stated he has talked to Jimmy Porter and Mr. Porter is ok with the replacement of the irrigation pipe along the Porter property.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of January, 2010. (See attached).

LANDFILL: Landfill manager Debby Barton and Tim Bates presented the profit and loss statement for the month of January, 2010 (See attached) Manager Barton informed the Board of the 100th Birthday of the Boy Scouts of America and gave an overview of the organization. Jim Hougnon, Municipal Services Director, City of Montrose, representing the Colorado Chapter of American Public Works Association presented an Award for solid waste management operations in small communities to the Montezuma County Landfill. Manager Barton recognized her staff for all their hard work.

SOUTHWEST BOARD of Cooperative Services and Montelores Early Childhood Council met with the Board to request the use of the County Annex. **Vangie McCoy** coordinator for the Montelores Early Childhood Council gave an update concerning the Council’s service project and she informed the Board of a learning center slated to open on May 1st. Ms. McCoy invited the Board to an early head start community meeting scheduled for February

10th. **Pam Wilderson** representing the Southwest Board of Cooperative Services informed the Board of her role in early childhood development. Their plan is to have a fair scheduled for Saturday April 24th for families with children from birth to 5 years of age. They are requesting the use of the County Annex at no charge since the Montelores Early Childhood Council is affiliated with the Pinon Project which is a 501C3 local non-profit. The Board agreed to allow the use of the Annex at no charge as per the current Senior Nutrition fee schedule regarding non-profits.

SENIOR SERVICES: Sue Fletcher and Mary Holaday discussed the rental for the Mancos Center being on a monthly basis rather than on a yearly basis to take into account days when the facility cancels the activities for that day for one reason or another.

LUNCH: 12:05 p.m.

PLANNING: Planning Director Susan Carver presented for final review and determination of a request for a boundary line adjustment. The request is for changing a common lot line between 3 separate tracts of land. The properties are owned by Roger Hazelwood, located at 12594 Road G, property located at an address to be determined on Road G owned by The Estate of Lexi M. Bonner and property located at 22870 Road G owned by Bernard Karwick. Planning Director Carver along with Ernie Maness of Maness and Associates discussed the boundary line adjustment further. Comm. Koppenhafer moved to accept the boundary line adjustment between Bernard Karwick, Lexie M. Bonner and Roger Hazelwood as presented, seconded by Comm. Chappell and carried.

Director Carver made a request to schedule public hearings on the following development applications that have been reviewed and recommended for approval by the Planning Commission Board: **(1) Applicant is Tucker Transportation, Robert and Karen Tucker agents.** The application is for industrial zoning and high impact permit request for the purpose of constructing and operating a shop/office building and storage of various equipment and materials associated with drilling operations on 15.76 acres located at 12801 US Hwy. 491, Cortez. Director Carver proposed this public hearing be held on February 22, 2010 at 1:30 p.m. **(2) Applicant: Ryan C. Warner and Ted R. Neergaard Rev. Trust,** agent Maness & Associates. AR10-34 zoning request and pre-sketch plan for a proposed 3-lot minor development on property located at 7841 Road 37(G), Mancos. Director Carver proposed this public hearing be held on March 1, 2010 at 2:15 p.m. **(3) Applicant: Fraley & Company, Inc,** David Fraley Agent. The request is for industrial zoning and a high impact permit request for the purpose of adding three 30,000 gallon propane storage tanks to the existing business located at 6723 Hwy. 491. Cortez. Director Carver proposed the public hearing be held on February 22, 2010 at 2:30 p.m. **Comm. Chappell** moved to schedule the above referenced public hearings before the Board of County Commissioners as proposed. Seconded by Comm. Koppenhafer and carried.

CORRESPONDENCE: The following correspondence was read and noted:

Thank you letter to Representative John Salazar. (See attached)

Letter from the Town of Mancos thanking the County for the donation of the John Deere grader to the Town of Mancos. (See attached)

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

MEETING ADJOURNED. 2:15 p.m.

County Clerk

February 8, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 22, 23, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, February 22, 2010 and continued to Tuesday, February 23, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, February 8, 2010 were read. Comm. Koppenhafer moved to approve the minutes of February 8, 2010 as corrected, seconded by Comm. Chappell and carried.

7:00 a.m. BREAKFAST: The Board had a breakfast meeting at the Ponderosa Restaurant with the Dolores Town Board.

ACCOUNTS PAYABLE: General Fund # 56801-56985 in the amount of \$529,305.90, Road Fund # 22735-22794 in the amount of \$171,685.91, and Landfill # 6452-6482 in the amount of \$42,602.03 for the month of January, 2010 were approved for payment.

ROAD: Road Supervisor Dean Roundtree informed the Board he has received plans from Maness and Associated on road 23 and said the plans need to be reviewed by CDOT. He said he heard from Bill Ivy concerning the proposal on the Dolores-Norwood Road. Supervisor Roundtree stated the roads are getting soft which makes plowing difficult and discussed other road damages. The status of Road 16 was discussed. It seems Gary Mahaffey has placed a gate across a portion of Road 16 blocking access to Mr. and Mrs. Gilliland's property. Lori Haukeness, daughter of Yvonne and Leon Gilliland, presented maps concerning the road. She said they would like access be granted to their property and wanted to know if the road is designated as a county road. Ms. Haukeness said the road is not a useable road as it is now. Adjoining land owner Joe Hancock stated he would be willing to put the road back to where the County says it should be and stated he would do so at no cost to the County. Mrs. Gilliland said since there is a cloud on the Mahaffey easement and said easement is encumbered the title company will not insure the title insurance. It was stated that there is no evidence that portion of Road 16 has ever been abandoned. Loretta Murphy with the GIS department presented

maps showing that portion as being on the County road map. The Board decided to have a public hearing before making any decision. The hearing has been scheduled for March 8, 2010 beginning at 2:30 p.m.

Supervisor Roundtree and Planning Director Susan Carver informed the Board of a gate across Road W. It was recommended a public hearing be scheduled. (See maps attached) A public hearing has been scheduled for March 8, 2010.

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

ORDER #0-03-10: Comm. Koppenhafer moved to approve order number 0-03-10 to transfer funds from the Social Services to the General Fund in the amount of \$358,910.00 and to transfer from the Capital fund to the General fund the amount of \$1,076,729.00. Seconded by Comm. Chappell and carried. This is for Montezuma County matching funds for grant remodel of the courthouse for the heating, cooling and windows.

ABATEMENT: It being the time set aside an abatement hearing is held for Robert Hull for tax year 2009 regarding account number R003071. Appraiser Cynthia Claytor explained the parcel in question is not buildable property and has a deed restriction. She said the property is considered as being in the green belt and cannot be developed. After hearing the evidence presented Comm. Chappell moved to approve the recommendation of the Assessor's Office for abatement on account number R003071 in the amount of \$700.00 for tax year 2009 for Robert Hull, seconded by Comm. Koppenhafer and carried. (See attached)

ABATEMENT: It being the time set aside an abatement hearing is held for John Anderson for tax year 2009 regarding account number R16793. Appraiser Cynthia Claytor stated the property is not buildable. She said the Assessor's Office recommends an abatement for \$1,063.03 for tax year 2009. After hearing all the evidence presented Comm. Koppenhafer moved to approve the abatement in the amount of \$1,063.03 for tax year 2009 on account number R16793 on property owned by John Anderson, seconded by Comm. Chappell and carried. (See attached)

ABATEMENT: It being the time set aside an abatement hearing is conducted for High Desert Foods for tax year 2009 regarding account number R3072 stating the circumstances surrounding the incorrect value is concerning property that is not buildable. She said an abatement of \$1,071.13 is requested. After hearing all the evidence presented, Comm. Chappell moved to approve the abatement for High Desert Foods, on account number R3072, seconded by Comm. Koppenhafer and carried. (See attached)

LETTERS: Comm. Koppenhafer moved to approve the Title One Forest Receipts payments in the amount of \$284,511.87 with the 50% discretionary funds be divided per agreement between Montezuma County and the area school districts as follows: \$155,514.10 to Cortez RE-1, \$37,598.24 to Dolores RE-4A and \$20,271.47 to Mancos RE-6, seconded by Comm. Chappell and carried. (See attached)

CONTRACT: Comm. Koppenhafer moved to approve contract amendment number 5 between Montezuma County Health Department and the State of Colorado to contract routing number 3010-9141, seconded by Comm. Chappell and carried. (See attached)

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a renewal application for a liquor license for Sophia Retreat. She said the renewal notice was not received by Sophia Retreat. Deputy Neely said the health check and Sheriff's Office check has not yet been received. Comm. Koppenhafer moved to approve the renewal of a liquor license for Sophia Retreat Conference Center, seconded by Comm. Chappell and carried.

DOVE CREEK COMMUNITY HEALTH CLINIC representative Ken Haynes met to request funding. He said he is asking for leverage funding to show the clinic has local support. He is asking for \$500.00 as a show of support for said clinic. He said the clinic provides services to Montezuma County residents. Comm. Chappell moved to approve a one time contribution of \$500.00 for the Dove Creek Community Health Clinic contingent upon the contribution from Dolores County and obtaining the grant monies, seconded by Comm. Koppenhafer and carried.

INSURANCE POOL: Allen Chapman with the County Technical Services, Inc. (CTSI) explained the casualty and property insurance pool to the Board.

FINANCE MANAGER Mary Ann Sanders presented the 6 month schedule of receipts and disbursements for the 6 month period from July 1, 2009 through December 31, 2009 that was received from the County Treasurer.. Ms. Sanders stated she has reconciled to all funds and they are all in balance. Comm. Chappell moved to sign the schedule of receipts and disbursements for July 1, 2009 to December 31, 2009, seconded by Comm. Koppenhafer and carried. (See attached)

LUNCH: At the Pinon Project

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an industrial zoning request for a business known as Tucker Transportation, Inc. The roll was called, the public notice was read and the proceedings were taped for the record. The request is to construct and operate a shop/office building and storage of various equipment and materials associated with drilling operations on 15.76 acres owned by Robert and Karen Tucker. The property is located at 12801 Hwy. 491, Cortez. Planning Director Susan Carver gave an overview of the request and stated the Planning Commission approved the request. Director Carver discussed a letter from CDOT. Hazen Brown, attorney representing Mr. and Mrs. Tucker and Robert Tucker gave more information concerning the zoning request. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the industrial zoning for Tucker Transportation, Inc. located at 12801 Hwy. 491, Cortez, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed this hearing at this time.

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 application for a business known as Tucker Transportation, Inc. The roll was called, the public notice was read and the proceedings were taped for the record. The request is to construct and operate a shop/office building and storage of various equipment and materials associated with drilling operations on 15.76 acres owned by Robert and Karen Tucker. The property is located at 12801 Hwy. 491, Cortez. Planning Director Susan Carver gave an overview of the request stating the Planning Commission recommended approval of the high impact permit. Attorney Hazen Brown and Robert Tucker discussed the application in detail. The information presented in the previous zoning hearing pertains to this hearing as well. Comm. Rule opened the hearing up to public comment at this time. Hearing no public comments that portion of the hearing was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve a high impact permit for Tucker Transportation Inc to build a shop/office and storage facility at 12801 Hwy. 491, Cortez and to make the information and traffic plan from the previous zoning hearing a part of this record as well. Seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed this hearing at this time.

FRALEY AND COMPANY: Planning Director Carver informed the Board that the public hearing for the purpose of determining an industrial zoning request and high impact permit for Fraley and Company has been rescheduled. Director Carver stated the hearing has been rescheduled for March 15, 2010 at 1:30 p.m.

PLANNING: Planning Director Susan Carver presented for review and determination of proposed amendments to the application fee schedule for the Planning Department. She stated said amendments are not proposals to increase the application fees. She proposed that all application fees and road impact fees are non-refundable unless the application is denied by the Board, the road impact fees would be refunded upon written request from the applicant within 90 days on denial. She said that the Planning Department does not issue floodplain permits so that fee should be deleted from the fee schedule. Comm. Koppenhafer moved to accept the application fee schedule for the Planning and Zoning Department as of February 22, 2010, seconded by Comm. Chappell and carried. (See attached)

VETERANS SERVICE: Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for January, 2010, seconded by Comm. Koppenhafer, motion carried (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Thank You letter from the Mancos Public Library for the donation to supplement their 2010 budget. (See attached)

Letter from Colorado Department of Human Services concerning work participation (See attached)

Letter from U.S. Department of Housing and Urban Development regarding the Capital Fund Recovery Act Grant. (See attached)

MEETING was recessed until Tuesday, February 23, 2010 at 10:00 a.m. Discussion of the federal water rights on the Canyon of the Ancients National Monument.

MEETING was reconvened at 10:00 a.m.

Present were Commissioners Larrie D. Rule, Steve Chappell and Gerald Koppenhafer, County Administrator Harrison, Attorney Slough, and Clerk Tullis,

Comm. Rule called the meeting to order.

The Boards from Dolores County and Montezuma County along with several audience members (See sign in sheet attached) met to discuss federal water rights on the Canyon of the Ancients National Monument. **James Dietrich** spoke about a water resume for Dolores County and Montezuma County. Al Heaton spoke about filing for water rights. Jim Siscoe with Montezuma Valley Irrigation spoke about water rights in regards to the Monument and MVIC and what legal right each entity has. He said MVIC will be filing a statement of opposition and stated MVIC would welcome anyone to join them in filing opposition statements. Comm. Koppenhafer moved to sign a letter of opposition to the application of water rights for the BLM and Forest Service in the Canyon of the Ancients National Monument and the Glade Lake area, seconded by Comm. Chappell and carried.

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

MEETING ADJOURNED. 11:25 a.m.

County Clerk

February 22, 23, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 1, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 1, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, February 22, 2010 and Tuesday, February 23, 2010 were read. Comm. Koppenhafer moved to approve the minutes of February 22 and 23, 2010 as corrected, seconded by Comm. Chappell and carried.

PAYROLL: General fund checks in the amount of \$351,050.98, District Attorney fund check #56991 in the amount of \$31,533.35, Treasurer fund check #56992 in the amount of \$276,178.47, Road department fund checks in the amount of \$81,706.25, Treasurer fund check #22739 in the amount of \$68,232.59; and Landfill fund checks in the amount of \$17,894.48, Treasurer fund check #6484 in the amount of \$14,691.19 were approved for payment

ROAD: Road Supervisor Dean Roundtree stated he has not heard anything from CDOT yet. He also said the Plans for Road 23 have been passed on to CDOT. The Board asked Supervisor Roundtree to look at how the snow was plowed on some roads in the Mancos area.

Lavena Saunders and Chan Chaffin along with others (see sign in sheet) met to discuss improvements to the access and parking area at the Lewis Arriola Community Center. Ms. Saunders said there are 10 loads of gravel donated on a yearly basis but she asked if there was any way the County could help with chip seal for the access and the parking area. Mr. Chaffin said there is also a drainage problem. It was stated the County does not compete with private companies. Usually the County furnishes the gravel and the entity hauls it but since the gravel is being furnished the County could haul it. Mr. Chaffin will check to see if he could find someone to blade said gravel.

ABATEMENTS: It being the time set aside the following abatement's were heard. The roll was called and the proceedings were taped for the record:

Abatement for Sara Kimball on account number R01660 is held for tax year 2009. Ms. Kimball was on a conference call. Appraiser Cynthia Claytor explained the access and recommended abatement for \$1,432.99. Ms. Kimball stated the area is in the Chicken Creek area and is not buildable. After hearing all the evidence presented, Comm. Chappell moved to approve the abatement for tax year 2009 for account number R01660 on Sara Kimball in the amount of \$1,432.99, seconded by Comm. Koppenhafer and carried. (See attached)

Abatement for Robert L. and Amber Wright on account number R012895 for tax year 2009 was held. Appraiser Cynthia Claytor stated the corrected inventory and an adjustment for lack of access off main street constituted an abatement of \$1,664.57 for tax year 2009. It was the recommendation of the Assessor's Office to approve said abatement. After hearing the evidence presented Comm. Chappell moved to approve the abatement for account R012895 for Robert and Amber Wright in the amount of \$1664.57, seconded by Comm. Koppenhafer and carried. (See attached)

Abatement on account number R16208 for **Mancos Dude Ranch, Inc.** was presented. Assessor Mark Vanderpool recommended abatement in the amount of \$3,296.93 for tax year 2009 due to a corrected inventory of the improvements. After hearing all the evidence presented Comm. Chappell moved to approve the recommended abatement on account number R16208 for \$3,296.93 for Mancos Dude Ranch, Inc. seconded by Comm. Koppenhafer and carried. (See attached)

DOUG PARKER, Emergency Manager. He gave an update on emergency management stating he provided emergency preparedness materials to the Fire Wise Council. He said training exercises will be conducted. He informed the Board of meetings that will be done with various entities.

LODGERS TAX; Sue Scott gave a lodgers tax update. She showed magazines to the Board of what Mesa Verde Country has done with their portion of the lodger's tax. She said there is some concern among area lodgers because the shopping is down in the area. Ms. Scott discussed the amount of money each entity receives. Comm. Koppenhafer moved to approve the 2010 Montezuma County Lodgers Tax grant funds as follows: Mancos Chamber in the amount of \$32,000.00, Dolores Chamber in the amount of \$32,000.00, Cortez Cultural Center in the amount of \$6,000.00 and Mesa Verde Country in the amount of \$45,000.00, as presented seconded by Comm. Chappell and carried. (See attached)

WEED PROGRAM: LeeAnn Milligan, Kenny Smith and Mark Tucker gave the Board an update on the weed program. Mark Tucker and LeeAnn Milligan presented the Montezuma County Weed Program statement of work and updated the Board on stimulus funds and how said funds may be used. Comm. Koppenhafer moved to approve the noxious weed control and fuels project with the U S Forest Service, seconded by Comm. Chappell and carried. (See attached)

SOUTHWEST COLORADO WORKFORCE BOARD: Comm. Chappell moved to appoint Dennis Story to the Southwest Colorado Workforce Board for a term of 1 year through March 1, 2011, seconded by Comm. Koppenhafer and carried. (See attached)

LETTER: Comm. Chappell moved to sign a letter to be sent to Congresswoman Diana DeGette concerning the Colorado Wilderness Act of 2009, seconded by Comm. Koppenhafer and carried. (See attached) Letters were also sent to Representatives Roberts, Tipton and Senator Whitehead. (See attached)

LUNCH: 12:00 noon

PLANNING: Planning Director Susan Carver presented an application for RC Southwest Development, Rob Pope and Maness and Associates, Inc agents. The application is for a proposed preliminary plan for phase II of a 13 lot major development located at 23100 Road L, Cortez. Director Carver explained the application stating the Planning Commission reviewed the application and recommended approval and that zoning was already been approved by the Board last year. Agents Rob Pope and Ernie Maness discussed the plan in detail. Comm. Koppenhafer moved to approve the proposed preliminary plat for phase II of the Crestview Heights Subdivision located at 23100 Road L, Cortez, 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 sketch plan for a proposed 3 lot minor development on 35.69 acres owned by Ryan C. Warner and Ted R. Neergaard Rev. Trust. The property is located at 7841 Road 37 (G), Mancos. The roll was called, the public notice was read and the proceedings were taped for the record. Planning Director Carver gave an overview of the plan. She stated the Planning Commission reviewed the application and recommended approval. Ernie Maness and Ryan Warner discussed the plan for the proposed minor development in detail. Comm. Rule opened the hearing to public comment. Hearing no public comment that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve AR10-34 zoning on 35.69 acres for a proposed 3 lot minor development on property located at 7841 Road 37(G) in Montezuma County, seconded by Comm. Chappell and carried. (See attached)

PRELIMINARY PLAN: Comm. Chappell moved to approve a preliminary plan for Mud Creek West Subdivision on 35.69 acres for a 3 lot minor development, seconded by Comm. Koppenhafer and carried.

PLANNING DIRECTOR Susan Carver presented for review and determination of the high impact permit and findings and permit for an industrial zoning request and high impact permit that were approved by the Board of County Commissioners on February 22, 2010 for an application from Tucker Transportation, Inc., Robert and Karen Tucker, applicant. The property is located at 12801 Hwy. 491, Cortez. Comm. Koppenhafer moved to approve the findings and permit for Tucker Transportation, Inc. located at 12801 Hwy. 491, Cortez, seconded by Comm. Chappell and carried. (See attached)

LAND TRANSFER: Gerald Huddleston met to discuss a land transfer with the City of Cortez regarding golf course access and transfer of land to the County. Mr. Huddleston explained the difference between a township section and a allotted section. The property in question concerns a road in the area of the County shop and the City of Cortez' ball park. It was explained this transfer would clean up the property ownership. Comm. Chappell moved to approve an Intergovernmental Agreement between the City of Cortez and the County of Montezuma concerning joint use of an access of the road and to transfer of land to the County, seconded by Comm. Koppenhafer and carried. (See attached)

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

MEETING ADJOURNED. 3:30 p.m.

County Clerk

March 1, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 8, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 8, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, March 1, 2010 were read. Comm. Chappell moved to approve the minutes of March 1, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of February, 2010. (See attached).

GIS SPECIALIST Doug Roth discussed the preliminary county road map. He talked about the summary of road updates for the 2009 HUTF submission to the State of Colorado. (See attached)

ROAD: Road Supervisor Dean Roundtree said he had a call concerning Road 24.5 and he said the map shows the road as a green signed road. He stated the road could remain a green signed non maintained road. Supervisor Roundtree informed the Board the crusher has been moved to the Ormiston Pit and that the County would make 5000 yards of 3" gravel for Dolores County. He said since there is joint jurisdiction on road FF, Montezuma County will furnish the materials and Dolores County will do the work. Supervisor Roundtree said the Department has gotten a lot of the county roads bladed and they have been busy patching pot holes through out the area. It was stated a portion of Road S is in need of some repair because of water damaging the road.

VETERANS SERVICE: Comm. Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for February, 2010, seconded by Comm. Koppenhafer, motion carried (See attached)

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of February 2010. Manager Barton said the tonnages are down due in part to weather issues but tonnages are beginning to pick up. She talked about legislative issues. Manager Barton talked about an issue that the Landfill and the Cortez

Sanitation has been working on concerning air quality and ownership of approximately 40 acres that the Sanitation District owns and they are trying to clear the situation up. (See attached)

AG EXPO: Wayne Geisinger met to discuss waiving the landfill fees for the upcoming Ag Expo. The Board does not see any problem waiving said fees. Mr. Geisinger said the Ag Expo booths are being filled and a few new events are offered this year.

ABATEMENT: It being the time set aside an abatement hearing is held for Julie and Larry Don Suckla on parcel number 560918203007 (11721 Road 27.1, Dolores) for tax year 2009. Appraiser Cynthia Claytor said the Assessor's Office recommended denial of the application stating the market value supports the assessment. She said there are 3 acres and two residences on the property. The property was purchased by the Sucklas' January, 2010. Julie Suckla said there is only one residence on the property and the other one is actually a shop. Appraiser Claytor talked about the date of collection period. They discussed comparable sales during that time frame. Julie and Larry Don Suckla can appeal the 2010 taxes in May, 2010. After hearing all the evidence presented Comm. Koppenhafer moved to adjust the value to \$250,000.00 for tax year 2009, seconded by Comm. Chappell and carried. Comm. Rule closed this hearing at this time. (See attached)

CITY OF CORTEZ: Rick Smith with the City of Cortez met to ask for a letter of support for a Southwest Colorado BroadBand Federal Grant Application the City is applying for. Mr. Smith explained the grant and presented a draft letter. Comm. Chappell moved to sign the letter of support for Southwest Colorado BroadBand Federal Grant Application, seconded by Comm. Koppenhafer and carried. (See attached)

UTE MOUNTAIN ROUNDUP: Slim McWilliams representing the Ute Mountain Roundup met to discuss use of the Fairground facility and use agreements. The Board referred to the minutes of September 8, 2009 in regards to the signs for the outdoor arena. (See attached)

RESOLUTION 2-2010: Comm. Koppenhafer moved to sign Resolution number 2-2010, Fairgrounds use for the Ute Mountain Roundup Inc., seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00 noon

PLANNING: Planning Director Susan Carver presented for review, requests to forward the following applications from Bill Barrett Corporation to the Planning Commission:

(1) A high impact permit application and a special use permit application for the purpose of constructing one well pad that may contain up to four wells; if the well is deemed productive, installation of production facilities on the well pad. The property is owned by D & J Schafer Living Trust and located at 18201 Road T. Comm. Chappell recused himself from this motion. Director Carver said four threshold standards will be exceeded which caused the application be forwarded to the Planning Commission. Comm. Koppenhafer moved to forward the high impact permit and special use permit application to the Planning Commission. Seconded by Comm. Rule and carried. (See attached)

(2) A high impact permit application and a special use permit application for the purpose of constructing one well pad that may contain up to four wells; if the well is deemed productive, installation of production facilities on the well pad. The property is owned by Steve D. Chappell and located at 18751 Road T, Cortez. Comm. Chappell recused himself from this motion. Director Carver said four threshold standards will be exceeded which caused the application be forwarded to the Planning Commission. Comm. Koppenhafer moved to forward the high impact permit and special use permit application to the Planning Commission. Seconded by Comm. Rule and carried. (See attached)

PLANNING DIRECTOR CARVER presented the following applications for the purpose of scheduling a public hearing; (1) Applicant, Timberline Properties of Colorado, LLC, and The property is located at 2455 Hawkins, Cortez, consisting of 7 acres. She said the Planning Commission recommended approval. The public hearing will be held on March 22, 2010 at 1:30 p.m.

(2) Applicant, Montezuma Water Company. The request is for a high impact permit and special use permit for the purpose of installing a 54,000 gallon water storage tank on property owned by Stanley Farms, LLC. The property is located at 15200 Road M, Cortez. Also, the installation of a water pump station on property owned by Stewart and Keri Mustoe, located at 13698 Road 17, Cortez, and the installation of a 4" lopped water line that will provide water service to the property and residents located within the Goodman Point Water District located entirely within the district boundaries in Montezuma County. She said the Planning Commission recommended approval. The public hearing will be held on March 22, 2010 at 2:00 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding the status of Road 30 as a public and/or county maintained road. The roll was called, the public notice was read, and the proceedings were taped for the record. The specific road under discussion is located between Section 33 and Section 34; Township 38N; Range 15W; NMPM. This road lays North of County Road W and one mile West of Road 31. Director Carver gave an overview of the road. Loretta Murphy with the GIS Department stated the road is on the road map. GIS Specialist Doug Roth stated the road was on the 1995 road map as a county road. Comm. Rule opened the hearing to public comment. **Jeff Wells** spoke on behalf of Clark Richins. Mr. Richins has no problem with the road being a green signed road but has concerns with property theft, poaching and vandalism if the gate were to be removed. (See letter attached) **Melinda Becher** stated the at one time the owner got permission to put the gate on the road. She has the same concerns as Mr. Richins and does not have a problem with the gate. **Rob Hastings** said he is under contract to purchase property in that area. He doesn't have a problem with the gate being there. **Bruce Christianson** owns property in the area as well and spoke of trash thrown on his property and would like to see the gate remain. He doesn't use the gate but would like access. Hearing no further public comment, Comm. Rule closed that portion of the hearing. Comm. Chappell asked about vacating the road as a county road. Director Carver said there is a fee to vacate the road and a public notice would have to be done. Comm. Koppenhafer moved to waive the fee and hold a public hearing to vacate the road. Seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding the status of Road 16 as a public and/or county maintained road. The roll was called, the public notice was read, and the proceedings were taped for the record. The specific road under discussion is located between Section 5 and Section 6; Township 37N; Range 17W; NMPM. This road lays South of County Road W. Planning Director Carver gave an overview of the road. It was stated letters were received from Gary Mahaffey and letters from Ray and Eileen Patterson were read into the record by Clerk Tullis. Comm. Rule opened the hearing to public comment. **Lori Haukeness** spoke on behalf of her parents, Leon and Yvonne Gilliland. She presented a packet to the Board with maps and she requested the gate be removed from Road 16 so the Gilliland's have access to their land. **Joe Hancock** said he owns the land on the east side of the road. He said he asked Mr. Gary Mahaffey to open the road for a farm road. Mr. Mahaffey denied the request. He said he will purchase the property from the Gilliland's if the land has legal access. **Gary Mahaffey** referred to Mr. Hancock's request. He said that is his pasture is on his land and the gate is on his land. **Joe Mahaffey** remembers the road as being a road to a trash dump when he was a kid. He said he and Gary gave a 30' access off of road 15 to Mr. Gilliland and they are not land locked. **Leon Gilliland** said Joe and Gary did give them right of way. And he said the road was built back in the 1930's. **Gary Mahaffey** said win or lose they would still like to be friends. He said where they are trying to put the road is on his property and that would cut off the access to his livestock's water supply in the winter time. **Yvonne Gilliland** handed the tax notices for the last 5 years and said the number is a guess number showing the road as a county road. She maintained the county has claimed the

road. **Leon Gilliland** spoke about the trash dump and said he requested a no dumping sign from the county which was placed on the road and curbed the dumping. **Jamie Haukeness** spoke about the access and tax notices. Hearing no further public comment, that portion was closed at this time. It was stated the minutes does not reflect any action being taken concerning this portion of Road 16. Road Supervisor Dean Roundtree said no one from the present crew has done anything on the road. Mr. Gilliland has no recollection of the county doing any work on the road either. Mr. Gilliland said the house was moved in the late 1930's from its original location closer to road 15. Comm. Rule opened the hearing back up to public comment. **Richard McClellan** stated this may be a civil action. **Greg Mahaffey** said there has been a gate there as long as he remembers when he farmed for the Gilliland's and had no problem using the access off of Road 15. **Yvonne Gilliland** and **Leon Gilliland** stated Greg had a road to his property. Hearing no further public comment, that portion was closed. After much discussion and hearing all the evidence presented Comm. Koppenhafer moved Road 16 south of Road W is a county road down to the turnaround that is presently being used by the County to plow snow and maintain that road, from that point on down to the section line at the Gilliland property is a public road following the course of the old road that was there when the public used it for a dump and a well site in previous times, seconded by Comm. Chappell and carried. Comm. Rule closed this hearing at this time. (See attached)

RICHARD MCCLELLAN alleged the County has numerous violations concerning the installation of the geothermal project and questioned why a high impact permit was not required. It was stated the project was within the City of Cortez and therefore a high impact permit is not required. Mr. McClellan said that an archeological study is required any time federal monies are used. This grant is actually state funds. He also talked about an old coal mine in the area. He also said the proper permits were not obtained from the City of Cortez. It was stated this is a performance contract the County has been working on since 2006. To the County's knowledge the contractor and sub contractors have obtained all necessary permits.

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

MEETING ADJOURNED 5:10 p.m.

County Clerk

March 8, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 15, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 15, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, March 8, 2010 were read. Comm. Koppenhafer moved to approve the minutes of March 8, 2010 as corrected, seconded by Comm. Chappell and carried.

ROAD: Road supervisor Dean Roundtree and GIS specialist Doug Roth explained a couple of changes to the HUTF report. Comm. Koppenhafer moved to approve the Summary of roads updates for the 2009 HUTF submission to the State of Colorado, seconded by Comm. Chappell and carried. (See attached) Supervisor Roundtree presented an agreement between Montezuma County and U.S. Forest Service (San Juan National Forest) regarding mag-chloride and graveling a portion of the Dolores-Norwood road. Comm. Chappell moved to sign the cooperative roads agreement modification number 3, FS agreement number 08-RO-11021300-054 between Montezuma County and the U.S. Forest Service, San Juan National Forest, seconded by Comm. Koppenhafer and carried. (See attached)

ABATEMENTS: The following abatements were heard.

HIGH DESERT FOODS LLP: It being the time set aside an abatement hearing is held for High Desert Foods LLP on account number R002950 (18390 Hwy. 145) for tax year 2009. The roll was called and the proceedings were taped for the record. Assessor Mark Vanderpool explained the abatement is to correct the inventory and recommended approval. Comm. Chappell moved to approve the abatement for High Desert Foods LLLP on account number R002950, seconded by Comm. Koppenhafer and carried. (See attached)

GARY TANNER: It being the time set aside an abatement hearing is held for Gary Tanner on account number R015933 for tax year 2009. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor stated the house was on the wrong parcel and had to put the house on the correct parcel. Comm. Koppenhafer moved to approve the abatement for Gary Tanner on account number R015933, seconded by Comm. Chappell and carried. (See attached)

JAMES WAGONER: It being the time set aside an abatement hearing is held for James Wagoner on account number R003490 for tax year 2009. The roll was called and the proceedings were taped for the record. Appraiser Cynthia Claytor said the wrong abstract code was used. The residence was not complete and the property should be classified as residential and not vacant. Comm. Chappell moved to approve the abatement for James Wagoner 15525 Road 32 account number R003490 seconded by Comm. Koppenhafer and carried. (See attached)

PRIMARY MAIL BALLOT RESOLUTION: Clerk Carol Tullis presented Resolution 3-2010 regarding her ability to conduct the August 10, 2010 primary election by mail ballot. She explained that pursuant to section 1-7.5-105 of the Colorado Statutes allows for primary elections to be held as a mail ballot if approved by the governing board. Clerk Tullis estimated that by conducting the election as a mail ballot a savings to the taxpayers may result. She said there are already almost 1/3 of the registered voters who are permanent mail in voters. No public comments for or against the mail ballot was received. Clerk Tullis explained that with this mail ballot the unaffiliated voters and unaffiliated voters failed to vote will be sent cards prior to the election so they can affiliate and vote. Comm. Koppenhafer moved to approve resolution 03-2010 to conduct the primary election of August 10, 2010 as a mail ballot election, seconded by Comm. Chappell and carried. (See attached)

LEAGUE OF WOMEN VOTERS: Jodi Foran with the League of Women Voters of Montezuma County gave an update to the Board on the work the League of Women Voters does. She said the League is a nonpartisan political organization that encourages informed and active participation in government works to increase understanding of major public policy issues, and influences public policy through educational and advocacy. (See attached)

THE BRIDGE SHELTER: Rebecca Samulski and City Manager Jay Harrington gave an update of the program. Ms. Samulski stated the organization is now independent of Cortez Addiction Recovery Services and the Shelter has their own 501(c)(3) since June, 2009. She said that John VanCleve was hired to serve as the Shelter Manager for another season He will be coordinating the program, the volunteers, the staff, and everything else specific to the day-to-day operations. She said the Bridge is in the early stages of facility planning in considering long term plans for new construction, utilizing the property deeded to the shelter by the County as well as to utilize existing spaces in the community in the short and long term. She requested a letter of support for their application for an Emergency shelter grant. She said last year they asked for \$18,500.00 from the Colorado Division of Housing and they received \$14,000.00 for staff and operations. This year's request will be similar. A certification of local approval was presented for signature. Comm. Chappell moved to sign the certification of local approval by the Montezuma County Board of Commissioners for the Bridge Emergency shelter, seconded by Comm. Koppenhafer and carried. (See attached)

WEED PROGRAM: LeeAnn Milligan, Don Morris, and Kenny Smith discussed approval of an applicant to the Board of Directors for the Montezuma County Weed Program. It was stated currently there are no terms on the Board. Terms will be established for Board members at a later date. Comm. Koppenhafer moved to appoint Joel Lee to the Montezuma County Weed Board for a term to be determined at a later date, seconded by Comm. Chappell and carried. (See attached) Kenny Smith discussed S10-098 concerning the allocation of moneys to promote conservation of the State's Natural Resources. The Bill addresses the use of the funds for the control of noxious and invasive weeds. (See attached) Mr. Smith asked for a letter of support from this Board to support the legislation. **LATER:** Comm. Chappell moved to sign a letter of support on SB 10-098 to the House Agricultural and Natural Resource Committee, seconded by Comm. Koppenhafer and carried. (See attached)

LETTER: Comm. Chappell moved to sign a thank you letter to Rep. John Salazar for his opposition of the Colorado Wilderness Act, seconded by Comm. Koppenhafer and carried.

LUNCH: 12:05 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an industrial zoning request and a high impact permit request for the expansion of an existing business known as Fraley and Company, Inc. David Fraley, agent. The roll was called, the public notice read, and the proceedings were taped for the record. This expansion shall be for the purpose of adding three 30,000 gallon propane storage tanks to the existing business located at 6723 Hwy 491, Cortez. Planning Director Susan Carver gave an overview of said requests. She said the property is currently zoned as commercial and the request is to zone the property as industrial. The Planning Commission recommended the zoning request. Director Carver said the threshold standards that would be exceeded are the height of the buildings, set backs, and traffic. Agent David Fraley explained the applications. Comm. Rule opened the hearing up to public comment. Hearing no comments, Comm. Rule closed that portion of the hearing. After hearing all the evidence presented Comm. Koppenhafer moved to approve a zoning change from commercial to industrial zoning for Fraley and Co. Inc. on property situated at 6723 Hwy. 491, 23760 and 23770 Road G, Cortez and to approve a high impact permit request for the expansion of an existing business to add three 30,000 gallon propane storage tanks. The motion was seconded by Comm. Chappell and carried. (See attached) Comm. Rule closes the hearing.

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 and a special use permit as submitted by Daniel L. Bjorkman Trust, Fred Boshardt and Karen Lovelien, agents. The roll was called, the public notice was read, and the proceedings were taped for the record. The purpose for the requested permits is for holding one spiritual event/concert at the Echo Basin Ranch located at 43747 Road M, Mancos. Planning Director Carver discussed the applications. Fred Boshardt informed the Board of their intentions for a rhythm and soul event to be held June 15, 2010 at Echo Basin Ranch, Mancos. Comm. Rule opened the hearing to public comment. Hearing no public comments, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve a high impact permit and a special use permit for the Daniel J. Bjorkman Trust, Fred Boshardt and Karen Lovelien agents to hold one spiritual event concert at Echo Basin Ranch and to limit the event to 3,000 people, seconded by Comm. Koppenhafer and carried. (See attached)

MONTEZUMA COUNTY HEALTH DEPARTMENT Sanitarian Melissa Mathews gave a report regarding out of compliance concerns for property known as the Doyon Mobile Home Park located at 14540 Hwy 145. She said there is not a problem with the septic system however they are exceeding their usage permit. Evidently there are 5 mobile homes, one RV and 1 house on the property. She will check to see if the house might be on a separate system. Sanitarian Mathews also discussed the Goodman Point septic leach fields. Ms. Mathews said she has received a complaint of a smell of stagnate water around a subdivision on road 27. She said there is nothing she can do about it. She said she is going next month to become certified to inspect systems.

FIRE DISTRICT: Representatives from the area Fire Protection Districts, Fire Chief Don Eberle, and Fire Inspector Brandon Johnson met to discuss the International Fire Code. Fire Chief Eberle updated the Board on the county code commission. He presented a summary analysis of the Montezuma County fire Code adoption and revision commission. He gave an overview of the 2009 International Fire Code. George Deavers spoke on behalf of the Lewis-Arroila Fire District and is in favor of the code but stated the Lewis-Arroila Fire District

would like to opt out of the code at this time. Mancos Fire District representative Tony Aspromonte spoke in support of the fire code just for new construction and new businesses starting in a year of adoption of the code. He said the District would then opt in with a schedule for new construction and have a one year plan for all the businesses to have a year to become self compliant. The Board will get a copy of said code for review before going further.

CORRESPONDENCE: The following correspondence was read and noted:

Letter from Colorado State University in regards to Kathay Rennel's appointment as a new director of economic development. (See attached)

Quit Claim Deed and Agreement between the City of Cortez and Montezuma County. (See attached)

Tort Claim from Evangelyn Silas and Federick Frank. (See attached)

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

MEETING ADJOURNED 4:10 p.m.

County Clerk

March 15, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 22, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 22, 2010 at the courthouse in Cortez, Colorado, there were present:

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

The Board met with the Town of Dolores for a breakfast meeting at the Ponderosa Restaurant

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

MINUTES of the regular meeting held on Monday, March 15, 2010 were read. Comm. Koppenhafer moved to approve the minutes of March 15, 2010 as corrected, seconded by Comm. Chappell and carried.

ACCOUNTS PAYABLE: General Fund # 56989-57152 in the amount of \$345,460.36, Road Fund # 22796-22887 in the amount of \$101,115.56, and Landfill # 6483-6522 in the amount of \$52,677.14 for the month of February, 2010 were approved for payment.

SCHEDULE OF Receipts and Disbursements for the month of February, 2010. (See attached)

Leon Gilliland and Lori Haukness met to discuss the gate on a portion of Road 16. It was stated that if the gate remains locked, that may constitute a civil lawsuit. It was suggested the parties discuss either leaving the gate unlocked or place a cattle guard on the road.

COUNTY ADMINISTRATOR Harrison introduced **Tanner Young**. Mr. Young is the newly hired Fairgrounds Manager.

JIM SISCOE with Montezuma Valley Irrigation discussed the water rights in the Lower Dolores River plan and talked about language he will be pushing for concerning said water rights. Mr. Siscoe also talked about the consumptive use of water in the Canyon of the Ancients National Monument.

ROAD: Road Supervisor Dean Roundtree talked about roads that were in need of repair due to the snow removal. The Board said they heard several favorable comments on how the road Department handled the snow removal this season. Supervisor Roundtree discussed problems on a portion of Road N, Road V and others. He said they are doing a little tree trimming and they are working on allowing the workers to take some of their comp time.

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

PINON PROJECT: Diana Buza representing the Pinzon Project talked about an ESG (Emergency Shelter Grant) Grant application. She talked about housing funds in the agency and the help they have been able to accomplish. She talked about all the programs the Pinon Project oversees. Comm. Chappell moved to sign the Colorado Division of Housing (CDOH) emergency shelter grant assistance 2010, seconded by Comm. Koppenhafer and carried. (See attached)

SHERIFF'S OFFICE: The Equitable sharing Agreement for 2008 and 2009 was discussed. **Wanda Martin and Sheriff Wallace** presented the equitable sharing agreement for 2008 and 2009 for signature. She said that if any federal grant monies are received said agreement needs to be signed. Comm. Chappell moved to sign the equitable sharing agreement and certification for the years of 2008 and 2009, seconded by Comm. Koppenhafer and carried. (See attached)

COMPUTER EQUIPMENT: Sheriff Wallace made a request for 9-1-1 computer equipment. This equipment would be helpful for the dispatch center to monitor calls better. Comm. Koppenhafer moved to approve 911 funds for the installation of computer equipment up to \$8,000.00, seconded by Comm. Chappell and carried.

LETTER OF SUPPORT: Comm. Chappell moved to sign a letter of support for the K-9 Search and Rescue Team's grant application, seconded by Comm. Koppenhafer and carried. (See attached)

LIQUOR LICENSE: Deputy Tammy Neely presented a liquor license renewal for a retail liquor license for Smitty's Liquor. Comm. Koppenhafer moved to approve the renewal for a retail liquor license for Smitty's Liquors for the sale of malt, vinous, and spirituous liquor, seconded by Comm. Chappell and carried.

COUNTY ADMINISTRATOR Harrison reviewed the standards for county positions that require the operation of county motor vehicles and equipment. These standards are concerning the testing for drugs and alcohol of employees who operate county vehicles and/or county equipment. No action was taken at this time.

LUNCH: 12:10 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a commercial zoning request for property owned by **Timberline Properties of Colorado, LLC**. The roll was called, the public notice was read and the proceedings were taped for the record. The property is located at 2455 Hawkins, Cortez and consists of 7 acres. Planning Director Susan Carver gave an overview of the application. Casey McClellan, agent for Timberline Properties informed the Board of the application in detail. He stated he believed the property was zoned as commercial when he purchased it. He found that not to be the case later. Mr. McClellan said he would like to get the property zoned properly for possible development in the future. Comm. Rule opened the hearing up to public comment. **Pat English** spoke about the mineral interest and said he had not received any notification. Notification was in fact sent to Mr. Leroy English. Hearing no further public comment,

Comm. Rule closed that portion. After hearing all the evidence presented, Comm. Chappell moved to approve commercial zoning for Timberline Properties of Colorado LLC, located at 2455 Hawkins, Cortez, consisting of 7 acres more or less, situated south of Hawkins Street, seconded by Comm. Koppenhafer and carried. Comm. Rule closed this hearing at this time. (See attached)

PUBLIC HEARING It being the time set aside a public hearing is held. The roll was called, the public notice was read and the proceedings were taped for the record. The hearing is for the purpose of reviewing and determining a high impact permit and special use permit for the purpose of installing a 54,000 gallon water storage tank on property owned by Stanley Farms, LLC. and located at 15200 Road M, Cortez, and the installation of a water pump station on property owned by Stewart and Keri Mustoe located at 13698 Road 17, Cortez, as well as the installation of a 4" looped waterline that will provide water service to the property and residents located within the Goodman Point Water District. Comm. Chappell recused himself from these proceedings at this time. Planning Director Susan Carver discussed the applications. **Mike Bauer** with Montezuma Water Co., **J.R. Berry** representing Goodman Point Water District and **Bob Clayton** representing Kinder Morgan spoke as to the applications. Comm. Rule opened the hearing up to public comment. **Kay Williams** is Theron Story's daughter and said Mr. Story worked so hard on the project and thanked those involved in getting water supplied to the area. **Brad Mustoe** wanted any issues concerning this project worked out now in the event anyone has any issues with the project. **Beth Howell** is in favor of the project. **Mike Kelso** is in favor of the project. Hearing no further public comment, that portion is closed. Mr. Bauer spoke as to the location and color of the tank saying the tank will be near some trees and painted green so as to blend in as much as possible. After hearing all the evidence presented Comm. Koppenhafer moved to approve the high impact permit and special use permit for a 54,000 gallon water storage tank on property owned by Stanley Farms, LLC, located at 15200 Road M, for the installation of a water pump station on property owned by Stewart and Keri Mustoe located at 13968 Road 17 and for a 4" looped waterline for the Goodman Point Water District and to be contingent on all local, State, and Federal permits that are required being in place, seconded by Comm. Rule and carried. Comm. Rule closed this hearing at this time. (See attached)

SANITARIAN MELISSA MATHEWS updated the Board on the Doyon Mobile Home Park stating the park is permitted for 5 uses but is currently out of compliance with the permit as there are now 8 uses.

PLANNING: Planning Director Susan Carver presented the Findings and Permit for review for Fraley and Company, Inc. The high impact permit is for the expansion of an existing fuel storage and sales facility wherein 3 additional 30,000 gallon propane storage tanks and associated transfer equipment will be installed on property located 23760 and 23770 Road G. Said high impact permit was approved by the Board on March 15, 2010. Comm. Koppenhafer moved to approve the findings and permit on high impact permit number 165 for Fraley and Company, Inc. seconded by Comm. Chappell and carried. (See attached)

PLANNING Director Carver presented the findings and permits for Daniel L. Bjorkman, Trust, Fred Boshardt and Karen Lovelien, agents. The high impact permit and special use permit is for the purpose of holding a one day spiritual event/concert at Echo Basin Ranch on June 15, 2010. The location of the event is 43747 Road M, Mancos. The permits were approved by the Board on March 15, 2010. Comm. Chappell moved to approve the findings and permit for high impact permit number 616 and special use permit for Daniel J. Bjorkman Trust, seconded by Comm. Koppenhafer and carried. (See attached)

FINDINGS AND PERMIT was presented for the Goodman Point Water District. Comm. Koppenhafer moved to approve high impact permit number 617 for Goodman Point Water District, seconded by Comm. Rule and carried. (See attached)

BUD POE met to discuss a refund of money paid to the County for a proposed subdivision that had preliminary approval and road impact fees were paid but since the infrastructure was never put in place the road impact fees were not used. The property was sold to Mr. Bud Poe who is now asking for the road impact fees be refunded. It was recommended he get a letter from the previous owner regarding any refund.

Drug and Alcohol Testing Policy: Comm. Koppenhafer moved to approve pre-employment drug and alcohol testing of all prospective employees of Montezuma County, seconded by Comm. Chappell and carried. (See attached)

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

MEETING ADJOURNED 4:15 p.m.

County Clerk

March 22, 2010

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
March 29, March 31, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, March 29, 2010 at the courthouse in Cortez, Colorado, there were present:

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

The Board met with the Town of Dolores for a breakfast meeting at the Ponderosa Restaurant

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

MINUTES of the regular meeting held on Monday, March 22, 2010 were read. Comm. Koppenhafer moved to approve the minutes of March 22, 2010 as presented, seconded by Comm. Chappell and carried.

PAYROLL: General fund checks in the amount of \$366,458.71, District Attorney fund check #57158 in the amount of \$32,656.03, Treasurer fund check #57157 in the amount of \$289,159.99, Road department fund checks in the amount of \$81,847.30, Treasurer fund check #22890 in the amount of \$68,301.46; and Landfill fund checks in the amount of \$17,492.28, Treasurer fund check #6523 in the amount of \$14,440.72 were approved for payment

ROAD: Road Supervisor Dean Roundtree was informed that the Governor has restored the gaming impact funds. Supervisor Roundtree said that a bridge over an irrigation canal on Road T.5, east of Road 25 is damaged and in need of repair. Supervisor Roundtree has been in contact with the irrigation company. He will get more information concerning costs. Supervisor Roundtree said the department is trimming trees and will be cleaning up downed limbs. County Administrator stated that the Towns of Mancos and Dolores are discussing a joint effort in requesting a sales tax increase for roads sometime in the future. The proposed sales tax would be a county and municipal joint sales tax and that the future is definitely not this year. Dean said the cattle guard at the Red Arrow Mine area is torn to pieces and may need to be moved.

LYNN DYER, tourism director for Mesa Verde Country and **Shirley Powell** with Crow Canyon met to update the Board about a Preserve America Grant. Ms. Powell said the grant was in the amount of \$90,000.00. They have heard nothing in regards to the grant but have hopes the money will come through and they asked the Board for their continued support in getting the Grant. Ms. Powell said the funds would be to enhance their web site and inform

prospective tourists of other things of interest in this area. Ms. Dyer stated they would like to direct part of the funds to attract international travelers as well.

ABATEMENT: It being the time set aside an abatement hearing is held for Aileen L. Maxwell on two parcels with account numbers of R013646 and R013647. The roll was called and the proceedings were taped for the record. Assessor Vanderpool recommended approval due to corrected inventory considering access topography, market comps and economic obsolescence. It was stated the parcels are near a sanitation facility. Aileen Maxwell was on a conference call. Assessor Vanderpool gave an overview of the petitions in detail explaining the parcels are split with one being inside the city limits and the other being out side of the city limits. After hearing the evidence presented Comm. Chappell moved to approve the abatement for tax year 2009 for Aileen Maxwell on account numbers R013646 as amended and R013647 as amended, seconded by Comm. and carried. (See attached) Comm. Rule closed this hearing.

SENIOR SERVICES TRANSPORTATION: Sue Fletcher and Mary Holaday met to inform the Board concerning a new ADA mini van for Senior Services. Ms. Fletcher explained that ARRA will fund the van with no match from the County. Comm. Koppenhafer moved to sign the 5311 agreement between the State of Colorado and Montezuma County, seconded by Comm. Chappell and carried. (See attached)

PLANNING: Planning Director Susan Carver met to schedule the following public hearings;

(1) Scheduled a public hearing on a high impact permit and special use permit application for construction of one new county road approach and 157' of new access across the Chappell surface; construction of a new 7.83 acre well pad known as Chappell 15-15; drilling of up to 4 natural gas wells with horizontal completion. If the well is deemed to be productive, the installation of production facilities on the well pad will be done. The applications are submitted by Bill Barrett Corporation, Don Hamilton, Agent. The property is owned by Steve Chappell and located at 18751 Road T, Cortez.

(2) Scheduled a public hearing on a high impact permit and special use permit application for construction of one new county road approach and 140' of new access across the Gray surface; construction of a new 7.71 acre well pad known as Gray 14-15; drilling of up to 4 natural gas wells with horizontal completion. If the well is deemed to be productive, the installation of production facilities on the well pad will be done. The applications are submitted by Bill Barrett Corporation, Don Hamilton, Agent. The property is owned by the Schafer Living Trust and located at 18201 Road T, Cortez. **Director Carver** will schedule the above referenced permit hearings together in one hearing for April 19, 2010 beginning at 1:30 p.m.

(3) A single lot development proposed by Aztec Leasing was discussed and Director Carver wants to schedule this public hearing for April 12, 2010 at 1:30 p.m.

CORRESPONDENCE: The following correspondence was read and noted:

Copies of letters from Joe Hancock to Gary Mahaffey.

Mr. Mahaffey's letter of response addressed to the Commissioners. (See attached)

MEETING CONTINUED until Wednesday, March 31, 2010 at 10:00 a.m. Said meeting will be held at the Dolores County Courthouse, 409 North Main, Dove Creek, Co.

The Board met with the Dolores County Commissioners to discuss the Paradox Trust.

MEETING ADJOURNED at the conclusion of the discussion.

County Clerk

March 29, 31, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 5, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 5, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, March 29, 2010 and Wednesday March 31, 2010 were read. Comm. Koppenhafer moved to approve the minutes of March 29, and March 31, 2010 as corrected, seconded by Comm. Chappell and carried.

SHERIFF WALLACE reported the BLM is writing speeding tickets within federal territory.
ROAD: Road Supervisor Dean Roundtree discussed an issue with people parking around the Sand Canyon area. Dean said he has received complaints about safety along that area. It was stated he should install no parking and vehicles will be towed at the owners expense signs first and contact BLM about the problem. Discussed parking issues along Road P around Crow Canyon's excavation of the Mesa Verde National Park's ruins as well. Signage will be placed along the right of way on that portion also. Supervisor Roundtree talked about looking at purchasing a truck at the Suckla Auction. He said the Department is close to completion with tree trimming and clean up.

EMERGENCY MANAGER Doug Parker gave his monthly report on his department. Mr. Parker talked about the recent training held last week at the courthouse. He said the training went well and they are working on future trainings throughout the county. He said the Red Cross is holding a CPR class soon. He discussed the phone system in the courthouse. It seems that when 911 is dialed it just shows 109 W. Main, not the room that dialed 911. He said some options will be looked at to alleviate the problem.

LEWIS CEMETERY: Comm. Chappell moved to appoint Billy Rose to the Lewis Cemetery Board of Directors for a term to expire January, 2012. Seconded by Comm. Koppenhafer and carried. (See attached)

ABATEMENTS: It being the time set aside the following abatements was heard:

(1) DEAN DIETZENBACK: The roll was called and the proceedings were recorded for the record. Assessor Mark Vanderpool presented an abatement for tax year 2009 on account number R014471 (7759 Road 38) for Dean Dietzenbach. He recommends approval. He said the land and stable were adjusted and the main adjustment was to the home as it is only 50% complete as of Jan. 1, 2009. Assessor Vanderpool stated the appraisers will look closely at the property for 2010. Comm. Chappell moved to approve the abatement to the Dietzenbach property for tax year 2009 on account number R014471, seconded by Comm. Koppenhafer and carried (See attached)

(2) SMITH ENERGY LP: the roll was called and the proceedings were recorded for the record. Assessor Mark Vanderpool presented a petition for abatement on Smith Energy LP for tax year 2009 on account number P100030 which is the personal property at the Cache Unit Water Injection Plant and Pipeline. He stated the tax statement reflects an incorrect valuation and this abatement petition corrects the erroneous assessment and the Assessor is recommending approval stating this value was simply a data entry error. Comm. Chappell moved to approve the abatement for Smith Energy LP on account number P100030, seconded by Comm. Koppenhafer and carried. (See attached)

(3) DEW POINT CONTROL LLC: The roll was called and the proceedings were recorded for the record. A petition for abatement for tax year 2009 for Dew Point Control LLC on account number 881700000040 (24028 Road X, Lewis) was presented. The Assessor recommends approval of the petition stating 4 out of 8 of the items listed are in Dolores County and not in Montezuma County. Leslie Bugg with the Assessor's Office said Dew Point Control originally reported all the equipment in Montezuma County rather than splitting it between Dolores and Montezuma County's. Comm. Koppenhafer moved to approve the abatement for Dew Point Control LLC on account number 881700000040, seconded by Comm. Chappell and carried. (See attached)

GAMING IMPACT GRANT: Wanda Martin with the Sheriff's Office presented a gaming impact grant for overtime at the Ute Mountain Ute Casino and GPS units for the vehicles. Comm. Koppenhafer moved to approve the grant application between the Montezuma County Sheriff's Office and the Local Government Limited Gaming Impact Fund, seconded by Comm. Chappell and carried. (See attached) Ms. Martin presented a Forest Service Agreement for boat and forest patrol throughout the summer. Comm. Chappell moved to sign the Intergovernmental agreement between the U.S. Forest Service and the Montezuma County Sheriff's Office for boat and forest patrol, seconded by Comm. Koppenhafer and carried. (See attached)

MONTEZUMA COUNTY PARTNERS: Michele Rivas and Dani Gregory, representatives with Montezuma County Partners gave their annual fundraiser presentation. Ms. Rivas explained Montezuma County Partners works with at risk youth. She said they have around 80 at risk kids now with 20 of those kids matched up with mentors at this time. The organization works with education, accountability, and numerous other areas with said kids. A national safe place will be coming to the County for kids who are runaways or in need of help. Ms. Gregory talked about the upcoming bike race sponsored by Partners. She said they are actually turning away applicants because there are already over 500 racers signed up. The race brings in a lot of funding that

helps with the mentoring and volunteer programs. Comm. Koppenhafer moved to donate \$750.00 to Partners of Montezuma County for the work they do for the youth of Montezuma County, seconded by Comm. Chappell and carried.

Correspondence: The following correspondence was read and noted:
Signed the 2010 Southwest Colorado Annual Fire Operating Plan between the wildland fire protection agency and Montezuma County. (See attached)

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

MEETING ADJOURNED 12:10 p.m.

Clerk April 5, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 12, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 12, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, April 5, 2010 were read. Comm. Chappell moved to approve the minutes of April 5, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Supervisor Roundtree reported a complaint from Alfred Hughes concerning a fence damaged by the County snow plows. Dean said the Road Department will be taking some equipment to the Suckla Auction this week end. Supervisor Roundtree stated he has been working on revisions to the road and bridge standards. Comm. Rule informed Supervisor Roundtree that a lady called concerning a problem with standing water on Road G around the airport.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of March, 2010. (See attached) Manager Barton said the Landfill has two clean up projects approved. She talked about new computer system that will be in place in May. She informed the Board the Landfill is selling wood chips.

PUBLIC HEALTH: Public Health Director Lori Cooper presented an amendment to the WIC contract stating an increase in funding. Comm. Koppenhafer moved to sign the amendment to the WIC contract between Montezuma County Public Health Association and the State of Colorado, Colorado Department of Public Health and Environment to the WIC program contract routing number 10-13981 for \$8,071.00 additional monies to the WIC program in Montezuma County, seconded by Comm.Chappell and carried. (See attached) Director Cooper informed the Board of an air quality meeting on May 6, 2010. She said she attended a meeting in Farmington, N.M where they discussed the Ozone levels around the area. Ms. Cooper said the department is collaborating with the Montelores Early Childhood Council with taking care of childhood dental prevention.

ABATEMENT: It being the time set aside an abatement hearing is held for Eugene Gustin for tax year 2009 on account number R002993. The roll was called and the proceedings were recorded for the record. Appraiser Cynthia Claytor presented the abatement stating there is a law suit concerning the flooring and Appraiser Claytor said they adjusted the grade. Steve Leach, Mr. Gustin's son-in-law was in attendance. Comm. Koppenhafer moved to approve the abatement for Eugene Gustin as presented for schedule number R002993, seconded by Comm. Chappell and carried. (See attached).

LIQUOR LICENSE: Deputy Tammy Neely presented the following liquor licenses for renewal:

(1) Eagle Claw Trading Post renewal for a retail liquor store license. Comm. Koppenhafer moved to approve the renewal of a retail liquor license for Eagle Claw Trading Post for malt, vinous and spirituous liquor seconded by Comm. Chappell and carried.

(2) A renewal for a retail liquor license for G Whil Liquors, LLC. Comm. Koppenhafer moved to approve the renewal of a retail liquor license for G Whil Liquors, LLC, seconded by Comm. Chappell and carried. Deputy Neely informed the Board that Mac's Liquor Store surrendered their State and County Liquor License since the store closed.

LUNCH: 12:00 noon

PUBLIC HEARING: It being the time set aside a public hearing is held. The roll was called, the public notice was read and the proceedings were recorded for the record. This hearing is for the purpose of reviewing and determining an AR 3-9 zoning request and pre-sketch plan for a proposed single lot development consisting of 3 acres, more or less, from a tract of land owned by Aztec Leasing Ltd., Curtiss Wright, agent, consisting of 320 acres, more or less. The applicant is also requesting AR35+ zoning on the remaining 317 acres, more or less, as a part of the zoning application. Said property is located at 18340 Road DD, Pleasant View, Co. Planning Director Susan Carver gave an overview of the request. Agent Curtiss Wright explained the zoning request in detail. He said Mancos Bank wants the AR 3 to 9 zoning for collateral. Comm. Rule opened the hearing up to public comment. Hearing no public comment, Comm. Rule closed that portion. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the AR3-9 zoning and pre-sketch plan for a single lot development consisting of 320 acres and to approve AR35+ on the remaining 317 acres. Motion seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

PLANNING: Director Carver presented the following item:

(1) Applicants: **Mary Porvaznik and William Thebert** are requesting a variance from the general design guidelines for dwellings to be setback 50' from a lot line as provided for in Section 5103.1(A)(2) of the Montezuma County Land Use Code. The property is located at 6150 Road 21, Cortez. Director Carver stated they want to add on to the existing residence and are needing a variance from the setbacks. She stated the Planning Department has a letter in file from the neighbor stating they are not in opposition of this proposed setback variance. Comm. Chappell moved to approve a variance for the expansion to the Mary Porvaznik and William Thebert property located at 6150 Road 21, seconded by Comm. Koppenhafer and carried. (See attached)

(2) Applicant: **Southwest Cactus Properties**, Principal Susan Macklin and Agent Donald Macklin. Director Carver presented a request to amend a common lot line between lot 75 and lot 76 in the Cedar Mesa Ranches located at 35968 and 35950 Road J.6, Mancos. Director Carver said the lots are owned by the same land owner. The property is currently zoned ARES. Director Carver said the Home Owners Association Board of Directors

are not opposed to the approval of this request. Comm. Chappell moved to give preliminary approval to a common lot line adjustment to amend lot 75 and lot 76 of the Cedar Mesa Ranches, seconded by Comm. Koppenhafer and carried. (See attached)

(3) Applicants: **Mountain View Village, Inc.** A request was presented to amend resolution no. P28-84 whereby amending a common lot line between properties located at 28050 Road P and a to be determined address. Director Carver explained the request stating no new tract will be created. Jon Dunn representing Mountain View Village, Inc. was in attendance. Comm. Koppenhafer moved to approve an exemption for Mountain View Village located at 28050 Road P, Dolores to amend Resolution P28-84 changing a common lot line, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:
Summons from District Court concerning Albert Gary Mahaffey v The Montezuma Board of County Commissioners, (See attached)
Decision on Review regarding Shawn G, Glenn D. Wells and Danny L. Wilkin v Board of County Commissioners. (See attached)

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

MEETING ADJOURNED 2:20 p.m.

Clerk April 12, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 19, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 19, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, April 12, 2010 were read. Comm. Chappell moved to approve the minutes of April 12, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of March, 2010. (See attached).

ROAD: Road Supervisor Dean Roundtree discussed minor changes to the proposed road and bridge standards. Administrator Harrison mentioned he had a call from David Temple with Animas Valley Arborists concerning tree trimming. Mr. Temple offered to conduct classes in how to properly prune trees. He said he would conduct said classes at no cost to the County road department. Supervisor Roundtree will look into Mr. Temple's qualifications before taking any action. Administrator Harrison said he received concerns from Goodman Point Water District in regards to the County ROW.

FAIRGROUNDS MONTHLY REPORT: Fairgrounds Manager Tanner Young gave his report for the month of March. He discussed a bid for a loader and pallet forks that can be installed on the tractor. The Board stated he should get 3 bids for the equipment. He also said he could use a lawnmower. He was informed that the utility budget was low due to the cost of propane. Mr. Young mentioned he had an employee resign and he will be looking for a replacement. He asked about user's cards and who should purchase them. He was informed that anyone that uses the facility other than for special events should have a user's card for the use of the indoor and outdoor arenas.

CLARA ORMISTON REQUEST: Nila Tortoriello informed the Board of a need of assistance for cancer patient for cancer treatments. She asked for approval for funds from the Clara Ormiston Fund in the amount of \$4,219.29 for his cancer treatments. Comm. Koppenhafer moved to approve the expenditure of \$4,219.29 to Southwest Oncology from the Clara Ormiston Fund for cancer treatments for said patient, seconded by Comm. Chappell and carried. **LATER: ORDER: Order number 0-04-2010** was presented. This order is to The Montezuma County Treasurer to pay from the Clara Ormiston Fund to Southwest Oncology PC the amount of \$4,219.29 for chemotherapy payment.

VETERANS SERVICE: Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for March, 2010, seconded by Comm. Chappell, and carried (See attached)

ACCOUNTS PAYABLE: General Fund # 57153-57329 in the amount of \$680,148.26, Road Fund # 22888-22963 in the amount of \$76,128.02, and Landfill # 6524-6553 in the amount of \$52,262.22 for the month of March, 2010 were approved for payment.

GOODMAN POINT WATER DISTRICT: The Board went to the Goodman Point Water District's ground breaking ceremonies.

LUNCH: 12:00

PUBLIC HEARING: It being the time set aside a public hearing is held for the review and determination of two separate high impact permit and special use permit applications. The roll was called, the public notice was read and the proceedings were taped for the record. Comm. Chappell recused himself from these proceedings at this time. The applications were submitted by Bill Barrett Corporation, Don Hamilton, agent. Said requests are for the purpose of constructing 2 new county road approaches, 2 separate 7.83 well pads known as the Chappell 15-15 and Gray 14-15; drilling of up to 4 natural gas wells with horizontal completion on each pad; and if the well is deemed to be productive, the installation of production facilities on the well pads. The property located at 18751 Road T, Cortez is owned by Steve D. Chappell with the total parcel size consisting of 140 acres. The property owned by D.J. Schafer Living Trust is located at 18201 Road T, Cortez and consists of 80 acres. Planning Director Susan Carver gave an overview of the applications. She presented the Planning Commission minutes dated March 25, 2010. Don Hamilton, agent for Bill Barrett Corp. described the request in detail. They discussed how they will obtain the water and the need for trucking the water in will be eliminated and a traffic route assessment was presented. Comm. Rule opened the hearing up to public comment at this time. **Lavena Saunders** asked which direction the horizontal drilling would be. She was informed the drilling would be from north to south. **Vic Duran** spoke in favor of the applications. Hearing no further public comment, Comm. Rule closed that portion. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the High Impact Permit and Special Use Permit applications for Bill Barrett Corporation for the construction of 2 proposed well pads known as the D.J. Schafer Living Trust located at 18201 Road T and the Steve D Chappell located at 18751 Road T, Cortez, with the possibility of up to 4 horizontal exploratory wells and contingent upon the applicants posting of speed limit signs of 5 miles under the posted limit and to work with the County Road department in keeping the dust down and with Road Supervisor Dean Roundtree as to what repairs need to be done, seconded by Comm. Rule and carried. (See attached) Comm. Rule closed the hearing at this time. **VARIANCE REQUEST:** Planning Director Susan Carver presented a request for a variance to the residential setback requirements. Applicants, Terry and Monica Gorsuch are requesting the variance for an expansion of a

residential structure on property located at 24234 Road K.7. The Gorsuch's wish to add a garage to the existing residence. Planning Director Carver explained the variance while Terry Gorsuch explained their intentions. Comm. Chappell moved to grant a variance to the set back requirements for Terry and Monica Gorsuch on property located at 24234 Road K.7. The setback is to be within 5' of the property line on the west side. The motion was seconded by Comm. Koppenhafer and carried. (See attached)

ZONING PLAN OPTIONS: Director Carver along with Planning Commission Chairman Jon Callender presented for review a presentation of zoning plan options. Chairman Callender stated that the comprehensive plan not be rewritten but they wished to take a look at zoning the county. He said the commission has come up with some zoning options and asked for guidance from the Board on how to proceed. Chairman Callender and Director Carver discussed the meetings held throughout the county in various locations. The Board will consider the proposals and Director Carver will come back in a month's time. No action was taken at this time.

MANCOS CEMETERY DISTRICT: Comm. Chappell moved to appoint Kathy Graf to the Mancos Cemetery District for a term to expire January, 2013, seconded by Comm. Koppenhafer and carried. (See attached)

LEDCOR: Director Carver gave the Board a letter from Nathan Barton with Wasteline, Inc that updates the Board on the Simmons Pit and Mud Creek Pit entries. (See attached)

RESOLUTION 04-2010: Resolution number 04-2010 was presented canceling the Jail Bond Sales and Use Tax of .045% authorized by Resolution number 5-99. Comm. Koppenhafer moved to approve resolution 04-2010 canceling the .045 % sales and use tax effective July 1, 2010, seconded by Comm. Chappell and carried.

CORRESPONDENCE: The following correspondence was read and noted:

Letter from U.S. Department of the Interior in reference to the protest letter sent by the Board regarding the Canyon of the Ancients proposed resource management plan. (See attached)

Letter from Onward regarding the Montezuma County Sheriff's Office employee fund. (See attached)

Colorado Board of Health agenda for April 12, 2010. (See attached)

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

MEETING ADJOURNED 3:45 p.m.

Clerk April 19, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
April 26, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, April 26, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, April 19, 2010 were read. Comm. Chappell moved to approve the minutes of April 19, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

SHERIFF OFFICE: Wanda Martin with the Sheriff's Office presented a grant in the amount of \$129,320.00. She explained that the grant deals with auto theft, arrests of those responsible for auto theft, recovery, and prevention and community awareness . Comm. Koppenhafer moved to approve the spring 2010 auto theft prevention program grant, seconded by Comm. Chappell and carried. (See attached)

FAIRGROUNDS: Fairgrounds Tanner Young gave a monthly report. He discussed upcoming activities that are planned at the Fairgrounds. He talked about RV hookups at the Fairgrounds. It was stated there will be no RV hookups allowed unless they are using the facility. He would like to see an amendment to the master contract to require an ambulance be on site during any rough stock event. He discussed making changes to the horsemen's cards to make the card holder more aware of the County's accident policy. He talked about some needed repairs and improvements.

LETTERS OF SUPPORT: Comm. Chappell moved to sign a letter of support for exploration by Kinder Morgan on the Canyon of the Ancients National Monument better known as the Goodman Point Project. Seconded by Comm. Koppenhafer and carried. (See attached) Comm. Koppenhafer moved to sign a letter of support for the Doe Canyon 3D seismic survey project proposed by Bill Barrett Corporation in Dolores County, seconded by Comm. Chappell and carried. (See attached)

ROAD: Road Supervisor Dean Roundtree presented for review the road and bridge standards. Comm. Koppenhafer moved to accept the changes and corrections to the road and bridge standard specifications,

seconded by Comm. Chappell and carried. (See attached) Dean said the department is beginning work on the Dolores Norwood Road. They talked about county roads being rough. Supervisor Roundtree stated the department will be starting the mag chloride program soon.

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

SOUTHWEST MEMORIAL HOSPITAL: Dan Jessup presented the financial statement for the three months of operations ended March 31, 2010 (See attached) He also discussed the request for a mill levy increase that is to be voted on. He talked about the senior leadership group.

INSURANCE BIDS: Property and Casualty Liability Insurance bids were presented. Attorney Slough recused himself from this proceeding. Bid proposals from Woods Insurance Service and Trident were reviewed today. Ryan Maley, Lyle Love and Tina Abernathy, representatives from Woods Insurance Service presented their proposal. Bentley Colbert and Phillip Mathews, representatives from Trident presented their insurance proposal. No action was taken at this time.

LUNCH: 12:00 noon

PLANNING: EXEMPTION REQUEST: Director Carver presented for review and determination, an exemption request wherein Sisters Two Hofsan wish to convey to Gail W. Greenlee and to become a part of Mr. Greenlee's existing 145 acre tract of land. an isolated portion of SW1/4 of section 33, Township 36N, Range 15W, N.M.P.M. The property located at 29491 Road H is owned by Sisters Two Hofsan, LLC and the property located at 28421 Road H is owned by Gale W. Greenlee. The property consists of approximately 2 acres, lying northwesterly of the property described in the 22 lot major development. Further, the property is separated by the Towaoc Canal from the proposed Cielo Bonito Ranchos North 22 lot major development. Comm. Koppenhafer moved to approve Resolution P-01-10 and said transfer of 2 acres from Sisters Two Hofsan LLC to Gale W. Greenlee, seconded by Comm. Chappell and carried. (See attached)

Planning Director Susan Carver presented an application for Sisters Two Hofsan, LLC, Kathy Sanchez, agent, for review and determination of a final plat for a proposed 22 lot major development to be known as Cielo Bonito Ranchos North. The development is located at 29491 Road H, Cortez. Director Carver explained the application further. Kathy Sanchez was present. Comm. Chappell moved to approve the zoning request for Sisters Two Hofsan LLC to zone lots 1 through 18 as AR 3-9 and to zone lots 19, 20, 21, and 22 as AR 10-34 as referenced by land use code resolution 4-2006 dated July 17, 2006 for Cielo Bonito Ranchos North a 22 lot development, seconded by Comm. Koppenhafer and carried. Comm. Koppenhafer moved to approve the final plat for Cielo Bonito Ranchos North a 22 lot major development, seconded by Comm. Chappell and carried. (See attached)

FINDINGS AND PERMIT: Director Carver presented for review, findings and permits for 2 high impact permits and special use permits for applicants Bill Barrett Corp. Said permits were approved at a public hearing held before the Board of County Commissioners on April 19, 2010. Comm. Chappell recused himself from this proceeding. Comm. Koppenhafer moved to accept the findings and permits on High Impact Permit and Special

Use Permit numbers 618 and 619 for Bill Barrett Corporation, seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:
Signed a variance for William Thebert and Mary Porvaznik. (See attached)

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

MEETING ADJOURNED 2:55 p.m.

Clerk April 26, 2010

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 3, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 3, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, April 26, 2010 were read. Comm. Chappell moved to approve the minutes of April 26, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

PAYROLL: General fund checks in the amount of \$373,879.57, District Attorney fund check #57331 in the amount of \$32,943.25, Treasurer fund check #57332 in the amount of \$284,677.55, Road department fund checks in the amount of \$82,107.53, Treasurer fund check #22964 in the amount of \$68,245.77; and Landfill fund checks in the amount of \$17,496.29, Treasurer fund check #6554 in the amount of \$14,397.71 were approved for payment.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of April 2010. (See attached).

ROAD: Road Supervisor Dean Roundtree informed the Board that trucks are graveling a portion of the Dolores-Norwood road. Dean said there are irrigation problems on Roads G, N and S.

EMERGENCY MANAGER Doug Parker gave his monthly report. He talked about the EMPG grant renewal. He discussed the after action report from the exercises that were just completed. Mr. Parker said he met with Loy Chandler of Kinder Morgan and reviewed their pipeline emergency plan. Lastly he talked about the annual meeting with Jim Pringle of NWS, (See attached)

PROPERTY AND CAUSALITY INSURANCE: The bids for the property and causality liabilities insurance were reviewed. Bids were received from CTSI, Woods Insurance Service, and Trident. Attorney Slough recused

himself at this time. County Administrator Harrison discussed the bids. After much discussion, Comm. Koppenhafer moved to award Trident through Wolcott Insurance the property and causality liabilities insurance for the County for an 18 month period, seconded by Comm. Chappell and carried.

ABATEMENT: It being the time set aside an abatement hearing is held for Jonathan Wease, AEL Financial LLC on account number P100381. The roll was called and the proceedings were recorded for the record. Leslie Bugg and Assessor Vanderpool explained that the business is using the equipment for agricultural purposes and since the equipment is exempt the account will be zero and it was recommend for approval. Comm. Chappell moved to approve the abatement on account number P100381 for Jonathan Wease, AEL Fncial LLC, seconded by Comm. Koppenhafer and carried. (See attached)

JAIL SITE INSPECTION was conducted at this time.

LUNCH:

CONTRACT: An interlocal contract for the purchase of a van for the Senior Services along with E-mails from CDOT were presented for approval. Comm. Chappell moved to enter into an Interlocal Contract HGACBuy for cooperative purchasing of a van for the Senior Services, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:
Letter from City of Cortez to Canyon of the Ancients National Monument Re: Environmental assessment for Kinder Morgan and Goodman Point Development Project. (See attached)

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

MEETING ADJOURNED 2:45 p.m.

Clerk May 3, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 10, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 10, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, May 3, 2010 were read. Comm. Chappell moved to approve the minutes of May 3, 2010 as presented, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree reported the Department is continuing to haul gravel on the Dolores-Norwood road. He said the irrigation problem on road G was taken care of. He discussed the irrigation system on Road N. They talked about a portion of Road S needing attention.

ROBIN MORSE met to discuss her concern over the speed limit on Road G. She lives across from Waste Management and said the speed limit is at 50 miles an hour and has said it is becoming a real problem. She said there is about a 2 mile stretch where it is posted at 50 mph then it drops to 40 mph. Jim Burton said he did a road count in that area and explained at that time the speed was over the posted limit and said the data he pulled this morning indicated the speed has decreased a little.

HEALTH AGENCY: Health Agency director Lori Cooper presented the following contracts for renewal. (1) The United Way contract for the car seat program in the amount of \$6500.00. (2) The tuberculosis contract in the same amount as before. She said this contract is for the prevention and control activities for individuals within its service area and she said the active cases here are minimal. (3) The tobacco contract was presented. Director Cooper said the contract is becoming competitive and is decreasing by 20%. Director Cooper talked about the safety day held recently. Comm. Koppenhafer moved to sign the contract between United Way of Southwest Colorado and the Montezuma County Health Agency for the infant seat program in the amount of \$6,500.00, seconded by Comm. Chappell and carried. (See attached). Comm. Koppenhafer moved to sign the contract between the Colorado Department of Public Health and Environment and the Montezuma County Public Health Agency for the tuberculosis prevention and control activities, seconded by Comm. Chappell and

carried. (See attached) Comm. Koppenhafer moved to sign the contract between the Colorado Department of Public Health and Environment and the Montezuma County Public Health Agency for the tobacco education and prevention program, seconded by Comm. Chappell and carried. (See attached)

ABATEMENTS: It being the time set aside the following abatements was heard. The roll was called and the proceedings were recorded for the record.

(1) ELITE MANAGEMENT GROUP LLC: Assessor Vanderpool presented an abatement for Elite Management Group LLC on account number R004254 (15252 Road 39) for tax year 2009. He stated the property owner granted the Assessor's Office access to the property. It was stated that all improvements were measured and removed improvements which were not in place and added omitted improvements. However, access to the interior of residences was denied. Comm. Chappell moved to approve the abatement schedule number R004254 for Elite Management Group LLC, seconded by Comm. Koppenhafer and carried. (See attached)

(2) LIKES CUSTOM WOOD SHOP: Assessor Vanderpool presented abatement for Likes Custom Wood Shop, account number P10370, personal property for tax year 2009. He said the previous taxpayer reported incorrect ages of the equipment and this petition corrects the erroneous assessment. The Assessor's office recommends approval. Assessor Vanderpool explained the abatement saying the Office corrected the ages of the equipment as best as they could. Bob and Terri Likes were present. Comm. Chappell moved to approve the abatement schedule number P10370 for Likes Custom Wood Shop, seconded by Comm. Koppenhafer and carried. (See attached)

JYPSY ROTH met to discuss electrical assess at the Farmer's Market. She would like to sell food as a vendor at the Farmers Market and said she would need an electrical outlet. She will be using crock pots and blenders. It was explained that a new light poll is being put up and will have its own electrical outlet and that is the outlet the Farmer's Market will be able to use. County Administrator Harrison will inform the Farmer's Market working group of the outlet and also inform them that the original plug-ins on the west and south side of the building will no longer be available.

LUNCH: 11:55 a.m.

PLANNING: Planning Director Susan Carver presented the following planning items.

(1) Lawrence L. & Donna Jean Suckla, Don Etnier, agent. A final plat for phase 1 of a 51 lot major impact development known as the Saddle Ridge Subdivision was presented. Phase one consists of 19 lots located at 29921 Road L, Mancos. Director Susan Carver gave an overview and Agent Don Etnier explained his plans for the Development. Comm. Koppenhafer moved to approve the final plat of phase one of the Saddle Ridge Subdivision, seconded by Comm. Chappell and carried.

(2) VARIANCE REQUEST: A variance request was submitted by Danny Wilkin, agent Brian Balfour. The request is from the design criteria in section 5103.1(A) (3) of the Montezuma County Land Use Code regarding setbacks for auxiliary structures. Said property is located at 24775 Road S.9, Dolores. Mr. Balfour is requesting the variance because he wishes to build a shed approximately 5' from the property line. Comm. Koppenhafer moved to deny the 5' variance and to measure the 25' boundary to the center of the alleyway. Seconded by Comm. Chappell. Comm. Koppenhafer and Comm. Chappell voted aye, Comm. Rule voted nay on the measuring the boundary line on the center of the alleyway. Motion carried. (See attached)

EXEMPTION: Director Carver presented for preliminary review and determination a request of an exemption as provided under section 8103.4 of the Montezuma County Land Use Code wherein Winford P. and Judith

Rohwer owns 12 acres located at 10591 Road BB in Pleasant View and they desire to purchase 13 acres from Christopher Lee Jeter. Director Carver said that no new tract would be created with this exemption. It was stated the property is separated by a canal. Comm. Chappell moved to grant the preliminary review and determination where Christopher Jeter will be selling 13 acres more or less to Winford P. and Judith Rohwer, seconded by Comm. Koppenhafer and carried. (See attached)

(3) MEDICAL MARIJUANA Dispensary: A request to forward a high impact permit application to the Planning Commission Board was presented. The application is for a medical marijuana dispensary located at 27760 Hwy. 160 also known as "Cowboy Town". The application was submitted by Monty and Clara Nichols, agent Jennifer Cleveland and Amado Perez, Jr. It was stated that there is currently legislation coming concerning medical marijuana dispensaries. Comm. Chappell moved to wait and see what the State Law turns out to be before forwarding the application on to the Planning Commission, seconded by Comm. Koppenhafer and carried. (See attached)

SLIM MCWILLIAMS met to discuss the upcoming Ute Mountain Roundup rodeo that is scheduled for June 10, 11, and 12, and talked about the sale of beer during the rodeo and a full bar at the dance on Friday and Saturday in the lower barn. Comm. Koppenhafer moved to approve the sale of alcohol at the rodeo with beer being sold during the rodeo and a full bar for the dance in the lower beef barn on Friday and Saturday. Seconded by Comm. Chappell and carried.

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

MEETING ADJOURNED 3:15 p.m.

Clerk May 10, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 17, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 17, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, May 10, 2010 were read. Comm. Chappell moved to approve the minutes of May 10, 2010 as corrected, seconded by Comm. Rule and carried.

ROAD: Road Supervisor Dean Roundtree reported that the gravel hauling will be done on the Ground Hog Road by Wednesday and they are planning to put mag chloride on the following Wednesday. They are also putting mag chloride on roads 33 and 34 in the Mancos area. There will be testing done on Road N next Wednesday and Dean should have a report for the Commissioners within a week. Dean reported that they will continue to help Dolores County with the County Line Road.

FAIRGROUNDS MONTHLY REPORT: Fairgrounds Manager Tanner Young gave his report for the month of May. He reported that they have had a couple incidents of vandalism, one with the marquee sign and another with a pickup window. The incidents have been reported to the Sheriff and they will take a look at the security cameras. Tanner also reported the following, that the Ranch Rodeo had been cancelled again with no reschedule planned, that the Arena rock project would be complete after the addition of the sand, and that the 4-H project ideas were a cement slab for the purpose of washing steers and the raising of a Tie rack. He had purchased a lawn mower for \$970.00. Tanner discussed upcoming events stating that they were booked for the next several weekends.

MONTEZUMA COUNTY LANDFILL Debby Barton presented the Profit and Loss schedule for the month of April, 2010. (See attached) Other events discussed were the **E-Waste** event, **Empire** event, **Cortez Clean Up** event and the **HHW** event with **Dolores County**.

LIQUOR LICENSE: Judy Fullman Deputy County Clerk presented a special events liquor license application for the **Ute Mountain Rodeo**. Commissioner Chappell moved to approve the application for a special events liquor license to serve beer at the rodeo, June 10th, 11th, and 12th. Seconded by Comm. Rule, motion carried. (See attached) Commissioner Chappell moved to approve the application for a special events liquor license to serve alcohol for the rodeo dance June 11th and 12th. Seconded by Comm. Rule, motion carried. (See attached). Commissioner Chappell moved to waive the 30 day posting stipulation for the amount of time left. Comm. Rule seconded and the motion carried. (See attached)

Commissioner Chappell moved to approve the **County Veterans Service Officers** monthly report and Certification of pay, seconded by Comm. Rule, motion carried (see attached)

LUNCH

PUBLIC HEARING: It being the time set aside a public hearing was held for the purpose of reviewing an Industrial Zoning Request. For property owned by **Kevin B. Wright**, located at 22965 Road F consisting of 123 acres, more or less, situated south of Road G. 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 application. Commissioner Chappell moved to approve the application for the Industrial Zoning request property owned by **Kevin B. Wright**, located at 22965 Road F, consisting of 123 acres, more or less, situated south or Road G as presented. Seconded by Commissioner Rule, motion carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Letter from **State of Colorado, Department of Transportation, Traffic and Safety Unit Region 5** re: Speed limit of **SH145** north of Cortez.

Letter from **State of Colorado, Colorado Department of Public Health and Environment** re: A Notice of Public Rule Making Hearing.

Letter from **County Technical Services Inc.** re: a membership quote in the Colorado Counties Casualty and Property pool.

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

MEETING ADJOURNED 1:40

Clerk May 17, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
May 24, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, May 24, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, May 17, 2010 were read. Comm. Chappell moved to approve the minutes of May 17, 2010 as presented, seconded by Comm. Rule and carried.

ROAD: Road Supervisor Dean Roundtree informed the Board that the Department will get 3 mid sized trucks from CDOT for \$1,200.00 per truck. He talked about the mag chloride program saying the work will be done soon. A complaint was received concerning a dust problem on Road H by the gun club.

ROAD 35: Greg Kemp and Robert Sanders met to discuss the first quarter mile of road 35 in Cedar Mesa Ranches. Mr. Kemp said they have been maintaining that ¼ mile. They informed the Board that the road is in poor condition and they would like to remove the chip seal part and gravel it and they stated they will continue to maintain the road. The County does not claim or maintain the road. The Board said they have the right to fix the road and continue to maintain it since it is not a county road.

LAW SUIT: The Board was informed that Shawn and Glenn Wells and Danny Wilkin are appealing the Court's decision in the law suit with The Board of County Commissioners and Empire Electric.

BOARD OF SOCIAL SERVICES: It being the time set aside, the Board of Social Services was conducted; Director Dennis Story, LouAnn Everett and Lori Higgins were present. A memorandum of understand between the Colorado Works Program and the Colorado Child Care Assistance Program was presented (See attached)

WORLD PHILANTHROPY DAYS: Chuck Forth and Missy Miller informed the Board about Rural Philanthropy Days. The event is scheduled for June 9, 2010 in Mancos and 5 counties will be represented. Mr. Forth explained that he is the executive director of Onward, which is a Legacy Foundation. They invited the Board to attend the elected official's portion of the event. Ms. Miller explained how much money actually comes into the Southwest Region from this event.

ABATEMENT: It being the time set aside the abatement hearing is held for Richard Tibbits on account numbers R012966 and R015895 for tax year 2009. The roll was called and the proceedings were recorded for the record. Assessor Mark Vanderpool said the reason for the abatements were that the influence factor for the size of the parcels did not convert from the old computer system and he recommends approval on both accounts. After hearing all the evidence presented Comm. Chappell moved to approve the abatements on schedule numbers R012966 and R015895 as corrected, seconded by Comm. Koppenhafer and carried. (See attached)

MANCOS CONSERVATION DISTRICT: Chester Anderson, Oran White and Michael Rich representing the Mancos Conservation District met to request \$2000.00 in matching funds for an NRCS grant they are applying for. Mr. Anderson explained the District is requesting funds from NRCS to build five diversion structures in the Mancos River. Michael Rich mentioned that NRCS' interest is in improving the overall health of the river. It was explained that the Conservation Trust Fund allows for conservation and weed control projects. Comm. Chappell moved to contribute \$2,000.00 from the Conservation Trust Fund to the Mancos Conservation District contingent upon the District receiving funds from the NRCS, seconded by Comm. Koppenhafer and carried. (See attached)

PUBLIC HEALTH DEPARTMENT: Health Director Lori Cooper presented the following contracts for approval: (1) a master contract for public health (nursing contract) in the amount of \$53,844.00. Comm. Koppenhafer moved to approve the public health contract, seconded by Comm. Chappell and carried. (See attached). Comm. Chappell moved to sign the contract between the Colorado Department of Public Health and Environment and Montezuma County Public Health Services, seconded by Comm. Koppenhafer and carried. (See attached)

(2) The air monitoring contract in the amount of \$45,000.00 was presented. She explained the air monitoring is in its third year. Comm. Koppenhafer moved to sign the contract between Montezuma County Public Health Agency and the Colorado Department of Public Health and Environment Air pollution control Division, seconded by Comm. Chappell and carried. (See attached)

(3). She presented a traumatic brain injury MOU which is paid on a case by case basis. She said they have no cases at this time. Comm. Koppenhafer moved to sign the memorandum of understanding between the Colorado Department of Public Health and Environment and Montezuma County Public Health Agency for the traumatic brain injury program, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:10 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR 3-9 zoning request and pre-sketch plan. The roll was called the public notice was read and the proceedings were recorded for the record. The plan is for a proposed single lot development consisting of 4 acres from a 54 acre tract. Also an AR 35+ zoning request for the remaining acreage on property owned by Ronnie and Rachel Hurst. The property is located at 31251 Hwy 184, Dolores. Planning Director gave an overview of the requests. The property is currently unzoned. Ronnie Hurst explained their intentions. Comm. Rule opened the hearing up to public comment. Hearing no public comments, Comm. Rule closed that portion of the hearing at this time. After hearing all the evidence presented, Comm. Chappell moved to approve the AR 3-9 zoning request and pre sketch plan for a proposed single lot development consisting of 4 acres more or less from 54 acres more or less and AR35+ zoning request on the remaining acreage on property owned by Ronnie and Rachel Hurst, seconded by Comm. Koppenhafer and carried. Comm. Rule closed this hearing at this time. (See attached)

PLANNING: Planning Director Susan Carver presented a request to amend Resolution No. P-42-94 for Danny and Barbara Pierce. Resolution P-42-94 currently describes a 6.98 acre tract of land when the actual tract size is 5.3 acres. Said tract is located at 19745 Road G, Cortez. Planning Director Susan Carver explained that the request is only to correct the legal description and acreage of the tract. Comm. Koppenhafer moved to

approve resolution P-42-94 first amended on a tract of land owned by Danny and Barbara Pierce located at 19745 Road G, seconded by Comm. Chappell and carried. (See attached)

KINDER MORGAN CO2 Company, L.P. The Board was presented a review of a notice of intent to re-enter older permitted wells. Comm. Chappell recused himself from this proceeding. Bob Clayton with Kinder Morgan explained the request stating it is for a variance from the high impact permit requirements. Mr. Clayton explained that the 2010 drilling will be a re-entry of older permitted wells. Mr. Clayton said an approval letter has been received from the United States Environmental Protection Agency. (See attached). Comm. Koppenhafer moved to grant a waiver from the high impact permit requirements on the wells mentioned in the attachment to this record due to the fact that no high impact thresholds will be exceeded and some wells were prior to the land use code and are grandfathered in. Seconded by Comm. Rule and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:
Letter from June Head resigning from the Cortez Cemetery District, (See attached)

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

MEETING ADJOURNED 3:05 p.m.

Clerk May 24, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 7, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 7, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, May 24, 2010 were read. Comm. Chappell moved to approve the minutes of May 24, 2010 as presented, seconded by Comm. Koppenhafer and carried.

PAYROLL: General fund checks in the amount of \$363,821.92, District Attorney fund check #57501 in the amount of \$30,564.59, Treasurer fund check #57502 in the amount of \$287,926.96, Road department fund checks in the amount of \$83,332.02, Treasurer fund check #23026 in the amount of \$68,950.38; and Landfill fund checks in the amount of \$17,827.77, Treasurer fund check #6584 in the amount of \$14,443.04 were approved for payment.

ROAD: County resident David Gauthier met to discuss maintenance of Road P.4. He said the road is in terrible shape and is in need of gravel. Supervisor Roundtree will look at the road. **Road Supervisor Dean Roundtree** and the Board conducted a site visit to Road N at this time.

EMERGENCY MANAGER: Emergency Manager Doug Walker gave a monthly update. He presented the EMPG grant for signature. Comm. Koppenhafer moved to sign the agreement between the State of Colorado Department of Local Affairs and Montezuma County for the 2010 Emergency Management Performance Grant/Local Emergency Management Support, seconded by Comm. Chappell and carried. (See attached) Manager Walker gave an update on the Dolores Library mitigation project, the Emergency sheltering project, the McElmo installation project, the SAR narrowbanding assistance and the risk identification assessments.

UTE MOUNTAIN UTE TRIBE CONTRACT: The contract between the Montezuma County Sheriff's Office and the Ute Mountain Ute Tribe was presented. Comm. Chappell moved to sign the law enforcement agreement

between the Ute Mountain Ute Tribe and the Montezuma County Sheriff's Office, seconded by Comm. Koppenhafer and carried. (See attached)

ABATEMENTS: It being the time set aside the following abatement petitions was heard. The roll was called and the proceedings were taped for the record. **KATHY Z. GRIGLAK:** A petition for abatement for tax year 2009 was presented for Kathy Z. Griglak on account number R008711. Appraiser Jim Fuller stated that the influence factor for the size did not transfer in the recent conversion. He said the conversion has been corrected and said the Assessor's Office recommends approval. Comm. Chappell moved to approve the abatement for Kathy Z. Griglak on account number R008711, seconded by Comm. Koppenhafer and carried. (See attached) **DEWEY SMOUSE:** A petition for abatement for tax year 2009 was received from Dewey Smouse on account number R005097. Appraiser Jim Fuller explained that the influence factor for the size did not transfer during the conversion and recommended approval. Dewey Smouse was present. Comm. Chappell moved to approve the abatement on the Dewey Smouse property on account number R005097, seconded by Comm. Koppenhafer and carried. (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of May, 2010. (See attached).

DIRECTOR CORTEZ CEMETERY: An application to fill the vacancy left by the resignation of June Head from the Cortez Cemetery District was received from Jake Huff. Mr. Huff is a part of Ertel Funeral Home. Mr. Huff met to ask for consideration of his appointment to the Cortez Cemetery Board to fill a vacancy. The Board will wait to hear from the Cemetery District concerning said appointment before any appointment will be made to see if there are any more applications. No action was taken at this time.

CONTRACT: A master contract was presented for voice and data services. Comm. Koppenhafer moved to approve a contract between Qwest Communications Corporation and Montezuma County for voice and data services, seconded by Comm. Chappell and carried. (See attached)

HEALTH DEPARTMENT: Comm. Koppenhafer moved to approve a contract between Colorado Department of Health Services and Montezuma County Health Department for single point entry, seconded by Comm. Chappell and carried.

LUNCH: 12:00

PLANNING: Planning Manager Susan Carver presented for review and determination of the UBC 1997 Certification Form. She said the certification form is required to be completed according to the Land Use Code, however, a form has not been adopted. This certification will show that the code has been complied with. Comm. Chappell moved to adopt the UBC 1997 certification form for the Planning Department, seconded by Comm. Koppenhafer and carried. (See attached) Greg Kemp made a few comments concerning a 13 year old code being used in today's construction. Jerry Giacomo spoke in agreement with Mr. Kemp's comments.

UPDATE: Director Carver presented a letter concerning Ledcor APEN. She said Ledcor has paid for the APEN and has been approved. (See attached)

EMILY LUTKEN: The final plat for a 2 lot minor development by Emily Lutken was presented for review. The property is located at 12318 Road G, Cortez. Ernie Maness, with Maness and Associates was present.

Findings on said property was reviewed. Comm. Koppenhafer moved to approve the final plat for the Lutken 2 lot minor subdivision as presented along with approval of the findings. Seconded by Comm. Chappell and carried. (See attached)

Comm. Koppenhafer moved to sign a letter to the Cortez Fire Protection District informing them that the Board has decided not to refer the 2009 International Fire Code to public hearing at this time. Seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Case number 10CV52 Albert Gary Mahaffey v Montezuma County Board of Commissioners, etal, order to dismissal for lack of jurisdiction. (See attached)

Follow up letter concerning the Paradox Community Trust. (See attached)

Letter from Department of Local Affairs concerning a LGGF #09-649 Montezuma County Sheriff's GPS interface. (See attached)

Letter from State of Colorado regarding the technical review for the proposed design and operations Plan for 49 Square Ventures LLC Facility and the 2010 Compliance Inspection. (See attached)

Letter from division of Reclamation, Mining and Safety regarding abandoned underground coal mine fires. (See attached)

Letter from the Southern Ute Indian Tribe regarding notice of proposed minor source program and request for comments. (See attached)

Packet from USDA concerning the environmental assessment for the Boggy-Glade Travel Management Plan, (See attached)

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

MEETING ADJOURNED 3:40 p.m.

Clerk June 7, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 14, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 14, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, June 7, 2010 were read. Comm. Koppenhafer moved to approve the minutes of June 7, 2010 as presented, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree informed the Board that CDOT accepted the bid for the construction around Road M. He also said he is awaiting word from CDOT concerning the trucks the County purchased. Dean talked about the problem on Road N and ways to correct it. Supervisor Roundtree said he was informed that Four Corners Materials will not be opening their plant this year but that he can get some hot asphalt from Ledcor. He stated that the Department is helping Dolores County with some road work. A call was received concerning the tree trimming on Road D. Dean will look into it. Another call was received asking why Road 24.3 did not get any mag chloride. Dean will check into it. Resident Galen Larson talked about road problems on Road L and signage at the intersection of Road 22 and L. Other roads discussed were 18 stating the road is in good shape and patching on portions of road S has been done and a portion of road 20 is on the chip seal schedule for this year. Supervisor Roundtree said a cattle guard is almost completed on road 40.

COUNTY ADMINISTRATOR Ashton Harrison presented a grant application to promote Mesa Verde Country for signature. Comm. Koppenhafer moved to approve signing the Preserve America Grant Program agreement number 08-10-AP-5003, seconded by Comm. Chappell and carried. (See attached)

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of May, 2010. She said there is an increasing number of people not having cash/checks to pay plus which has caused an increased number of drive off attempts. Manager Barton talked about video surveillance proposals at the Landfill. (See attached)

SHERIFF'S OFFICE: A gaming impact grant was presented for signature. Said grant is for GPS systems that will work with dispatch and will have the ability to retrieve records while in the vehicle. Comm. Chappell moved to sign the gaming grant agreement number 09649 for the Montezuma County Sheriff's Office GPS interface, seconded by Comm. Koppenhafer and carried. (See attached)

ASSESSOR: Assessor Mark Vanderpool met to explain problems in the 2009 tax roll to the Board. He explained an error on 18 Kinder Morgan accounts stating the accounts were in the wrong taxing districts. He said 14 of those accounts have been in the wrong districts for years. There was also a conversion problem with two fire districts being in the same area which was in error and will affect some smaller districts as well. Assessor Vanderpool has met with these various districts concerning said revenues.

LIQUOR LICENSE: Clerk's Deputy Tammy Neely presented a renewal for a retail liquor license for Hilltop Liquors. She also presented special event liquor licenses for Sugar Pine Rally and For Pet's Sake. Deputy Neely presented a special event permit for the Veteran's of Foreign Wars for the upcoming Sugar Pine Rally scheduled for September. Joyce Humiston representing the Rally explained the application and the need for area support. Comm. Koppenhafer moved to approve the special event liquor license for the VFW on behalf of the Sugar Pine Rally, seconded by Comm. Chappell, motioned carried. Comm. Koppenhafer moved to approve the special events liquor license on For Pet's Sake, seconded by Comm. Chappell, and motioned carried. Comm. Koppenhafer moved to approve the renewal of the retail liquor license for Hilltop Liquors, seconded by Comm. Chappell, motioned carried.

ABATEMENT: It being the time set aside an abatement hearing is held for Katrina and Trevor Lytle on account numbers R013190 and R013191 for tax year 2009. Appraiser Jim Fuller explained that on account number R013190 the residential improvements are 50% complete as of January 1, 2009 and that the original assessment was for vacant land. He said this petition corrects the assessment and the Assessor's Office recommends approval. Appraiser Fuller discussed account number R013191 stating the parcel should be residential. He recommended approval of the abatement in the amount of \$1,849.02 for tax year 2009. Comm. Chappell moved to approve the abatement for account numbers R013190 and R013191 for tax year 2009, seconded by Comm. Koppenhafer, motion carried.

BUD GARNER of the Four Corners 9/12 Project presented a request for the Montezuma County Board of County Commissioners to sign a letter fully supporting the State of Arizona's recent laws regarding enforcement of illegal immigration. Also requested the Board of County Commissioners to declare Montezuma County to be a "Rule-of-Law" county by resolution. (See attached.)

HEALTH DEPARTMENT: Health Director Lori Cooper gave an update on the Health Department. She provided a handbook to the Commissioners regarding their role as the local Board of Health. She presented a contract for dietitian services. Comm. Koppenhafer moved to approve an agreement with Maryam Khalili for dietitian services, seconded by Comm. Chappell, motion carried (see attached). She presented a contract for emergency response services. Comm. Koppenhafer moved to approve a contract between the CDPHE and the Montezuma County public health agency for emergency response services, seconded by Comm. Chappell, motion carried. (See attached)

LUNCH:

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a possible violation of the Montezuma County Land Use Code in regard to the apparent operation of an

auto salvage yard. The roll was called, the public notice was read and the proceedings were recorded for the record. Planning Director Susan Carver explained the complaint. The property is located at 26745 Road H, Cortez. She said the complaint deals with the apparent operation of an auto salvage yard on the property. L.D. and Tresa Gleeson is the owner of record of said property. Mr. Gleeson said Freddie and Teresa Wilson is currently living at the Road H address. Mr. and Mrs. Gleeson's daughter Susan Kidd explained the situation stating the Wilson's are living there and nothing has been paid to the Gleeson's. There is litigation on going (case number 2010CV 19) (See attached) concerning the ownership of the property as the Gleeson's sold the property to Tim Tuthill who left the area leaving a debt on the property. The Gleeson's are in the process of retrieving the property through a Sheriff's sale. Theresa Wilson spoke to the complaint. She spoke to the litigation. She said they purchased the property from Tim Tuthill. When asked if they are selling vehicles at this location, Mr. Wilson stated the vehicles are not his but friends and relatives bring the vehicles to this property to sell them. Comm. Rule opened the hearing to public comment at this time. **Gerald Hart** stated he was a part of the Planning Commission in 2004 and this property was discussed at that time. He said there is now advertng for said business at that location. **Tresa Gleeson** clarified statements made previously by the Wilson's. Mrs. Gleeson explained the payments made. **Theresa Wilson** gave their side of the situation. **Freddie Wilson** said the property does need cleaned up and stated why the vehicles are visible. **Yvonne Hart** said the property is unkempt and unsightly. **L.D. Gleeson** said Mr. Wilson is selling vehicles off the property. Hearing no further public comments, Comm. Rule closed this portion. Public comment portion reopened. **Criminal investigator Steve Nowlin** spoke about a stolen vehicle that began an investigation at this location. He informed the Board of the results of said criminal action and what charges were made. Mr. Nowlin stated it appears a violation of Title 6 C.R.S. has occurred. He said he does not know who owns the property but is aware that Mr. Wilson is operating a business at that location. **Susan Kidd** said she and her husband owned a business in that area and they complied with the necessary permits. Public comment period was closed again. After hearing all the evidence presented Comm. Chappell moved to have Freddie and Theresa Wilson cease and desist operations of any business on property located at 26745 Road H, Cortez, Co. until proper zoning and permits can be obtained within 30 days. Motion seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING: Planning Director Susan Carver presented an application from Christopher L. Jeter. Mr. Jeter is requesting approval to convey 11.9 acres to existing acreage owned by Winford P. and Judith Rohwer located at 10591 Road BB, Pleasant View, Co. She stated that no new lot would be created. Director Carver is requesting an amendment to planning resolution P-32-91. Comm. Koppenhafer moved to approve the final plat of amended planning resolution P-32-91 first amended, seconded by Comm. Chappell and carried. (See attached)

APPLICATION FEE SCHEDULE update was presented for review. Said fee schedule requires an amendment to reflect the fee increase for recorded documents due to recording fees increasing to \$11.00 for the first page instead of \$6.00 for the first page. Comm. Chappell move approve the application for the fee schedule for the planning department, seconded by Comm. Koppenhafer and carried.

CDOT LETTER: Director Carver presented a letter from CDOT in reference to the extension of access permit number 50875 in Montezuma County (Eldon Simmons). (See attached)

ZONING OPTIONS: The zoning options as presented by the Planning Department were discussed. Andy Logan with the Planning Commission gave his views of said meetings. Director Carver gave a summary of the meetings that were held previously throughout the County. Five options were discussed with option 1 being doing nothing, option 2 with response to LIZ which would require minimal amendments to the Land Use Code, option 3 deals with response to LIZ requiring significant amendments to the Land Use Code and Comprehensive Plan, option 4 would eliminate LIZ and adopt conventional zoning requiring major amendments to the Land Use Code and lastly option 5 is a response to LIZ and would require minimal amendments to the Land Use Code and Comprehensive plan. (See

attached) She said the Planning Commission is now asking for direction from the Board on the work done thus far. It was suggested that a corridor be established concerning commercial and industrial zoning along the highways. The Planning Commission said the major issue that came out of the area meetings was the majority of the people wanted to see the County zoned. He suggested the County have an industrial park like the City does. Director Carver will return at a later date with the options being better defined.

LETTER was received from Jennifer Cleveland and Amado Perez Jr. stating they wish to withdraw their application for a medical marijuana dispensary in the County. Ms. Cleveland and Mr. Perez are asking the Board to consider a refund of the \$1000.00 application fee. It was decided to refund the \$1,000.00 back to Ms. Cleveland and Mr. Perez as the Board is not accepting any such applications at this time. . (See attached)

AARON MILES representing JOHNNIE RADDING met to discuss a marijuana growth facility. Director Carver informed the Board that Mr. Miles and Mr. Radding wish to establish a medical marijuana growth facility in the County. It was stated that nothing would be done at this time until the law goes into effect.

CORRESPONDENCE: The following correspondence was read and noted:

Letter from Four Corners Film Office. The request has been referred to the Lodger's Tax Committee. (See attached)

Agenda SW Water Conservation District. (See attached)

U.S. Department of Commerce thank you letter. (See Attached)

Colorado Board of Health agenda June 16, 2010. (See attached)

Dolores Water Conservancy District meeting minutes. (See attached)

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

MEETING ADJOURNED 4:30 p.m.

Clerk June 14, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 21, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 21, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, June 14, 2010 were read. Comm. Koppenhafer moved to approve the minutes of June 14, 2010 as corrected, seconded by Comm. Chappell and carried.

NATHAN BARTON presented a permit amendment to the Noland Pit at the Cedar Point site for signature. This amendment has to be sent to the State. (See attached)

ROAD: Road Supervisor Dean Roundtree informed the Board of the report done on a portion of Road N as to the options to repair the road. He will put together some financial numbers before beginning any work. Dean talked about the Tozer Pit. It was stated that a phone call will be made to Steve Beverlin with the BLM in regards to the Tozer Pit. Supervisor Roundtree said the Department will install the cattle guard on Road L. The Department will continue to haul gravel to the County Line Road.

RESIDENT LARRY JOHNSON talked about handicap access to Forest Service and BLM roads and asked who might have enforcement authority regarding the American Disabilities Act. He would have to gather the history of the roads to see who has jurisdiction. He could also contact his Representatives and Senators.

GIS SPECIALIST DOUG ROTH presented a preliminary road map with some changes and additions to roads for discussion.

FAIRGROUNDS: Fairgrounds Manager **Tanner Young** gave the monthly update concerning the Fairgrounds. He talked about the income statement saying it is up. The recent Rodeo went well. Manager Young questioned the Rodeo contract asking about a \$2.00 per car parking fee. Since the fee has never been charged that portion will be removed from the contract. He said there has been no RV hookup charges for the Rodeo events. Manager Young will inform the Rodeo committee that in the future there will be a charge for RV hookups at the Fairgrounds.. He talked about the Corriente cattle show returning. Discussed replacing the marquee with an electric sign in the future. (See attached)

2009 VALUATIONS: Assessor **Mark Vanderpool**, representatives from Cortez Fire Protection District and Lewis Arriola Fire Protection District met to talk about the 2009 valuations. Assessor Vanderpool said the districts have been notified of the errors. He said the Assessor's Office has processed 280 abatements to date. Jim Bridgewater with the Cortez Fire Protection District said their concerns are with the Tabor issues regarding any mill levy adjustments. Bill Garland with the Lewis Arriola Fire Protection District stated this District could manage at this time.

MEDICAL MARIJUANA: Samuel Valdez and Travis Pollock met to discuss medical marijuana facilities in the area. Mr. Pollock said they are based out of Durango but have opened a facility in Cortez. He talked about HB 1284 and its requirements. He would like to have a growth facility to grow the medicine for his clients located in Montezuma County. Samuel Valdez said he is currently working in a medical marijuana facility and is growing plants for the facility. It was stated there are currently 1000 patients who use the medical marijuana. The Board will take the situation under advisement at this time. No action was taken.

DISCUSSION supporting the state of Arizona's recent state laws enforcing federal immigration laws and declaring Montezuma County to be a "Rule of Law" county was held. Sheriff Wallace expressed his opinion concerning immigration saying he believes the legal way is the right way and that he endorses the concept of the Arizona law. Currently there is no state statute to enforce illegal immigration. J.R. Barry agreed with the Sheriff's statements and said the Arizona Law should be supported. Bud Garner said he asked the Board for a letter of support for the Arizona law. Mike Gaddy said he worked on the Arizona boarder for a time and told of things he observed. Other audience members who spoke were Merlene Johnson, Dexter Gill, and Dennis Atwater. The Board will discuss this matter further. No action was taken at this time.

VETERANS SERVICE: Comm. Koppenhafer moved to approve the County Veterans Service Officers monthly report and Certification of pay for May, 2010, seconded by Comm. Chappell, motion carried (See attached)

ACCOUNTS PAYABLE: General Fund # 57497-57666 in the amount of \$441,194.75, Road Fund #23024-23104 in the amount of \$385,967.15, and Landfill #6585-6619 in the amount of \$36,053.27 for the month of May, 2010 were approved for payment.

CORRESPONDENCE: The following correspondence was read and noted:
Montezuma County Sheriff's Office monthly report for May 2010. (See attached)
Montezuma County Housing Needs Assessment (See attached)

Letter from Navitus Global Energy Systems regarding request for rescission of Colorado's state-specific roadless petition. (See attached)

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

MEETING ADJOURNED 12:45 p.m.

Clerk June 21, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
June 28, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, June 28, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, June 21, 2010 were read. Comm. Chappell moved to approve the minutes of June 21, 2010 as presented, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree talked to the engineer concerning road N stating that the Portland treatment (cement treatment) might work better. The Board discussed the lateral movement of the road. He was informed that a portion of road 23 and 25 is getting rough. Dean will look into it. Supervisor Roundree informed the Board that the Department is graveling roads and the county line road project is done.

Mike Mikkelson appeared before the Board to discuss problems with the access to Road 29. He said that since the Juniper Ridge Subdivision came in the traffic has increased dramatically with Road 29.75 becoming the main ingress and egress for that development. He proposed placing a gate at the end of road 29.75. It was stated a gate cannot be placed on a county road. One option is to have a public hearing to vacate the road. (See attached)

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

ABATEMENTS: It being the time set aside the following abatement petitions was heard for tax year 2009: The roll was called and the proceedings were recorded for the record. Assessor Vanderpool explained that all the following petitions were to correct the tax area errors and they have been processed by his office. Assessor Vanderpool recommends approval of these abatements.

KINDER-MORGAN CO2, LP Account number 0100076

KINDER-MORGAN CO2, LP. Account number P100037

KINDER-MORGAN CO2, LP. Account number 0100079

KINDER-MORGAN CO2, LP. Account number P100424

KINDER-MORGAN CO2, LP. Account number 0100034

KINDER-MORGAN CO2, LP. Account number P100035

KINDER-MORGAN CO2, LP. Account number 0100077

KINDER-MORGAN CO2, LP. Account number 0100078

KINDER-MORGAN CO2, LP. Account number P100078

LINDE INC. Account number 0100036

QUESTAR EXPLORATION & PRODUCTION. Account number 0100092

QUESTAR EXPLORATION & PRODUCTION. Account number 0100087

QUESTAR EXPLORATION & PRODUCTION. Account number 0100226

QUESTAR EXPLORATION & PRODUCTION. Account number 0100332

PATTERSON UTI DRILLING CO. Account number P001022

CORTEZ PIPELINE COMPANY. Account number P010543

QUESTAR EXPLORATION & PRODUCTION. Account number P100089

KINDER-MORGAN CORTEZ PIPELINE CO. Account number U000038

VERIZON WIRELESS (VAU) LLC. Account number U000268

Comm. Chappell moved to approve the abatements of the 19 companies with account numbers listed above, seconded by Comm. Koppenhafer and carried. (See attached)

ABATEMENT: It being the time set aside an abatement hearing is held for **SED AND TAYA S. KELLER** on account number R004850. The roll was called and the proceeding was recorded for the record. Assessor Vanderpool said that the Assessor has verified that there was no commercial use during 2008 and 2009. He said the classification should be 100% residential and recommends approval for abatement for tax years 2008 and 2009. Comm. Chappell moved to approve the abatement for Sed and Taya S. Keller, account number R004850 as submitted. Motion was seconded by Comm. Koppenhafer and carried. (See attached)

ASSESSOR VANDERPOOL discussed the approximate valuation for 2010. He said the 2010 tax roll is not yet complete but there will be a decrease in assessed value due in part to the oil and gas production.

SHERIFF' OFFICE: Wanda Martin with the Sheriff's Office presented a gaming grant for signature. Ms. Martin explained the application stating it is for safety and improved response with GPS units for the vehicles. County Administrator Ashton Harrison informed them of budget constraints coming and the funds may or may not be there for county matches or funding in the future. Comm. Koppenhafer moved to approve the grant for the Montezuma County Sheriff's Office for safety and improved response with GPS units, seconded by Comm. Chappell and carried. (See attached)

JIM SKVORC met to discuss Arizona's immigration enforcement laws. He read his letter against the endorsement of Arizona's bill by the County. He said we the citizens of Montezuma County through our elected officials should not endorse Arizona's immigration law. (See attached) He read three letters from county citizens asking the Board not to endorse said law. Mike Gaddy spoke as to the federal immigration law saying the law has not been enforced on the federal level. Earl Rohrbaugh commented by saying that policy matters before the County to take a position in support of or opposition to such matters is ill advised. J. R. Berry said the only thing they are asking for is to endorse the Rule of Law of the United States. Jim Skvorc spoke again.

QWEST CONTRACT: IT Specialist Rob Peterka and Amber Kingery met to discuss the Qwest contract. He explained the County does its own switching and routing which saves the County money. Mr. Peterka spoke about the routing of phone calls in the county offices (ps alley) and explained the phone system the County has. He addressed how 911 calls are received saying if an office calls 911 it doesn't designate which office called it just comes up to 109 W. Main. Comm. Koppenhafer moved to sign the agreement between Qwest Corporation for private switch/automatic location identification service and Montezuma County, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:05

PLANNING:

Road impact fees: A request was received by Bud Poe asking for a refund of road impact fees on 100 Acre Woods Subdivision. This request does not include any administrative fees. Mr. Poe presented a certified letter from Rene Nash, Trustee of the Ridge Trust disclaiming all right, title and interest in and to all road impact fees deposited with the County. Director Carver said the subdivision application was withdrawn and the application occurred before the current road impact fee policy went into affect. Comm. Koppenhafer moved to refund the road impact fees in the amount of \$3900.00 for the 100 Acre Woods Subdivision to be paid to the current owner, Bud Poe as the subdivision application was withdrawn for the proposed subdivision before the current road impact fee structure was in place, seconded by Comm. Chappell and carried. (See attached)

SOUTHWEST CACTUS PROPERTIES: A request to amend a common lot line was presented for review and determination for Southwest Cactus Properties, principle Susan Macklin. The request is to amend lots 75 and 76 in Cedar Mesa Ranches Major Subdivision. The property is located at 35968 Road J.6 and 35950 Road J.6 in Mancos. It was stated that no new lot would be created. Comm. Koppenhafer moved to accept the amended final plat for lots 75 and 76 for Cedar Mesa Ranches final plat, seconded by Comm. Chappell and carried.

MONTEZUMA-DOLORES REC DISTRICT dba Southwest Co. TV Translator Association, Don Tullis and Wayne Johnson agents. A request was presented to review and determine permit requirements for expansion of the existing land use. Mr. Johnson explained the uses of the facility and future plans to replace the old facility with a newer facility. Director Carver recommended they zone the property and certify the existing use through the high impact permit process. No decisions were made at this time.

CDOT LETTER: Director Carver informed the Board she has received letters from CDOT regarding the extension of access permit number 50875 for the Simmons Gravel Pit. The letter gave authorization for a one-year extension of said permit for access permit number 508075. (See attached) It was also noted that a

complaint from Eric and Elizabeth Janes was received regarding dust emission from the Simmons and Noland Pits. Director Carver discussed other complaints received. One is concerning problems on Road N.6 loop where people are making left turns damaging concrete barriers and signs being damaged or removed. (See attached) Another complaint about a windmill on property north of Mancos was received. (See attached)

RESOLUTION 05-2010: Comm. Koppenhafer moved to approve Resolution 05-2010 for the support of local administration of Colorado's Human Services System and a commitment to excellence. Motion seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Planning newsletter #6, BLM Canyons of the Ancients National Monument. (See attached)

Letter from Southern Ute Indian Tribe. (See attached)

Letter from Family Leadership Graduation Invitation (See Attached)

Letter to Court of Appeals from Echo Basin Ranch Dan & Kathi Bjorkman requesting an extension on their appeal. (See attached)

Letter from CTSI regarding energy and mineral fund grant program. (See attached)

Letter to Steven Beverlin with Dolores Public Lands Office. (See attached)

Letter to Dean Roundtree from Trautner Geo Tech LLC. (See attached)

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

MEETING ADJOURNED 3:15 p.m.

Clerk June 28, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 12, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 12, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, June 28, 2010 were read. Comm. Koppenhafer moved to approve the minutes of June 28, 2010 as presented, seconded by Comm. Rule and carried.

PAYROLL: General fund checks in the amount of \$364,969.17, District Attorney fund check #57665 in the amount of \$31,967.59, Treasurer fund check #57666 in the amount of \$286,169.97, Road department fund checks in the amount of \$83,756.51, Treasurer fund check #23105 in the amount of \$70,540.16; and Landfill fund checks in the amount of \$17,766.46; Treasurer fund check #6620 in the amount of \$14,650.93 were approved for payment.

ROAD: Road Supervisor Dean Roundtree discussed access on Road 23. He talked about what CDOT will allow in their issuing an access permit and mentioned correspondence with Mr. Dunn regarding the intersection. Supervisor Roundtree continue will to look into it. Dean said the titles have been received on the trucks purchased from CDOT and will be picking the trucks up soon. Talked about various roads being rough and needing attention.

Bill Ivy and Pete Merkel with the Forest Service met to discuss asphalt patching on forest service road 526 (Dolores – Norwood Road) and presented a cooperative agreement in the amount of \$25,500.00 for signature. Supervisor Roundtree said the only problem is obtaining the asphalt for the project. Comm. Koppenhafer moved to sign the modification no. 4 project agreement for cooperative roads agreement between Montezuma County and U.S. Forest Service contingent upon the County being able to obtain asphalt, seconded by Comm. Chappell and carried. (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of June, 2010. (See attached).

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of June, 2010. (See attached) Manager Barton talked about the semi annual report. She informed the Board about the quarterly reporting form from the Colorado Department of Public Health and Environment in regards to the solid waste user's fee and solid waste sites superfund sites in Colorado. (See attached)

EMERGENCY MANAGER Doug Parker gave his monthly report on his department. There will be a meeting regarding the emergency shelters project saying 6 shelters have been identified so far and are waiting for the Red Cross to survey them. He talked about the mass casualties plan revision. Manager Parker said the Dolores mitigation grant was referred to the State Division of Water Resources for review and assistance. He said that at the FCA meeting the discussion was that there is no need for a burn ban at this time, but will continue to monitor the situation. (See attached)

BRIDGE EMERGENCY SHELTER: Sara Wakefield and M.B. McAfee representing the Bridge Emergency Shelter presented a Memorandum of Understand for review for the use of the facility for next year. M. B. McAfee gave an update concerning the facility. She said Sara Wakefield has been hired as executive director for the Shelter. Ms. McAfee talked about statistics from the past 4 years. Sara Wakefield discussed the year end financial report stating the year ended in the black. They informed the Board about a day labor facility that has re-opened. (See attached) The memorandum of understanding was explained and presented for review. Comm. Chappell moved to approve the memorandum of understanding between Montezuma County and the Bridge Emergency Shelter regarding the provision of space in county owned premises from October 1, 2010 to April 30, 2011, seconded by Comm. Koppenhafer and carried. (See attached)

HEALTH DEPARTMENT: Sanitarian Melissa Mathews discussed an issue with a septic permit concerning property owned by Carolyn Scott. The property is located at 10563 Hwy 491. It was stated that the commercial building and residence has its own system and leach field instead of the buildings using the same leach field. Ms. Mathews said the systems are in compliance as far as she is concerned.

AGENDA ITEM: Comm. Koppenhafer moved to set 11:00 a.m. on July 19, 2010 as the time set aside to make a decision as to whether the Board of County Commissioners, as the governing body of Montezuma County, will vote to consider whether or not to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products after conducting a public hearing or refer the decision whether or not to prohibit the operation of medical marijuana centers optional premises cultivation operations, and medical marijuana-infused products to the registered electors of Montezuma County, seconded by Comm. Chappell and carried. (See attached)

LIQUOR LICENSE: Clerk's deputy Tammy Neely presented a liquor license renewal for a resort complex license for Echo Basin. Comm. Koppenhafer moved to approve the renewal for the liquor license for the Echo Basin Ranch Resort complex liquor license with related facility complex. The motion was seconded by Comm. Chappell and carried.

LUNCH: 12:00 noon

PLANNING Director Susan Carver presented for review and determination of a preliminary plan to vacate the Dietzenbach 2 lot minor CIPUD. Director Carver stated a public notice for zoning was published in the Cortez Journal on Thursday, July 1, 2010 but the public hearing has been vacated. She explained the application is a request for a 3 lot minor subdivision by further developing lot 1. Ernest Maness with Maness and Associates representing Mr. Dietzenbach explained the request further stating that Mr. Dietzenbach wishes to vacate the CIPUD and create an additional lot making a 3 lot minor subdivision. Said property is located at 7759 Road 38, Mancos. Comm. Koppenhafer moved to give preliminary approval for the amended plat of the Dietzenbach minor subdivision and to vacate the CIPUD, seconded by Comm. Chappell and carried. (See attached.

Planning Director Carver presented a request to amend High Impact Permit No. 520 as requested by Williams Field Services Co., LLC requesting an administrative amendment to Bill Barrett Corporation's approved high impact permit #520 to transfer, small temporary gas processing facility, into Williams Field Services' name. Jeff Baumer and Brett King spoke as to the request. Said permit is for the purpose of a temporary gas processing facility; related pipelines; a natural gas well; and well pad known as the Koskie 13H-27-38-16. This request is to separately permit the temporary gas processing facility and related pipelines into Williams Field Service Company's name and separately permit the natural gas well and pad to Bill Barrett Corporation's name. Also a request for an extension of time to operate the processing facility has been submitted. Director Carver explained that there are no proposed change or expansion on the well pad or natural gas well currently permitted to Bill Barrett Corporation at this time but a new high impact permit number would be created. Road Supervisor Roundtree said there is considerable damage to the roads. Amy Harris expressed concern about the heavy traffic on Road X and she stated the road is in bad condition. Dennis Atwater said he has researched the traffic on those roads and said he is also an impacted resident living in that area and talked about the poor condition of the roads involved. He asked for Road 25 to be put back to its original or better condition and presented pictures. (See attached) Comm. Chappell moved to move discussion on this request to a date in the future where both parties can be present to discuss the situation on Roads 25 and X, seconded by Comm. Koppenhafer and carried. (See letter attached from Terence P. & Carol McNulty)

JOE HERNANDEZ could not appear before the Board to discuss proposing a medical marijuana growth site at this time. .

CATTLEMEN'S ASSOCIATION: Drew Gordanier and Al Heaton representing the Cattleman's Association met to talk about the Stewardship Committee and discussed coordination of a strategy for use of public lands. They talked about having a task force set up to represent the various entities involved.

CTSI: John Wagner with CTSI gave an update on the insurance pool and a loss analysis. He gave an overview of the county's workers' compensation pool. (See attached)

LETTER TO STEVE BEVERLIN: Comm. Chappell moved to sign a letter addressed to Steve Beverlin in reference to motorized access to public lands and ADA concerns, seconded by Comm. Koppenhafer and carried. (See attached)

Comm. Koppenhafer moved to sign a letter addressed to the Honorable Mark Udall, Honorable Michael Bennett and Representative John Salazar regarding immigration concerns, seconded by Comm. Chappell and carried. (See attached)

GRANT: Comm. Koppenhafer moved to sign the certificates and assurances for FTA and CDOT 2011 grant, seconded by Comm. Chappell and carried. (See attached)

2009 AUDIT: Chris Majors with Majors and Haley gave his 2009 audit report for the County. Comm. Koppenhafer moved to approve the audit for Montezuma County for 2009, seconded by Comm. Rule and carried

PERSONNEL MATTER: It being 4:30 p.m., the time set aside a termination appeal is scheduled. The time being 4:50 p.m. Comm. Koppenhafer moved that due to the fact the employee failed to appear her termination is final. Seconded by Comm. Rule and carried.

CORRESPONDENCE: The following correspondence was read and noted:

Letter to the Editor from Becky O'Camb regarding the Cortez Cemetery District. (See attached)

Letter stating the extension for opening briefs case #2010CA292 from Echo Basin Ranch, Dan and Kathi Bjorkman with a denial stamp by the Colorado Court of Appeals. (See attached)

Letter from Ned Harper concerning position on Arizona Immigration law. (See attached)

Dolores Water Conservancy District minutes and agenda. (See attached)

Letter from Secretary of Interior regarding PILT payments. (See attached)

Extension Office update June 2010. (See attached)

Letter from DOLA concerning 2010 Notice of Valuation. (See attached)

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

MEETING ADJOURNED 4:55 p.m.

Clerk July 12, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 19, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 19, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, July 12, 2010 were read. Comm. Chappell moved to approve the minutes of July 12, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree presented the CDOT contract in the amount of \$50,000.00. Comm. Koppenhafer moved to approve the project contract with the State of Colorado Department of Transportation and Montezuma County project number NH4912-001 (17636) for \$50,000.00 for the reconstruction of Road M and US Highway 491, seconded by Comm. Chappell and carried. (See attached) Dean talked about prices of materials and blade patching projects. He said the Department will work on Road 24.3. Dean said he received prices from Four Corners Materials and he also talked about Road N. **Doug Roth** informed the Board that August 16, 2010 at 1:30 p.m. will be the time set aside for a public hearing to consider the County Road Map.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report on the Fairgrounds. He said the income statement is about the same as last time. They are working on getting the facility ready for the County Fair. Tanner talked about needed maintenance that is being done.

DISTRICT ATTORNEY: Newly appointed district attorney Mac Myers introduced himself to the Board. He also said there is a need for funding for an investigator for the District Attorney's Office; however, he said that a part-time position could suffice. He is requesting \$10,500.00 for the remainder of 2010 then a full years funding of \$34,640.00. The Board will look into his request. No action was taken at this time.

WANDA MARTIN with the Sheriff's Office presented a Local Law Enforcement grant which would be used for a dog for the K-9 unit and necessary certification training. Comm. Chappell moved to approve the application for a Colorado Division Criminal Justice grant for the operation of a K-9 patrol from the Justice Assistance Grant Program 2010 Local Law Enforcement Grant Application, seconded by Comm. Koppenhafer and carried. (See attached)

MEDICAL MARIJUANA: It being 11:00 a.m. on July 19, 2010, the Board of County Commissioners of Montezuma County pursuant to CRS 12-43.3-106, will make a decision as to whether they, as the governing body of Montezuma County, will vote to consider whether or not to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products after conducting a public hearing or refer the decision whether or not to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products to the registered electors of Montezuma County. The question is as to who makes the decision, the Board of County Commissioners or the voters. Eddie Sheets spoke stating he would like the Board to make the decision. Comm. Koppenhafer moved for the Board to make the decision and to set a public hearing to consider whether or not to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products to be set for August 16, 2010 at 10:30 a.m., seconded by Comm. Chappell and carried. **LATER:** The motion was amended to give at least a 30 day notice for the public hearing. Comm. Koppenhafer moved to amend the previous motion to set the public hearing to be August 30, 2010 at 10:30 a.m., seconded by Comm. Chappell and carried.

UTE MOUNTAIN ROUNDUP: No report was given since no Representatives for the Ute Mountain Roundup were present

ACCOUNTS PAYABLE: General Fund # 57667-57840 in the amount of \$372,089.94, Road and Bridge Fund # 23106-23164 in the amount of \$245,151.83, and Landfill # 6621-6659 in the amount of \$38,787.69 for the month of June, 2010 were approved for payment.

LUNCH: 12:05 P.M.

PLANNING: LeeAnn Milligan with the Planning Department presented an application from Linda J. Carter and Troy and Shorlene Oliver. Linda J. Carter is the owner of a tract of land located at 14980 Road N, Cortez consisting of 20 acres that was created by Resolution No. P-36-82. Troy and Shorlene Oliver are owners of a tract of land consisting of 620 acres and located at 14000 Road N, Cortez. Mr. and Mrs. Oliver desire to convey 20 acres to Ms. Carter to become a part of her existing 20 acre tract creating a 40 acre tract for Ms. Carter. LeeAnn stated the request will not create any additional tracts of land. Comm. Koppenhafer moved to give preliminary approval to Linda Carter to purchase 20 acres from Troy and Shorlene Oliver on the condition the 20 acres will be attached to her existing 20 acres. Seconded by Comm. Chappell and carried. (See attached)

JAMIE GARDNER representing the Colorado Resource Alliance met to inform the Board of the services that the Alliance provides and what they do from giving daily and monthly reports and newsletters to happenings with various State and Federal agencies. She asked if the Board would be interested in such services. Ms. Gardner left an application with James Dietrich if the Board decides to join.

SHERIFF WALLACE informed the Board of a new statute concerning repeat DUI offender's sentencing and

Incarceration.

ELECTRICAL SERVICE: Comm. Chappell moved to approve the work order number 107597 for electrical service change at 109 W. Main, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Executed MOU for Colorado Works Program and Colorado Child Care Assistance Program. (See attached)

Letter from Sheriff Wallace to Mr. Jaye. (See attached)

Letter concerning CSU matters for July 2010. (See attached)

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

MEETING ADJOURNED 3:05 p.m.

Clerk July 19, 2010

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
July 26, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, July 26, 2010 at the courthouse in Cortez, Colorado, there were present:

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

MEETING was called to order by **Chairman Rule** at 9:00 a.m. Recited the Pledge of Allegiance. **MINUTES** of the regular meeting held on Monday, July 19, 2010 were read. Comm. Chappell moved to approve the minutes of July 19, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree and the Board conducted a site visit to Road 25 and X at this time.

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

ROAD 18: Charles and Daisy Mahaffey met to discuss concerns with a subdivision (Eagle's Nest) on Road 18. Director Carver said that nothing has been done with Phase 2 of the subdivision. Mr. and Mrs. Mahaffey asked what could be done with the road. The Board stated that the County would furnish the gravel but it is up to the residents to grade the road and spread the gravel to bring the road up to County specification. It was decided to do a site visit on August 23rd. No action was taken at this time.

CORTEZ CEMETERY: Rebecca O'Camb met to voice a complaint regarding the Cortez Cemetery District. She is not wanting the Board to reinstate her job she is only voicing her concerns with the Cemetery Board, Comm. Rule excused himself from this discussion as his wife is a member of the Cortez Cemetery Board. She said one of her concerns is with the record keeping which creates a lot of research to know what spaces have been sold and to whom and where these spaces are actually located. She has concerns with the current Board President Robert "Bob" Wilson. She expressed her feelings on the resignation of Board Member June Head. (See her concerns in detail attached). Keenen Ertel owner of Ertel Funeral Home spoke regarding the Cemetery Board. He spoke as to the lack of communication in advertizing board vacancies. Mr. Ertel asked the Commissioner's to look into how the Cemetery Board was formed. Comm. Chappell said the Board would take the situation under advisement.

LUNCH: 12:40 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a sketch plan to further develop lot 1 of the 6 lot major Davies Subdivision as proposed by Kenneth H. and Linda C. Davies, Maness and Associates, agent. The roll was called, the public notice was read and the proceedings were recorded for the record. The property is located at 24736 Road M, Cortez. Planning Director Susan Carver explained that lot 1 consists of 6.5 acres and the Davies' are requesting to develop it into two 3 acre lots and to amend the subdivision plan. Planning Commissioner Jon Calendar commented on the Planning Commission's denial of the plan. Director Carver stated the plan meets the Land Use Code requirements. Maness and Associates representatives Susan Hart Underwood and Ernie Maness talked about the Planning Commission's denial. Comm. Rule opened the hearing to public comment at this time. **Darline Bauer** stated she is a neighbor directly across the street from said subdivision. She discussed what type of homes and businesses exists in that area and the increased traffic on that portion of Road M. **Kenneth Davies** talked about traffic and said that the lots will be developed. Hearing no further comments, Comm. Rule closed this portion of the hearing. After hearing all the evidence presented Comm. Koppenhafer moved to approve the sketch plan for the division of lot 1 of the 6 lot Major Davies Subdivision by dividing the lot into lot 1A and 1B, seconded By Comm. Chappell and carried. Comm. Rule closed the hearing at this time. (See attached)

PLANNING: Planning Director Carver presented for review a preliminary sketch plan for a proposed 2 lot minor development consisting of 21 acres owned by William and Teri Sanders, agents Maness and Associates, Inc. The property is located at 9588 Road 42, Mancos. It was noted that County Road 42 was previously re-routed, and the County never formally abandoned the portion of the old road located on his property. Comm. Koppenhafer recused himself from this discussion at this time. Comm. Chappell moved to approve the sketch plan for a proposed 2 lot minor development consisting of 21 acres owned by William and Teri Sanders, seconded by Comm. Rule and carried. (See attached)

LUC AMENDMENTS: Director Carver and Planning Commissioner Andy Logan gave a quick overview of some of the proposed amendments to the Land Use Code. Comm. Chappell moved the recommendation by the Planning Commission to the land use code be forwarded to a public hearing on August 30, 2010 at 1:30 p.m., seconded by Comm. Koppenhafer and carried.

VETERANS SERVICE: Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and certification of pay for June, 2010, seconded by Comm. Chappell motion carried (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Onward, Montezuma County Sheriff's Office employee fund activity statement for the 2nd quarter of 2010. (See attached)

Letter from Southwest Health System in reference to an intergovernmental review for a grant/loan application. (See attached)

Letter from Rachel Marquez and Rod Thomas regarding the Cortez Cemetery District, (See attached)

Letter from Wilma Robinson regarding Becky O'Camb and the Cortez Cemetery Dist. (See attached)

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

MEETING ADJOURNED 3:30 p.m.

Clerk July 26, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 2, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 2, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, July 26, 2010 were read. Comm. Chappell moved to approve the minutes of July 26, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree informed the Board that Bill Barrett Corp offered \$160,000.00 for road repairs. He said the funds could help to repair existing damage. Supervisor Roundtree will get a firm estimate on the roads and inform Bill Barrett of the costs. He was asked about repair solutions for a portion of Road N. He was informed about complaints with a farmer irrigating the road on V and about signs needed on Roads T and X.

Jan Redwood, Jim Lynch and Wayne Combee met to discuss Road 29.75. Mr. Combee talked about the people who use the road and they don't want the road closed. He said that no one is living in the subdivision at this time. Jan Redwood said the road should be kept open because of fire and safety purposes, the need for emergency medical response, snow removal for the residents and she said the road serves as a utility corridor. (See attached)

Kenneth Hinton met to discuss road M and 21 concerning a utility easement. He said a portion of the road was listed as an unimproved county road. He wants an easement so Empire Electric can place an electric pole for electric use as he is currently using solar power. The County staff will examine historical road maps concerning said road. No action was taken at this time.

ORDER #0-05-10: Order 0-05-10 to transfer from the emergency reserve fund to emergency telephone assistance fund (E 911) to reverse a deposit made to an incorrect fund in the amount of \$5,833.00 was presented. Comm. Chappell moved to approve Order number 5-2010 to transfer from the emergency reserve

fund to the emergency telephone assistance fund (E-911) in the amount of \$5,833.00, seconded by Comm. Koppenhafer and carried. (See attached)

PAYROLL: General fund checks in the amount of \$365,363.69, District Attorney fund check #57841 in the amount of \$30,830.75, Treasurer fund check #57842 in the amount of \$285,989.77, Road department fund checks in the amount of \$86,087.37, Treasurer fund check #23165 in the amount of \$71,636.33; and Landfill fund checks in the amount of \$17,707.07, Treasurer fund check #6660 in the amount of \$14,532.82 were approved for payment.

EMERGENCY MANAGER: No report was given due to a prior commitment for Mr. Parker.

CORTEZ CEMETERY: Letters of interest for the director position on the Cortez Cemetery District were received from Richard J. Huff, Rev. Dr. Barr T. Chittick, Jr., and Robert Hall. Comm. Rule recused himself from the proceeding at this time. After much discussion Comm. Koppenhafer moved to appoint Richard J. Huff to fill the vacancy left by June Head to the Board of Directors of the Cortez Cemetery District. The appointment is to fulfill Ms. Head's term expiring January, 2012. Motion was seconded by Comm. Chappell and carried. (See attached)

SENIOR SERVICES: Sue Fletcher and Mary Holiday presented the AAA contracts for signature. Comm. Koppenhafer moved to sign the 3 contracts between the San Juan Basin Area Agency on Aging on general funds and title III C-1 and C-2 Nutrition Services, general funds and title III E Outreach Services, and general funds and title III for B transportation and homemaker, seconded by Comm. Chappell and carried. (See attached)

HEALTH DEPARTMENT: Health Department Manager Lori Cooper presented continuation contracts for the WIC program in the amount of \$156,626.00 and for the Single Entry Point in the amount of \$350,000.00 for long term care. Comm. Chappell moved to sign the amendment between CDPHE and Montezuma County Public Health Agency for contract routing number 11-20909, task orders #3, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Koppenhafer moved to sign the contract between the Department of Health Care Policy and Financing and Montezuma County Health Department for Single Entry Point Case Management for long term care, seconded by Comm. Chappell and carried. (See attached)

County Administrator Harrison discussed concerns with the 2011 budget.

LUNCH: 12:00 noon

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR 10-34 zoning request and pre-sketch plan. The roll was called, the public notice was read, and the proceedings were recorded for the record. The plan is for a proposed single lot development on property owned by Gordon A. Steves, Bob Durant, agent. The property is located at 24450 Road 13; Pleasant View, Co. Director Carver gave an overview of the application. Bob Durant spoke on behalf of the applicant. Comm. Rule opened the hearing up to public comment. Hearing no public comment Comm. Rule closed the public comment portion. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the AR10-34 zoning for the Gordon and Stewy's single lot development and the final plat, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

LETTER FROM LEDCOR; Planning Director submitted a letter addressed to CDOT from Leducor concerning the Mesa Verde Project Number 6031057 regarding a traffic control modification request. CDOT stated they would not grant the modification unless it is ok with the County and the HIP permit. Director Carver said she has not received any such request to date. Director Carver will respond to CDOT.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR35+ zoning request on properties owned by Christopher Lee Jeter. The roll was called, the public notice was read, and the proceedings were recorded for the record. The properties are located at 17415, 17811, and 17265 Road J, Cortez. Director Carver gave an overview of the request. Mr. Jeter was not present for this hearing. No change of use is proposed he is just requesting zoning. Director Carver said that each tract contains more than 35 acres. Comm. Rule opened the hearing to public comment. Hearing no public comment, that portion of the hearing was closed. Director Carver stated the Planning Commission has no problems with the zoning request. After hearing the evidence presented, Comm. Chappell moved to approve the AR35+ zoning request for Christopher Lee Jeter on properties located at 17415, 17811, and 17265 Road J, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed this hearing.

PRELIMINARY ZONING PLAN: Planning Director Carver discussed the preliminary zoning plan. Director Carver and Andy Logan, Chairman of the Planning Commission, discussed various maps regarding the property zoning status in the County.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR10-34 zoning request. The roll was called, the public notice was read, and the proceedings were recorded for the record. The property is owned by Winford and Judith Rohwer, located at 10591 Road BB, Pleasant View, Co. Also an AR35+ zoning request on properties owned by Christopher Lee Jeter. Said properties are located at an address in Pleasant View, Co. on Road BB which is to be determined. Also AR35+ zoning on property located at 13330 Road 21, also owned by Christopher Lee Jeter. Director Carver informed the Board of the request. She said the Planning Commission recommended approval of said requests. Judith Rohwer spoke as to their zoning request. It was stated the property is currently residential/agriculture use. Comm. Rule opened the hearing to public comment. Hearing no comments, Comm. Rule closed that portion. After hearing all the evidence presented Comm. Chappell moved to approve the AR10-34 zoning request on property owned by Winford and Judith Rohwer located at 10591 Road BB, Pleasant View, Co. and also to zone properties owned by Christopher Lee Jeter as AR35+ on the property situated north of Road BB and east of Road 10, address to be determined and AR35+ on property located at 13330 Road 21, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed this hearing at this time.

SKANSKA: Notice of installation of solar panels on the Skanska property located at 22419 Road G was discussed. Skanska representatives, David Sitton and Keenan Willbanks spoke as to their intentions. They said Skanska will be installing a solar array with a foot print of approximately 250'x450'. They said the panels are made to absorb the light and will not create any glare. The panels are designed to track the movement of the sun. Skanska's green initiatives include LEED certified buildings, energy conservation, green vehicles and recycling. They wish to become the leading green constructor and developer in the US including the energy sector. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:
Letter from Elta M. Wilson regarding marijuana sales in the County. (See attached)

Letter from US Depart. Of Interior BLM regarding creeks and communities understanding riparian-wetland function Canyons of the Ancients National Monument. (See attached)
Letter from the Southern Ute Indian Tribe in reference to the notice of final changes to reservation air code and title V operating permit program. (See attached)
CSU matters dated August 2010. (See attached)

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

MEETING ADJOURNED 3:45 p.m.

Clerk August 2, 2010

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 9, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 9, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, August 2, 2010 were read. Comm. Koppenhafer moved to approve the minutes of August 2, 2010 as corrected, seconded by Comm. Chappell and carried.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of July, 2010. (See attached).

ROAD: Road Supervisor Dean Roundtree said the Department began work on a portion of Road N and began blade patching on Road M and will begin chip seal on Road M soon. Talked about Road 20 and Road S. He said signage on Road X and 25 is in place. Supervisor Roundtree said he has received some calls about Road 21. **Louise Long, and Marc Yaxley** met to discuss addressing issues on Road G. Ms. Long has a problem with the addressing being done on Road G. She stated there are three businesses at her address and she does not want her address changed saying the change would be costly and inconvenient. She complained about the lack of notification to the residents prior to the change. She requested her address not be changed. Marc Yaxley agreed with Ms. Long and he asked why this change is really needed. He has a business on Road G (Kelly Place) and said the expense to change the address would be very costly. Brandon Johnson with the Cortez Fire District discussed the addressing for emergency response and how difficult it may be for the responders to locate the correct address. **LATER: Jim Burton, Doug Roth and Doug Parker (Emergency Manager)** discussed the addressing system. Mr. Burton stated notices were sent out with people's electric bills as well as being published in the local newspapers informing residents about the project. Mr. Roth and Mr. Burton talked about the addressing procedure and criteria used. They talked about the checks and balance system and how they try to retire any old addresses to alleviate someone else using the old address. It is the desire of the Board to correct the addressing system. A letter will be sent to those who were complaining about the change.

COUNTY ADMINISTRATOR HARRISON informed the Board that Region 9 is applying for a technical assistance grant to look at how Area Agency on Aging is structured and working.

LANDFILL: Landfill Manager Debby Barton presented the profit and loss statement for the month of July, 2010. (See attached) She introduced John Briest with Weaver Boos the project engineer for the landfill. She discussed three bids received concerning the surveillance system at the landfill.

PLANNING: Planning Director Susan Carver informed the Board that her department has received an application from Freddie Wilson regarding the L.D. Gleeson property.

LEDCOR: Eric Prytherch with Ledcor CMI, Inc. explained a request for a five day amendment to the existing permit in which the applicant would be allowed to start up the hot plant and have hot-mix ready for delivery to the project site at Mesa Verde. They are requesting a start up time between 3:30 to 4:00 a.m. and/or allow the applicants to operate over two week-ends within the hours of 7:00 a.m. – 5:00 p.m. Director Carver said this is a temporary request. Mr. Prytherch said the project will be completed barring any weather complications this week. The Board asked that something be done concerning lighting for the early morning hours to help with truck traffic. Comm. Koppenhafer moved to change the start up time from 6:30 a.m. to 3:30 a.m. for a period from August 9th through August 14th on High Impact Permit number 612 as this will help the project completion date be approximately six weeks ahead of schedule by allowing the earlier start up time and with said start up time being earlier this will help with traffic control at the Mesa Verde National Park entrance, seconded by Comm. Chappell and carried. (See attached)

Planning Director Susan Carver presented a letter written to Noland Inc in reference to a notice regarding the amendment to the current reclamation permit for Cedar Point/Noland Pit located at 38258 Hwy 160, Mancos on Permit number M-1994-108. (See attached)

LORETTA MURPHY discussed the Road M and 21 status regarding property owned by Kenneth and Kim Hinton. Loretta presented a 1936 map showing the road along with a deed with a legal description was presented. Ms. Murphy will research the road and deeds further.

ORDER: Order number 0-06-10 was presented to transfer from the Conservation Trust Fund to Montezuma County General Fund the amount of \$2,000.00 for matching funds to Mancos Conservation District for water conservation project. Matching funds from NRCS. Comm. Koppenhafer moved to approve order number 6 to transfer from the Conservation Trust fund to the Montezuma County General Fund the amount of \$2,000.00 for water conservation project, seconded by Comm. Chappell and carried. (See attached)

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

MEETING ADJOURNED 12:00 noon

Clerk August 9, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 16, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 16, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, August 9, 2010 were read. Comm. Chappell moved to approve the minutes of August 9, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree said he received an estimate for Road 25. He said bids would be needed before moving forward and Supervisor Roundtree will be in contact with Bill Barrett Corp. He said the Department is working of the intersection of Road U and 20. The Forest Service road has been taken care of on FS 526. Talked about water on Road 16 and discussed work to be done on other roads. He said the Department ground up Road N and will chip seal it. Dean said weather permitting they should be able to complete the chip seal projects within one week. Joe Hernandez discussed problems with Road 23. He said he has problems with his mail delivery. He wants Bill Barrett Corp to bring the road up to county specifications. Mr. Hernandez has major concerns about notification of H2S gas being emitted from these wells. Mr. Hernandez said he has contacted the criminal division of the EPA department but EPA said the State of Colorado was the enforcing authority concerning this issue. He wants the Commissioners to hold Bill Barrett Corp. accountable.

KIT PAGE with the State Land Board met to discuss public lands regarding a road near the gun club on Hwy 160 across from the Fairgrounds. He stated the road is not a public road and the public is charged to use the road and the road accesses BLM ground. It was stated that 9 families live on that road. Mr. Page said a perpetual easement could be granted but the County would have to maintain approximately 1 mile of road or have the road as a non-maintained county road. Mr. Gary DeJong stated the use of the road has increased since a bike path was created he also presented a petition from the area residents. (See attached) Mr. Page will contact the people living on that road and the people with Phil's World (the bicycle group) as well as the BLM to see if there is anything that can be done.

ACCOUNTS PAYABLE: General Fund # 57843-58047 in the amount of \$237,517.14, Road Fund # 23166-23228 in the amount of \$121,447.08, and Landfill 6661-6691 in the amount of \$17,660.42 for the month of July, 2010 were approved for payment.

FAIRGROUNDS MONTHLY REPORT: **Tanner Young** gave his monthly report regarding the Fairgrounds. He said the last big event will be the High School Rodeo. Mr. Young explained other problems at the Fairgrounds and what has been done to take care of these problems. He asked about charging for high school sports like cross country and high school baseball for the use of the fairgrounds. The fees will remain like they are for all high school activities. He talked about problems with the race track where a wall laid down and what was done for a temporary fix and discussed what might be done to fix the problem.

ABATEMENT: It being the time set aside an abatement hearing is held for Lana Berry on account number R014353. The roll was called and the proceedings were recorded for the record. Appraiser Scott Davis explained the property should have been classified as agricultural for tax year 2008. Applicant, Lana Berry was on a conference call. Appraiser Davis stated the property is used for cattle and the property has been put back as agricultural therefore the Assessor recommends approval of the abatement. Comm. Chappell moved to approve the abatement on account number R014353 as amended, seconded by Comm. Koppenhafer and carried. (See attached)

LIQUOR LICENSE: Clerk's Deputy Judy Follman presented modifications to the liquor license for Eagle Claw Trading Post. Deputy Follman said the facility was going to do changes for storage but failed to make the changes so now a modification needs to be done to keep the facility as it is. Comm. Koppenhafer moved to approve the report of change for Eagle Claw Trading Post for the storage shed location, seconded by Comm. Chappell and carried.

REGION 9 UPDATE: **Ed Morlan, Laura Lewis** with Region 9 and **Larry McGee** representing Citizens State Bank discussed loan funds for a local business. **Curt Mangan**, owner of Curt Mangan Co. is asking for assistance to further his business where he packages and ships guitar strings throughout the United States and several Countries. Mr. Mangan said he currently employees at least 7 people with the possibility of employing more. The funds would help with the building facility, purchase of equipment, a line of credit and working capital. Mr. Morlan said he would ask the County to purchase a certificate of deposit in the amount of \$20,000.00 for collateral. Comm. Chappell moved to appropriate \$20,000.00 from the 051 revolving loan account to purchase a Certificate of Deposit for a term of 5 years to be used as collateral on a loan from Citizens State Bank for Curt Mangan Co., seconded by Comm. Koppenhafer and carried. It was stated the Region 9 will be hosting a business after hours at Curt Mangan Co. on September 9, 2010 beginning at 5:00 p.m. Laura Lewis discussed surveys and studies conducted by Region 9 regarding other businesses and various community impacts caused by the current economic situation. She talked about the Enterprise Zone tax credits. These credits will not affect small businesses and she mentioned that work shops may be held for accountants regarding said changes. Mr. Morlan discussed the telecommunications contacts for the County becoming Doug Roth. He said they will keep the Board posted regarding the telecommunications program. Ms. Lewis talked about the Montezuma Economic Development Council saying she has had trouble recruiting someone to administer the program at this time.

LUNCH: 12:05 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held to review and determine the adoption of an updated Official County Road Map. The roll was called, the public notice was read, and the proceedings were recorded for the record. GSI specialist Doug Roth explained the road map changes to the County Road Map. He talked about changes to the green signed and red signed roads as well as necessary corrections to the current map. He talked about additions and changes from one road number to another road number. Comm. Rule opened the hearing to public comment at this time. Brian and Laurie Gallegos spoke about concerns with Road CC and 12 stating a portion is not graveled and only partially maintained. Administrator Harrison said once the road has been brought up to County standards then the County will maintain the road and that the County will furnish the gravel. Hearing no further public comment, that portion was closed. After hearing all the evidence presented, Comm. Chappell moved to adopt the road map as presented as the Official County Road Map for 2010, seconded by Comm. Koppenhafer and carried. Comm. Rule closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR 3-9 zoning request. The roll was called, the public notice was read and the hearing was recorded for the record. The request is on a tract of land created by Resolution No. P-53-92 and owned by Richard J. Neal, Lynn Neal agent. The property is located at 29300 Road M, Dolores. Also requested is an AR3-9 and AR10-34 zoning request and pre-sketch plan for a proposed amendment to the Neal 2 lot minor development whereby the Neal's are requesting to further develop lot 1 into 2 separate tracts of land as submitted by Lynn and Paula Neal. The properties are located at 29250 and 29400 Road M, Dolores. Planning Director Carver explained the application in detail. Lynn Neal and Bob Durant explained the applicant's intentions further. Comm. Rule opened the hearing to public comment. Hearing no public comment, that portion was closed. After hearing all the evidence presented, Comm. Koppenhafer moved to approve the AR3-9 zoning request on a tract of land created by Resolution P-53-92 as presented and drawn owned by Richard Neal and to approve the AR 3-9 zoning on lot 3 of the Neal Minor Subdivision and an AR10-34 zoning on lots 1 and 2 of the Neal Minor Development, 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 sketch plan for a proposed amendment to the Neal 2 lot minor development. The roll was called, the public notice was read, and the proceedings were recorded for the record. The Neal's are requesting to further develop lot 1 into 2 separate tracts of land, causing this development to become a 3 lot moderate development as submitted by Lynn and Paula Neal. Said properties are located at 29250 and 29400 Road M, Dolores. Planning Director Carver gave an overview of the request. Lynn Neal talked more about the request. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment, that portion of the hearing was closed. Hearing all the evidence presented Comm. Koppenhafer moved to approve the sketch plan as presented on the proposed amendment to the 2 lot minor development changing it to a 3 lot moderate development as presented, seconded by Comm. Chappell and carried. Comm. Rule closed this hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR3-9 zoning request. The roll was called, the public notice was read, and the proceedings were recorded for the record. The request is for a proposed 2 lot minor development on property owned by Jacob T. and Michelle Eagle Boyer. Said property is located at 3475 US Hwy 160-491, Cortez. Planning Director Carver explained the application. Susan Underwood-Hart with Maness and Associates represented the Boyer application. Comm. Rule opened the hearing to public comment. Hearing no public comment that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the AR3-9 zoning request for a proposed 2 lot minor development on property owned by Jacob T. and Michelle Eagle

Boyer located at 3475 US Hwy 160-491, seconded by Comm. Koppenhafer and carried. Comm. Rule closed this hearing at this time. (See attached)

FINAL PLAT: A final plat was presented for review and determination for a single lot development consisting of 3 acres, more or less from a tract of land owned by Aztec Leasing Ltd consisting of 320 acres more or less. The property is located at 18340 Road DD, Pleasant View, Co. Planning Director Carver explained the application. Comm. Koppenhafer moved to approve the final plat for the Wright single lot development with corrections being done to the vicinity map by the placement of Pleasant View in the correct spot, seconded by Comm. Chappell and carried.

EXPANSION OF COMMERCIAL/INDUSTRIAL use was presented for review and determination. The property is owned by Weatherly Revocable Trust, DTD, located at 6817 Hwy. 160-491, Cortez. Said expansion is on the building that is currently doing business as the Antique Corral. Planning Director Carver gave an overview of the application. Antique Corral owner Cheryl Dean explained the requested expansion saying she would like to enclose the loading area which will then serve as part of the existing business and eliminate the need for outdoor storage and boxed storage that currently exists on the property. It was recommended she apply for a high impact permit and zone the property at that time as well. Comm. Koppenhafer moved to forward to the Planning Commission an amendment to a high impact permit for the Weatherly Revocable Trust located at 6817 Hwy 160-491, seconded by Comm. Chappell and carried. (See attached)

COMM. CHAPPELL moved to approve the designation of Kellie Hotter of La Plata County to act on their behalf as the Chief local elected official for the Southwest sub-region, and to further serve as this sub-region's representative on the Board of local elected officials for the Colorado Rural Workforce Consortium, seconded by Comm. Koppenhafer and carried. (See attached)

COMM. CHAPPELL moved to approve the fees for services as presented for the Department of Senior Services and Montezuma County Transit, seconded by Comm. Koppenhafer and carried. (See attached)

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

MEETING ADJOURNED 3:37 p.m.

Clerk August 16, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 23, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 23, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, August 16, 2010 were read. Comm. Koppenhafer moved to approve the minutes of August 16, 2010 as presented, seconded by Comm. Chappell and carried.

ROAD: The Board conducted a site visit to Road 18 at this time.

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

PLANNING: LeeAnn Milligan with the Planning Department presented a request for a variance for review and determination. The property is owned by David and Opal Stalker. Said request concerns the 1500 maximum square foot for residential accessory use being exceeded. The property consists of 200 acres, more or less, and is located at 12550 Road 33.75, Mancos. The request is to exceed the 1500 square foot maximum for residential accessory use to an approximate 2500 square foot residential accessory use. Opal Stalker and Lynette Reese were present. It was explained that the property is currently un-zoned. It was stated a variance is not required.

LETTERS: LeeAnn Milligan with the Planning Office presented a letter sent to Louise Long and J & M Land Company, LLC regarding changing their county address. (See attached)

Letter from Division of Reclamation, Mining, and Safety regarding an amendment application for Permit No. M-1994-108, Noland Inc., Cedar Point. (See attached)

MEMO: LeeAnn Milligan with the Planning Department presented a memo to COGCC-oil & gas permit regulations and enforcement concerning Bill Barrett Corporation- Oliver Well Site, Joe Hernandez. Said memo is regarding the presence of H2S gas. (See attached)

ABATEMENT: It being the time set aside an abatement hearing is held for Dew Point Control, LLC, on account number P100475. The roll was called and the proceedings were recorded for the record. Assessor Mark Vanderpool stated the lessee; Williams Field Services/Williams West-other paid property tax directly for this property for tax year 2009. The Assessor's Office recommends approval. Comm. Koppenhafer moved to approve the abatement for Dew Point Control, LLC on account number P100475 as amended, seconded by Comm. Chappell and carried. (See Attached)

SOUTHWEST REGION WORKFORCE: Ronnie Zaday with the Southwest Region Workforce Investment Board gave an update and information regarding changes to the State Level Colorado Workforce Development Council. She explained that two nominations from this region were submitted to Governor Ritter. Those nominations were Aaron Fernandez and Dr. Lyn Urban.

FRANK GREEN met to discuss closures of Forest Service Roads. Mr. Green said he has collected over 1,000 signatures on a petition concerning road closures of public lands. He said he would like to bring everyone together on this matter. Pam Suckla read a letter requesting the Board issue a letter to the San Juan Forest and Public Land Office of Dolores to extend the public comment period and implementation of the Glade/Boggy Draw Travel Management Plan due to incompliance of the County Coordination Policy and Congressional Statutes with Federal Agencies. She also read a proposed resolution for consideration and would like Montezuma County become a coordinating county. Various audience members spoke concerning lack of notification, granting access and some closures. The Board asked for a list of interested persons willing to serve on a proposed coordination committee. A letter will be written and sent to the San Juan Forest and Public Land Office requesting an extension of the public comment period. (See attached) **LATER:** County Administrator Harrison informed the Board that the 30 day public comment period has expire per a letter from Steven Beverlin with the Dolores Public Lands . The letter states the 30 day public comment period began on Monday May 24 and no public comments would be accepted after the 30-day comment period ends. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young presented a proposed amendment to the Fairground's fee schedule for special events usage fee and clarified said fees. It was stated that the fees for the use of the kitchen will not be included in the special events fees, the kitchen fees will be charges separately. Comm. Koppenhafer moved to change the special event Fairground usage fee to include the indoor arena, outdoor arena, beef barn, poultry barn, sheep barn, swine barn and parking lot A, and the special event building usage fee to include all of the above to be \$1,750.00 from \$2,000.00, with the exception of parking lot A which will remain at \$1,000.00 a day. This fee change does not include the kitchen usage fees, seconded by Comm. Chappell and carried. (See attached)

VETERANS SERVICE: Comm. Chappell moved to approve the County Veterans Service Officers monthly report and Certification of pay for July, 2010, seconded by Comm. Koppenhafer, motion carried (See attached)

LUNCH: 12:30 p.m.

DEBBIE BOYD met to talk about truancy concerning children that are home schooled.

RESOLUTION: Comm. Chappell moved to approve Resolution 06-2010, seconded by Comm. Koppenhafer and carried. Said resolution deals with asking the registered voters of Montezuma County to extend the terms for Commissioners from 2 terms to 3 terms. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Letter to CCI regarding the CCI 2010 legislative committee member appointment. (See attached)

Letter from Vicky Schubert-Krogg thanking Becky O'Camb. (See attached)

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

MEETING ADJOURNED 2:50 p.m.

Clerk August 23, 2010

Chairman

Online Copy

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
August 30, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, August 30, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, August 23, 2010 were read. Comm. Chappell moved to approve the minutes of August 23, 2010 as presented, seconded by Comm. Koppenhaferl and carried.

ROAD: Road Supervisor Dean Roundtree discussed the expansion of a gravel permit. Comm. Koppenhafer moved to sign COC74242 with the BLM concerning the Tozer Pit in McElmo Canyon, seconded by Comm. Chappell and carried. (See attached) Supervisor Roundtree stated the chip seal of Roads is completed. **STEVE BEVERLIN, Debby Kill and Tom Rice** with the Dolores Public Lands Office gave an update on the public lands. Mr. Beverlin informed the Board how the Forest Service got into the management plan concerning forest service roads and contracts to decommission certain roads. He talked about the increased impacts to public resources due to the increase in ATV's and public use. Debby Kill explained the process further and talked about the forest management system. She said scoping letters were sent out in the beginning and comments from the letters that were received were reviewed, information was published in newspaper articles then the environmental assessment document was done. She went on to explain that as the comments were received they responded to them then placed them into alternative categories. Ms. Kill presented copies of the decision notice for the Boggy-Glade Travel Management Plan. (see attached) Mr. Beverlin explained a map showing 154 miles of public system roads. Mr. Beverlin answered numerous question posed by several audience members. Comm. Chappell discussed an MOU signed by Mark Styles and Comm. Findley. Comm. Chappell asked about how data is passed between the cooperating agencies. Comm. Chappell said the Board would like to be more involved in the coordination and conversations in Forest Service projects affecting area residents. The Board asked the audience to go over the decision and to meet again before September 28, 2010 to discuss the Boggy-Glade Travel Management Plan decision further.

FIREWISE COUNCIL; Karen Dickson with the Fire wise Council gave a report about their efforts to keep the community informed. It was stated that grants have been secured for some demonstration sites. The current and proposed budget was also discussed. Greg Kemp spoke in favor of the Council and how much it is appreciated.

LORI COOPER presented a public health contract. Comm. Koppenhafer moved to approve signing the contract between the CDPHE and the Montezuma County Public Health Agency for health care for children with special needs, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held regarding whether or not to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products pursuant to CRS 12-43.3-106. The roll was called, the public notice was read and the proceedings were recorded for the record. Comm. Rule opened the hearing to public comments at this time. Administrator Harrison presented written comments received to the Board. **Perry Sheets** spoke in favor of commercial grown sites and dispensaries. He would like to see the Board approve this measure. **Melissa Moreno** said she supports medical marijuana facilities due to her health. **Joe Hernandez** spoke supporting the measure for medical reasons and health costs. **Ron Higman** said he is a patient and care giver. He would like to become a commercial growth facility. He feels people would benefit from the medical uses. **Jamie McBeth** says she sees a need for such operations as she is a personal care giver. **Frank Martinez** spoke in favor of medicinal marijuana for health problems and he said he is tired of the side effects concerning prescription drugs. **Mischelle Allison** said due to her health problems she has had relief from the use of medical marijuana and that she has had no side effects from its use and she feels there is a medical need for this. **Devan Dragt** agrees with the previous comments and thinks it is better for the patients who use because of the medical benefits. **Sean Stevenson** is an employee of the Medicine Man and said he now has a job because of the medical marijuana facility opening. He agrees with a secure location with checks in place to verify the facilities are meeting the needs of their patients. **Aaron Lessee** said there is nothing bad that can be done or nothing said that medical marijuana is harmful to people or the environment. **Sean Stevenson** said there has been no evidence of fatal overdoses with the use of medical marijuana. **Tom Palmer** said he is a medical marijuana patient as is his 20 year old son. **Chris Rhodes** is a patient and feels his right as a human should not be infringed upon to decide what medication he uses. He talked about the price of medical marijuana versus prescription drugs. **Sherrie Bowen** spoke in favor of the medical marijuana and spoke to the negative stigmatism that is put on the use of medical marijuana. She said the facility she uses is professionally run. **Melissa Moreno** spoke about the benefits. **Dale Kirkman** is the owner of a facility in Dolores and agrees with what's been said. He said the majority of his patients are over 40 years old. He feels it is a safer environment for these elderly patients to be able to purchase the product at a facility rather than on the streets. He stated his patients tell him their quality of life has improved with the use of medical marijuana. **Glenn Darnell** said his exposure to the use of illegal drugs like marijuana have been on the dark side. He saw what said use can do to families. He spoke about the business side concerning the use of drugs with their employees and how said use affects productivity. He feels growth sites are a detriment to the area. He is adamantly opposed to medical marijuana. **Kim Hernandez** said she has never done drugs but when she was diagnosed with cancer she became a medical marijuana user and has done away with most of her pills and the marijuana helps her. **Frank Martinez** spoke in response to Mr. Darnell's comments. **Sheriff Gerald Wallace** spoke to issues about the commercialization of growing marijuana and why he opposes it. He said a test can be done to determine the alcohol level immediately however there is not a test that can be done immediately to determine other levels of impairment by controlled substances. He said there is no sales tax collected in the County as of July, 2010. **Mischelle Allison** said people need to be responsible in the use of medical marijuana. **Kim Hernandez** asked what happens when she runs out, where does she go then? **Jeff Schrage, Jr.** spoke as to the growth facilities to fill the need for those who

run out or don't grow it. **Joe Hernandez** spoke. **Jamie McBeth** spoke about the bills. She says she is an herbalist and is currently furthering her education in the holistic medicine field. She said the people need to be educated about such things like this as well as their children. **Dale Kirkman** said he is a commercial grow facility as well as a dispensary. **Sean Stevenson** spoke to proper ways to grow. **Skyler Young** spoke to regulations concerning how much is in the users system. **Kimberly Benedict** said it would be a mistake for the County to adopt any regulations until they see what State regulations are going to require. **Aaron LeMay** spoke to the municipalities moratoriums in place. **Aaron Lessee** spoke as to regulations. **Lori Mott** spoke in opposition to such facilities. Hearing no further public comments, that portion was closed. Attorney Slough spoke as to the statutes. Comm. Koppenhafer said the County is not in the business of licensing any medical product. After hearing all the evidence presented, Comm. Koppenhafer moved to adopt Resolution 07-2010 pursuant to CRS 12-43.3-103(2)(a) and 12-43,3-106 prohibiting the operation of medical marijuana centers, optional premises cultivation operations, medical marijuana-infused products manufacturers' licenses, and the cultivation or sale of medical marijuana in Montezuma County Colorado except within the corporate limits and authority of the City of Cortez, the Town of Dolores, and the Town of Mancos, and to be effective immediately seconded by Comm. Chappell and carried. LATER: Comm. Koppenhafer moved to sign Resolution 07-2010, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:20 P.M.

PUBLIC HEARING: It being the time set aside a public hearing is held concerning proposed amendments to the Montezuma County Land Use Code. The roll was called, the public notice was read and the proceedings were recorded for the record. Planning Director Susan Carver explained the proposed amendments page by page. She stated what each proposed change entailed. Comm. Rule asked about the difference between 4 strand and barbed wire. Comm. Rule opened the hearing to public comment at this time. **Greg Kemp** complimented the Planning Department and Planning Commission for their work on clarifying the Land Use Code. He asked about the phrase but not limited to and would like to see that phrase changed to something like similar to. **Sherry Wright** said she liked the not limited to phrase but similar to would be ok. **Pam Suckla** commented on zoning. She said she is not in favor of zoning at all. She does not like the word remodeling used in certain sections and is against building codes. She asked what the definition of mobile home is. She discussed required fencing. She feels private property rights are being taken away inch by inch. **Sherry Wright** asked about the term remodeling. **Jimmy Suckla** talked about fencing. **Drew Gordanier** explained the number of strands for a fence saying the Planning Commission added more strands than the State requires. **Duane Likes** agrees with Pam Suckla saying the Board is taking away property owner rights. He asked the Board to keep the Land Use Code as flexible as they possibly can. **Greg Kemp** spoke as to the definition of mobile home saying the State statutes clarify what is a mobile home and what's a manufactured home. Hearing no further public comment, that portion of the hearing was closed. After some discussion, Comm. Rule opened the hearing back up to public comment. **Pam Suckla** asked for clarification about zoning in the County. Hearing no further public comments, Comm. Rule closed that portion. After hearing all the evidence presented and comments made, Comm. Chappell moved to approve the proposed amendments as amended and presented and to continue this public hearing until September 13, 2010 at 1:45 p.m., seconded by Comm. Koppenhafer and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held regarding an application to abandon and vacate a portion of Road 42. The roll was called, the public notice was read and the proceedings were recorded for the record. The request is to abandon and vacate a portion of a public and (or) county right-of-way of Road 42. Said property is located at 9588 Road 42, Mancos. Co. The portion of the right-of-way has been

fenced off from the existing right-of-way under discussion and is located in S28,T36N,R17W, N.M.P.M. Director Carver explained the application in detail. She stated the request will not affect the current right-of-way of road. Susan Underwood Hart with Maness and Associates represented William and Teri Sanders. Comm. Rule opened the hearing up to public comment. Hearing none, that portion was closed. After hearing all the evidence presented, Comm. Chappell moved to vacate said portion of Road 42 described by the applicant, seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING: Planning Director Susan Carver presented for review and determination, an application for a proposed 2 lot minor development. The application was submitted by William and Teri Sanders, Maness & Associates, Inc., agent. The property is located at 9588 Road 42, Mancos, Co., consisting of 21 acres, more or less. Planning Director Susan Carver presented the final plat for approval. Comm. Koppenhafer recused himself from this proceeding at this time. Comm. Chappell moved to approve the final plat of the two lot minor development located in section 28, township 36N, range 13W, as submitted by William and Teri Sanders, seconded by Comm. Rule and carried. (See attached)

RC SOUTHWEST DEVELOPMENT: Planning Director Carver presented an application for RC Southwest Development, Rob Pope and Maness & Associates, Inc., agents. Director Carver presented for review and determination of the final plats for Phase 1 consisting of 3 lots and Phase 2 consists of 10 lots of a 13 lot major development on property located at 23100 Road L, Cortez, Co. Comm. Koppenhafer moved to approve the final plat of Phase 1 and Phase 2 of the Crestview Heights Major Subdivision, seconded by Comm. Chappell and carried. (See attached)

Comm. Chappell moved to form a coordinating council consisting of Pam Suckla, Frank Green, Rick Keck, Chris Majors, Zane Odell, Rob Yates, and Scott Williams. Said council to be formulated at a later date by resolution, seconded by Comm. Koppenhafer and carried.

JAMES DIETRICH presented a resolution to become a coordinating county. Comm. Koppenhafer moved to approve Resolution 08-2010, seconded by Comm. Chappell and carried. (See attached)

LETTER TO SAN JUAN PUBLIC LANDS: Comm. Chappell moved to sign a letter to San Juan Public Lands Center concerning the forest Plan revision MOU, seconded by Comm. Koppenhafer and carried. (See attached)

CORTEZ FIRE PROTECTION DISTRICT: Nancy Crummett, Jim Bridgewater and George Deavers with the Cortez Fire Protection District and George Deavers with the Lewis Arriola Fire Protection District met to question how the abatements are being handled. They talked about Treasurer's Fee owed the District. Treasurer Dyess said her computer software system required two actions be taken on the accounts affected which caused the Treasurer's fees to be duplicated. It was stated that the Districts will receive all the monies they are allotted and the County will absorb all Treasurer's Fees.

CORRESPONDENCE: The following correspondence was read and noted:

Letter to Bud Poe concerning a summary sheet of special districts in Colorado. (See attached)

Abstract of Assessment for 2010. (See attached)

Letter from Dolores Fire Protection District regarding the implementation of county wide fire codes. (See attached)

Letter from Dolores County Health Association acknowledging the \$500.00 donation. (See attached)

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

MEETING ADJOURNED 5:15 p.m.

Clerk August 30, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 13, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 13, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, August 30, 2010 were read. Comm. Koppenhafer moved to approve the minutes of August 30, 2010 as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree reported the Department is caught up and doing general maintenance. He said they will be doing striping and will do just the center lines. He discussed progress on Road N, Road S, Road 21 and Road G by the Airport. James Dietrich stated he received word that funding for the Dolores Norwood Road has been approved by RAC.

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of August, 2010. (See attached).

EMERGENCY MANAGER Doug Parker gave his monthly report. He informed the Board that he has worked with the Birding Festival, and Cedar Mesa Ranches is working on a fire safety plan. He said he will be working with the Health Department concerning evacuation plans.

HOUSING SOLUTIONS FOR THE SOUTHWEST: Kim Welty, with Housing Solutions for the Southwest discussed an intergovernmental memo between 5 counties regarding the homeowner rehabilitation program. Said IGA requires a citizen participation program and she said Montezuma County has its citizen participation program already in place. Comm. Koppenhafer moved to sign the Community Development Block Grant between San Juan, Archuleta, LaPlata, Dolores, and Montezuma Counties and Housing Solutions of the Southwest, seconded by Comm. Chappell and carried. (See attached)

EXTENSION OFFICE: **Tom Hooten** updated the Board concerning the Extension Office. He informed the Board that the orchard produced well and the u pick program will begin on Sept. 25th. He said the 4-H programs are going well.

SPECIAL EVENT LIQUOR LICENSE: A special event liquor license permit for the United Way of Southwest Colorado was presented. The event is for a Taste of the Seasons that will be held at Four Seasons Greenhouse and Nursery. Comm. Koppenhafer moved to approve the application for a Taste of Seasons special events liquor license permit for United Way of Southwest Colorado which will be located at 26650 Road P, Dolores, seconded by Comm. Chappell and carried. Renewals for Kelly Place Bed and Breakfast for a beer and wine license and a liquor license renewal for Dawson Lake Store were presented. Comm. Koppenhafer moved to approve the renewal application for a beer and wine license for Kelly Place Inc., seconded by Comm. Chappell and carried. Comm. Koppenhafer moved to approve the renewal for a retail liquor license for Dawson Lake Store for malt, vinous and spirituous liquors, seconded by Comm. Chappell and carried.

PREMIER ELECTION SOLUTIONS: **County Clerk Carol Tullis** presented a warranty agreement for approval. Comm. Chappell moved to approve the support agreement between the Montezuma County Clerk's Office and Premier Election Solutions, Inc. for hardware maintenance services, software license, and software support agreement for the election equipment, seconded by Comm. Koppenhafer and carried. (See attached)

TRIBAL AGREEMENT: Wanda Martin with the Sheriff's Office presented the law enforcement agreement with the Ute Mountain Ute Tribe. Comm. Koppenhafer moved to sign the law enforcement agreement between the Montezuma County Sheriff's Office and the Ute Mountain Ute Tribe, seconded by Comm. Chappell and carried. (See attached)

PAYROLL: General fund checks in the amount of \$347,893.50, District Attorney fund check #58048 in the amount of \$34,287.05, Treasurer fund check #58049 in the amount of \$297,451.24 Road department fund checks in the amount of \$85,902.36 Treasurer fund check #23229 in the amount of \$71,547.48; and Landfill fund checks in the amount of \$17,505.85, Treasurer fund check #6692 in the amount of \$14,388.15 were approved for payment.

LUNCH: 12:10 p.m.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding an application to abandon and vacate a portion of a public and (or) county right-of-way of Road T.5. The roll was called, the public notice was read, and the proceedings were recorded for the record. The specific right-of-way under discussion is located in Section 19, Township 37 N., Range 15 W., N.M.P.M. and further described as beginning at the southern boundary of property located at 27101 Road T.5, Dolores, approximately 800 feet in length ending in the center of property located at 27200 Road T.5, Dolores. Director Carver explained the request further. James Simmons talked about the tract to be abandoned and vacated in detail. The description of the property was questioned. A new public notice will be published to correct the property description and a new hearing will be held. Comm. Chappell moved to delay a decision on vacating a portion of Road T.5 to correct the description. Seconded by Comm. Koppenhafer and carried. (See attached)

CONTINUED PUBLIC HEARING regarding proposed amendments to the land use code was reconvened at this time. The roll was called. Planning Director Carver gave an overview of the proposed changes. Comm.

Rule opened the hearing to public comment at this time. Hearing no public comment, Comm. Rule closed that portion. Comm. Koppenhafer moved to approve Resolution 09-2010 amending the Montezuma County Land Use Code, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING; It being the time set aside a public hearing is held regarding an application to abandon and vacate a portion of Road 30. The roll was called, the public notice was read, and the proceedings were recorded for the record. The specific road under discussion is located north of Road W between Sections 33 & 34 in Township 38 N., Range 15 W., N.M.P.M. north of Dolores, Co. This portion of Road 30 is approximately 1400 feet in length. Planning Director Susan Carver discussed the road in question explaining the request to vacate and abandon that portion. Comm. Rule opened the hearing up to public comment at this time. **Robert Hastings** representing McPhee Ranches discussed the road and said the road is not maintained at this time. Hearing no further comments, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to abandon and vacate approximately 1400 feet of a portion of Road 30 located North of Road W between sections 33 and 34, T38N, R15 W. N.M.P.M, seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING Director Carver updated the Board with a follow-up discussion she had with Karen Spray with COGCC regarding water analysis on Joe Hernandez's water well. (See attached)

FINAL PLAT: A final plat of a request to amend the Neal 2 lot minor development by further developing lot 1 into 2 separate tracts of land, causing this development to become a 3 lot moderate development was presented for review and determination. The request was submitted by Lynn and Paula Neal and the properties are located at 29250 and 29400 Road M, Dolores. Co. Comm. Koppenhafer moved to approve the final plat for a 3 lot moderate development for the Neal Subdivision 1st amended, seconded by Comm. Chappell and carried.

AMENDMENT REQUEST: A request to amend existing Resolution P-53-92 on a tract of land currently owned by Richard J. Neal., Lynn Neal, agent was presented. Said tract was created by Resolution P-53-92 located at 29300 Road M, Dolores, Co This amendment is to adjust the common lot line between properties located at 29250 and 29400 Road M and property located at 29300 Road M, Dolores, Co. Comm. Koppenhafer moved to approve Resolution P-53-92 3rd amended, parcel belonging to Richard Neal, seconded by Comm. Chappell and carried.

FINAL PLAT: Planning Director Susan Carver presented the final plat of a proposed 3 lot minor development consisting of 35 acres as submitted by Ryan C. Wagner and Ted R. Neergaard Revocable Trust. Said property is located at 7841 Road 37, Mancos, Co. Comm. Koppenhafer moved to approve the final plat of the Mud Creek West Minor Subdivision, seconded by Comm. Chappell and carried.

SETBACK STANDARDS: Planning Director Carver presented a request to the setback standards for residential use on property located at 24275 Road E.5, Cortez as submitted by Residential Building Systems, Don Etnier, agent. Comm. Chappell moved to approve a variance on property owned by Residential Building Systems with said variance to be 20' to the west sideline on property located at 24275 Road E.5, seconded by Comm. Koppenhafer and carried. (See attached)

JAMES DIETRICH presented a letter of support for Dolores County's protest on the Boggy/Glade Travel Management Plan. Comm. Koppenhafer moved to sign a letter of support for Dolores County's protest of the Boggy/Glade Travel Management Plan, seconded by Comm. Chappell and carried. (See attached)

RESOLUTION 10-2010: Comm. Koppenhafer moved to adopt Resolution 10-2010 creating the Public Lands Coordinating Commission, seconded by Comm. Chappell and carried. (See attached)

APPOINTMENTS: Comm. Koppenhafer moved to appoint Frank Green, Chris Majors, Dewayne Findley, Darrin Goodall, Drew Gordanier, Rob Yates, Scott Williams, Bob Clayton, and Zane Odell as the Public Lands Coordination Commission and to modify and correct the motion made in the August 30, 2010 minutes. Seconded by Comm. Chappell and carried. Said terms are to run as follows: Frank Green Chris Majors and Dewayne Findley to be 10/13/2010 to 10/13/2011, Garrin Goodall, Drew Gordanier, Rob Yates, Scott Williams, Bob Clayton and Zane Odell to be 10/13/2010 to 10/13/2012. (See attached)

ORDER: Order 0- 07-2010 to transfer from the Wildfire Reserve Fund to the General Fund for the 2010 grant payment to continue funding of the Montezuma County Fire wise Chapter in the amount of \$18,850.00 was presented for approval. Comm. Koppenhafer moved to approve Order number 0- 07-2010 to transfer \$18,850.00 from the Wildfire Reserve Fund to the General Fund for the 2010 grant payment to continue funding the Montezuma County Fire Wise Chapter, seconded by Comm. Chappell and carried. (See attached)

LETTER: Comm. Chappell moved to sign a letter congratulating Clifford Spencer as the new Superintendent of Mesa Verde National Park, seconded by Comm. Koppenhafer and carried. (See attached)

SITE VISIT: No site visit was conducted at this time.

CORRESPONDENCE: The following correspondence was read and noted:

Letter to First National Bank authorizing credit cards for the Extension program and travel expenditures for Thomas Hooten and to cancel Janet Sennhenn's card due to her retirement and issue a card to the Montezuma County Extension Office.(See attached).

Minutes and agenda of the Dolores Water Conservancy District (See attached)

Notice of forfeiture Ft. Lewis College FDN. (See attached)

CSU matters. (See attached)

Thank You letter from CSU to Comm. Rule for agreeing to participate in the CSU Extension meeting. (See attached)

Thank You letter from the Food Samaritan Center (See attached)

Flyers form LATN (See attached)

Agenda from the Colorado Board of Health. (See attached)

Invitation from The Navajo Nation and Ute Mountain Ute Planning Team. (See attached)

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

MEETING ADJOURNED 3:45 p.m.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 20, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 20, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, September 13, 2010 were read. Comm. Koppenhafer moved to approve the minutes of September 13, 2010 as corrected, seconded by Comm. Chappell and carried.

ROAD: County Administrator Harrison mentioned residents on a portion of Road 18 are interested in the possibility of forming a local improvement district to upgrade a portion of Road 18.

CAROL HARVEY with the Colorado Department of Indian Affairs introduced herself and informed the Board of what she does in regard to helping the Indian Tribes. She conducts classes on how to make businesses successful for Native Americans. She said she is interested in energy efficiency. She discussed a suicide task force concerning Native Americans she will be working on as well. Another concern of hers is in education.

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave a monthly report. He discussed the financial statement. The outside lighting is working well now. He informed the Board that the team roping will resume. He discussed making available day passes in addition to the horseman's cards for riders. He talked about the race track retaining wall and possible solutions to fix it.

CDOT ANNUAL MEETING: Chris Beller, Laurie Blanz, Kerrie Neet, Steve Parker, Mike Teter and Mike McVaugh, with CDOT presented their annual report dated September 2010. **Dewayne Findley** represented SWTPR was present. Mr. Parker said that nothing will be done if the amendments and propositions that's on the general election ballot pass. Kerrie Neet explained the report booklet. Laurie Blanz discussed the budget and said funding that has been lost. Ms. Neet stated that if proposition 101 passes the Faster monies

will not be available. Mr. McVaugh stated that the intersection of Hwy 491 and Road M as well as other projects received Faster funds. Ms. Blanz explained funding and projects that's up and coming. Mr. Teter talked about maintenance on the highways in Montezuma County. Mr. Beller talked about active and short term projects in Montezuma County. Mr. McVaugh talked about traffic and safety.

ACCOUNTS PAYABLE: General Fund # 58050-58212 in the amount of \$598,408.18, Road and Bridge Fund # 23230-23301 in the amount of \$588,717.97, and Landfill # 6693-6719 in the amount of \$19,280.70 for the month of August, 2010 were approved for payment.

VETERANS SERVICE: Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and certification of pay for August, 2010, seconded by Comm. Chappell, motion carried (See attached)

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

MEETING ADJOURNED 12:15 p.m.

Clerk September 20, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
September 27, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, September 27, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, September 20, 2010 were read. Comm. Chappell moved to approve the minutes of September 20, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree said the department is continuing to stripe the yellow center line on the roads, filling potholes and general maintenance of roads at this time. Patching a portion of Road 21 is being done. Talked about roads 25, 23, and X. Supervisor Roundtree discussed the gravel situation at the Haycamp Pit, Ormiston Pit and the pit on road G. He talked about the weed spraying program.

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

ABATEMENT: It being the time set aside an abatement hearing is held for Mary Hooper on account number R004711 for tax year 2009. The roll was called and the proceedings were recorded for the record. Assessor Mark Vanderpool explained that the improvements were listed as being all commercial when in fact they should have been 81% residential. The Assessor's Office recommends approval of said abatement. Comm. Chappell moved to approve the abatement for Mary Hooper on account number R004711 for tax year 2009, seconded by Comm. Koppenhafer and carried. (See attached)

FAIRBOARD APPOINTMENT: Rodney Cox with the Montezuma County Fair Board met asking for approval to appoint the following to the Fair Board. Comm. Chappell moved to appoint Sissy Dennison, Roger Borgen, Kayleen Hackett, Ronda G. Weir and Roma Colbert to the Montezuma County Fair Board and to move Tiffany Alexander to an alternate position and to increase the Fair Board to 9 members with 1 alternate. Seconded by Comm. Koppenhafer and carried. The terms will be determined at a later date. (See attached)

MONTEZUMA COUNTY FAIRGROUNDS: A revised Fairgrounds rate schedule was presented which includes a day pass for Fairgrounds users. The fee is \$10.00 for adults and \$5.00 for students. Comm. Chappell moved to approve the day pass fee at the Fairgrounds, seconded by Comm. Koppenhafer and carried. (See attached)

BOARD OF HEALTH Board of Health director Lori Cooper gave a quarterly update on the department. She gave updates on the WIC and dental programs as well as other grants. Ms. Cooper said the department received a STEPP grant. She talked about flu clinics, stating their flu vaccine arrived last week. She discussed emergency preparedness.

LUNCH: 11:55 A.M.

2011 BUDGET REQUESTS:

The following Offices made their 2011 budget requests at this time

DISTRICT ATTORNEY: District Attorney Mac Myers discussed the DA budget line items and presented his 2011 budget requests.

SHERIFF: Sheriff Gerald Wallace discussed his 2011 budget requests for the Sheriff's Office, the Jail, the Law Enforcement Authority and the Emergency Management budget.

ASSESSOR: Assessor Mark Vanderpool presented his budget requests for 2011.

CLERK AND RECORDER: County Clerk and Recorder Carol Tullis presented her 2011 budget requests for the Clerk and Recorder's Office and the Election Department.

TREASURER: Treasurer Sherry Dyess gave her 2011 budget requests.

FINANCE DIRECTOR Mary Ann Sanders discussed the proposed increase in the health insurance rates for 2011.

CORRESPONDENCE: The following correspondence was read and noted;

Southwest Water Conservation District notice. (See attached)

Letter from V Robertson to Mark Stiles regarding Boggy Draw. (See attached)

CTSI letter to Mary Ann Sanders concerning the Hazard Awareness training classes. (See attached)

Letter from Dolores County Board of County Commissioners to USDA Forest Service Region 2. (See attached)

Letter from Colorado State University (See attached)

Letter from CSU to Sheriff Wallace. (See attached)

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

MEETING ADJOURNED 3:50 p.m.

Clerk September 27, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 4, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 4, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, September 27, 2010 were read. Comm. Chappell moved to approve the minutes of September 27, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree told the Board that Bill Barrett said to bill them for the \$160,000.00 for road repairs on Roads 25 and X.. He discussed the intersection of Road L and Hwy. 491. He said the Department used a backhoe to help control a hay barn fire on Road 16 and X. **LATER:** Comm. Chappell moved to approve the memorandum to Bill Barrett Corporation in the amount of \$160,000.00 concerning Roads 25 and X, seconded by Comm. Koppenhafer and carried. (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of September, 2010. (See attached).

PAYROLL: General fund checks in the amount of \$373,128.57, District Attorney fund check #58214 in the amount of \$34,314.42, Treasurer fund check #58215 in the amount of \$294,574.55, Road department fund checks in the amount of \$90,131.67, Treasurer fund check #23303 in the amount of \$76,284.48; and Landfill fund checks in the amount of \$17,872.66, Treasurer fund check #6720 in the amount of \$14,685.82 were approved for payment.

EMERGENCY MANAGER Doug Parker gave his monthly update. He said he is awaiting a report concerning the generator for the tower on Ute Mountain. He thanked the Board for the help from the Road Department regarding the barn fire that occurred over the weekend.

DENNIS ATWATER met to discuss the U.S. Forest Service travel management plan. He said he is here on behalf of a considerable number of citizens concerned about the Forest Service travel management plan. He read a prepared statement and quoted several laws and talked about RS2477 roads. (See attached) He asked the Board to issue a resolution to halt actions by the Forest Service in tearing up the forest roads. No action was taken regarding any resolution at this time. County Administrator Harrison read a letter of appeal written by the Dolores County Commissioners to the audience.

DAVE NUTTLE representing Needful Provisions met to request a letter of endorsement for a Model Home School and Gardening Program. He informed the Board of the program stating the project is to try to motivate the youth to become interested in gardening, farming and ranching. He talked about establishing a model school garden project in our area. The Board asked to see a viable proposal and a sustainable plan before committing to any endorsement. (See attached)

ORDER: Order number 0-08-10 was presented to transfer from the Conservation Trust Fund to the Montezuma County General Fund the amount of \$20,000.00 for the City of Cortez Municipal Pool Renovation Project. Comm. Koppenhafer moved approve order number 0-08-10 to transfer \$20,000.00 from the Conservation Trust Fund to the General Fund, seconded by Comm. Chappell and carried. (See attached)

LUNCH:

MEETING with the Dolores County Commissioners in Dove Creek.

EXTENSION OFFICE: Tom Hooten with the Extension Office presented a letter regarding the position of 4-H Director. Comm. Koppenhafer moved to sign the letter to Nathan Moreng regarding the Montezuma County Extension Director vacant position. (See attached)

SERVICE AGREEMENT: Comm. Koppenhafer moved to approve the service agreement between Montezuma County and Sanborn Map Company, Inc for an aerial survey with commitments to help fund the survey from the Ute Mountain Ute Tribe, Empire Electric, Dolores Water Conservancy District, City of Cortez, Dolores County and Mesa Verde National Park, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted;
Annual Determination concerning Community Connections Inc. (See attached)
Invitation from Crow Canyon concerning the annual meeting. (See attached)
Thank you letter from Hospice for the gift in memory of Elvin Roundtree. (See attached)
Southwestern Water Conservation District meeting notice. (See attached)
Docket No. 10M-475G concerning the petition of Colorado Energy Outreach. (See attached)

MEETING CONTINUED to Wednesday, October 6, 2010 from 1:00 p.m. to 3:00 p.m. to include a work session with Colorado Counties, Inc.

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 6, 2010**

PRESENT WERE THE FOLLOWING;

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

Meeting reconvened at 1:00 p.m.

Michael Smith and Chip Tavior with Colorado Counties, Inc. met to discuss various items that concern counties. They talked about the Faster bill and the impacts it has caused. Proposition 101 was mentioned. They talked about the procedure regarding comment periods for Federal and State agencies. They discussed issues with the Forest Service Department and the Department of Wildlife and how they notify other agencies and counties of their projects. Water resources legislation was discussed. Mr. Tavior said CCI will keep a closer watch concerning any rule making. Talked about the elimination of energy impact grants. Oil and gas exploration was mentioned. Mr. Smith asked the Board how they could improve conferences and district meetings. CCI is putting projects and programs on a web site that counties are particularly proud of getting implemented. The Board mentioned the coordinating commission just formed and what the commission will do in keeping the Board of Commissioners informed. Mr. Smith said they would like to put something together for their web site regarding the background of commissioners throughout the State that might be able to give input to other commissioners in their field.

VETERANS SERVICE: Comm.Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and Certification of pay for September, 2010, seconded by Comm. Chappell, and carried (See attached)

SCHEDULE of receipts and disbursements for Jan. 1, 2010 to June 30, 2010 was received. (See attached)

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

MEETING ADJOURNED 3:40 p.m.

Clerk October 4, 2010 October 6, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 11, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 11, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, October 4, 2010 and October 6, 2010 were read. Comm. Chappell moved to approve the minutes of October 4, 2010 and October 6, 2010 as presented, seconded by Comm. Koppenhafer and carried.

Road: Road Supervisor Dean Roundtree reported the Department is hauling heavier rock to Road 10 stabilize the road. He said there is not much going on its just general maintenance, tree trimming and culvert repair. Discussed watering of road N, also a complaint concerning a water problem around Road 25 and M. He talked about the Mancos Pit. Supervisor Roundtree said he has invoiced Bill Barrett Corp. and has yet to hear back from them.

Daisy and Chuck Mahaffey met to discuss Road 18. They asked about how the paperwork is coming along concerning the forming of a road improvement district. County Administrator Harrison explained that nothing is being done at this time. The statutes were explained as to the requirements of creating a special taxing district. Another alternative would be for those living on said road to finance the road upgrades themselves.

DENNIS ATWATER and Duane Likes discussed the forest service roads. Mr. Atwater stated the EPA has been contacted and pictures of the roads have been sent to them.

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of September 2010. She talked about the air quality inspection. Ms. Barton talked about a draft of the proposed landfill rate structure for calendar year 2011. She presented a memorandum referring to the APEN construction permit condition status report. Comm. Chappell moved to sign the air pollution control division construction permit with the CDPHE, seconded by Comm. Koppenhafer and carried. (See attached)

CLARA ORMISTON TRUST: Nila Tortorillo with Social Services met to request funds from the Clara Ormiston Trust for a cancer patient for radiation treatments in the amount of \$3,572.73. Comm. Chappell moved to approve **Order 0-09-10** to transfer funds from the Clara Ormiston Fund to the Social Services Fund for payment to the Durango Cancer Center P.C. in the amount of \$3572.73 for radiation treatments for a cancer patient, seconded by Comm. Koppenhafer and carried. (See attached)

HEALTH DEPARTMENT: Health Department Director Lori Cooper presented public health contracts. She presented a tobacco prevention contract and a task order for amendment 35 funding for approval. Comm. Koppenhafer moved to sign the contract between CDPHE and Montezuma County in the amount of \$92,172.00 for advancing local policies designed to reduce tobacco use and exposure to secondhand smoke. Limiting youth access to tobacco products and minimizing youth exposure to tobacco advertising in the city of Cortez, seconded by Comm. Chappell and carried. Comm. Koppenhafer moved to sign the contract between CDPHE and Montezuma County Public Health Agency for the immunization service delivery program in the amount of \$20,007.00, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a sketch plan for a proposed 2 lot minor general planned unit development. The roll was called, the public notice was read, and the proceedings were recorded for the record. Planning Director Susan Carver explained the request. The GPUD is for MVI-EEA Business Park. The GPUD consists of 40 acres located at 11401 Road 24 and owned by Empire Electric Association, Scott Ehmke agent, Montezuma Valley Irrigation Inc. owns 3 acres and located at 11501 Hwy 491 and a portion of property owned by Barbara I., Darryl R., Lewis E., and Tommy J. Jeter is located at 11300 Road 24 and consists of approximately .6 acres from a 6.5 acre tract. Planning Director Susan Carver gave an overview of the plan. Scott Ehmke and Neal Stephens with Empire Electric Association discussed the request in detail. Mr. Ehmke read a statement and Neal Stephens read a letter from Montezuma Valley Irrigation, Inc. asking the Board to approve Empire Electric Assoc. sketch plan. Comm. Rule opened the hearing to public comment at this time. **Shawn Wells** asked about the public notice procedure. He talked about dangerous intersections in the area. **Danny Wilkin** stated he is against poor planning and increasing the area for industrial use. He has concerns with traffic on an already busy and dangerous highway. **Bob Clayton** talked about his experience with working with Empire Elect Assoc. as being an honest and reliable service. He says there is a need to expand EEA's yard. **Glenn Wells** said he is not here to bad mouth EEA but feels there is a better location. He would like to see mitigations put in place and talked about access to his home and farm. He mentioned traffic problems. He talked about noise and light issues. **Greg Kemp** brought up issues with traffic and a fatal accident on the Highway. **Barbara Jeter** talked about the intersection and said CDOT should be looking at it. Hearing no further public comment, Comm. Rule closed that portion. Mr. Ehmke responded to the lighting question and said a noise study indicated they will not exceed the threshold standard. He talked about landscaping. Lowering the speed limit was discussed. Comm. Rule opened the hearing back up to public comment. **Shawn Wells** asked about the threshold standards to the building height for industrial building and about the set backs. He would like contingencies concerning traffic safety. He would like the Board to come and look at the property in question. **Danny Wilkin** commented about industrial and residential uses becoming in conflict over time and he said there is other places to put an industrial park that would be a better fit. **Barbara Jeter** said it wouldn't matter where it went, there would still be the same problem just different people. Hearing no further comments, Comm. Rule closed that portion. Mr. Ehmke and Mr. Stephens spoke to the issues raised. After hearing all the evidence presented Comm. Koppenhafer moved to approve the sketch plan for MVI-EEA Business Park on 43 acres, seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a high impact permit. The roll was called, the public notice was read, and the proceedings were recorded for the record. The permit is for Empire Electric Association to construct and operate an electric utilities service and operations center which will include an office, maintenance area, storage area, and headquarters to be located on tract B of the proposed 2 lot minor general planned unit development. (MVI-EEA). The application is submitted by Empire Electric Association, Scott Ehmke, agent. The GPUD is to be located at 11401 Road 24 consisting of 40 acres more or less. Planning Director Susan Carver gave an overview of the High Impact Permit. Scott Ehmke and Neal Stephens representing EEA discussed the permit in detail. Comm. Koppenhafer requested to have the information from the previous hearing be made a part of this hearing. Comm. Rule opened the hearing to public comments. **Glenn Wells** asked for something more specific concerning the trees and berms being made a part of the permit requirements. Hearing no further comments, Comm. Rule closed that portion of the hearing. Mr. Ehmke stated EEA is committed to trying to satisfy the neighbors. Comm. Rule opened the hearing up to public comment. **Shawn Wells** asked if the public will be notified on the landscaping plan. It was stated the landowners would be notified. He talked about lowering the speed limit being made a contingent. He would like to see open space being discussed. **Cathy Topper** commented about the noise. **Bob Clayton** talked about the visual and noise impacts. **Cathy Topper** responded. Mr. Ehmke stated EEA has not moved any dirt. **Barbara Jeter** asked if it would help for residents to write letters to CDOT requesting the speed limit be lowered. **Bob Clayton** said the speed limit is something EEA has no control over. **Shawn Wells** said the Board's job is to look out for public safety. Hearing no further comments, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the high impact permit for EEA to construct and operate an electric utilities service and operations center to include an office, maintenance area, storage area, and headquarters on Tract B of the proposed 2 lot minor general planned unit development MVI-EEA and to review the plan for berms and landscaping and for an additional review upon completion, also to write letters of recommendation to CDOT to lower the speed limit to 55 miles per hour, seconded by Comm. Koppenhafer and carried. (See attached) Comm. Rule closed the hearing at this time.

PLANNING: Planning Director Carver presented the following planning items;

FARMERS TELEPHONE COMPANY, INC: An application was received from Farmer's Telephone Co. Inc, Peter Hoopes, agent, for the addition of communications antennas and equipment on the existing Farmer's Telephone Tower and property located at 26077 Hwy 491, Pleasant View, Co. Also proposed is a collocation of new unmanned Verizon Wireless Communications Facility to be located on the property and existing communications tower. Director Carver explained the area as being in lots and blocks. She said there will be an industrial zoning request as well. Mr. Peter Hoopes explained the application. He said Verizon wishes to add antennas to the existing towers and build an equipment shelter on the property. Farmer's Telephone Co is not opposed to the project. Comm. Chappell made a motion that no high impact permit will be required for additional antennas to be placed on the existing Farmer's Telephone Co. towers and for the construction of a 12 x 26 x 11.6 equipment storage facility, seconded by Comm. Koppenhafer and carried. (See narrative attached)

LINDA J. CARTER: Director Carver presented for final review and determination an exemption request wherein Linda Carter is the owner of 20 acres and desires to purchase 20 acres from Troy and Shorlene Oliver. The remaining Oliver property will be in excess of 35 acres with the Carter property resulting in 40 acres. Said property is located at 14980 Road N, Cortez. Director Carver explained the exemption will not create an additional tract of land. Comm. Koppenhafer moved to approve Planning resolution P-02-10 approving an exemption to the subdivision regulations and to approve the final plat for said resolution. Seconded by Comm. Chappell and carried. (see attached)

LISA AND PAUL SHEARSTON: A common lot line amendment request was received from Lisa M. and Paul L. Shearston located at 14880 Road 22, Dolores also known as lot 1 of the Shearston 3 lot minor subdivision and Troy and Marilyn Herrman with property located at 14831 Hwy 491, Cortez, also known as lot A of a 3 lot minor cluster incentive planned unit development. Paul Shearston desires to sell 14 acres to the Herrman's with said acreage becoming a part of the Herrman's existing acreage. Director Carver stated this request would not create any additional tracts of land. Preliminary approval was given for Mr. Shearston to proceed.

CORRESPONDENCE: The following correspondence was read and noted.

Letter from Carol Harvey executive director of the Colorado Commission of Indian Affairs. (See attached)

CCI dues schedule and proposed budget for 2011. (See attached)

Letter from Cedar Mesa Ranches Homeowners Association (See attached)

Letter from Custer County Commissioners regarding low altitude tactical navigation. (See attached)

Variance for Residential Building Systems for 24275 Road E.5. (See attached)

Information from Needful Provisions, Inc concerning People's Garden School Pilot Project. (See attached)

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

MEETING ADJOURNED 4:00 p.m.

Clerk October 11, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 18, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 18, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, October 11, 2010 were read. Comm. Chappell moved to approve the minutes of October 11, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: There was no road report from Road Supervisor Dean Roundtree today. Discussed what constitutes **RS2477** right-of-ways and the establishment of said roads and other issues as set forth in three 10th Circuit Court decisions attached hereto.

ORDERS: The following orders were presented for approval:

Order number 0-10-10 to transfer \$90,810.00 from the Road Impact Fees to the Road and Bridge Fund for the County Road N project. Comm. Koppenhafer Moved to approve order number 0-10-2010 to transfer \$90,810.00 from the Road Impact Fees to the Road and Bridge Fund for the County Road N project, seconded by Comm. Chappell and carried. (See attached)

Order number 0-11-10 to transfer \$22,505.00 from the Emergency Telephone Assistance Fund to the Road and Bridge Fund for one half salary and fringe benefits for address personnel for the 2010 budget year. Comm. Koppenhafer moved to approve order number 0-11-2010 to transfer \$22,505.00 from the Emergency Telephone Assistance Fund to the Road and Bridge Fund for one half salary and fringe benefits for address personnel for the 2010 budget year, seconded by Comm. Chappell and carried. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave a monthly report on the Fairgrounds. He talked about the erosion control project saying the grass that was planted is coming up. He said they are finishing work on the pens on the lower arena. He talked about other maintenance projects at the Fairgrounds. He asked if they could plant a pumpkin patch at the fairgrounds and have the 4-H groups and the FFA programs at the high

schools take care of the patch. More discussions will be done before this project might be done. Mr. Young talked about problems with the race track. Aaron Spangler talked about work he and others could do to help concerning the repairs at the race track. The Board will take this issue under consideration.

CHERYL DEAN met to discuss fees at the Fairgrounds. She talked about the fees charged for kitchen concessions. She said the fees are charged at a daily rate and she would like to see hourly rates implemented for the use of the kitchen for functions that only take a few hours. After some discussion it was decided to charge an hourly rate on a trial basis beginning from the time they arrive until the time they leave.

TRAIL OF THE ANCIENTS Susan Thomas gave a power point presentation on the Trail of the Ancients project in the four corners area with the National Geographic Society. She talked about geotourism map guides that sustains or enhances the geographical character of a place, its environment, culture, aesthetics, heritage and the well-being of its residents. She talked about the nomination process for putting sites on these maps..

ACCOUNTS PAYABLE: General Fund # 58213-58376 in the amount of \$423,743.67, Road Fund # 23302-23365 in the amount of \$121,041.46, and Landfill #6721-6757 in the amount of \$29,782.05 for the month of September, 2010 were approved for payment

BUDGET UPDATE: Sue Fletcher and Mary Holaday gave a budget update and talked about various issues with the senior nutrition program. They said funding from AAA is being cut. Sue said the money is there but that the large counties are not getting their fair share. They talked about the lack of people participating in the meals program in Dolores. Discussed cutting the rent for the facilities in Dolores and Mancos from \$6,000.00 back to \$3,000.00.

RENTAL AGREEMENT: Stan Pierce, Stan and Pat Morris met to negotiate a rental agreement on the child support services offices on 1st street. Stan Pierce, a real estate broker spoke on behalf of Mr. and Mrs. Morris saying that the Morris' are interested in selling the property and wondered if the County might be interested in purchasing the property. The proposition will be discussed with social services director Dennis Story before making any decisions.

ASSESSOR VANDERPOOL informed the Board he just received today a reappraisal order for tax year 2010 from the State Board of Equalization. Comm. Koppenhafer moved to approve filing an appeal to the order dated the 6th day of October, 2010 from the State Board of Equalization concerning the reappraisal of oil and gas personal property, docket number 272, seconded by Comm. Chappell and carried. (See attached)

LUNCH: 12:00

PUBLIC HEARING: It being the time set aside a public hearing is held regarding an application to abandon and vacate a portion of a public and (or) county right-of-way of Road T.5. The roll was called, the public notice was read, and the proceedings were recorded for the record. Said right-of-way begins at the northern boundary of property located at 27101 Road T.5, Dolores, Co., approximately 965 feet in length ending in the center of property located at 27200 Road T.5, Dolores, Co. The specific right-of-way under discussion is located in Section 19, Township 37N, Range 15W N.M.P.M. Planning Director Susan Carver explained the application. Property owner Jim Simmons was present and discussed why he is requesting the road be abandoned and vacated. Comm. Rule opened the hearing to public comment. Hearing no public comment that portion was

closed. After hearing the evidence presented Comm. Chappell moved to vacate and abandon that portion of Road T.5 located at 27101 Road T.5 approximately 965 feet in length. Seconded by Comm. Koppenhafer and carried. Comm. Rule closed this hearing at this time. (See attached)

AUTHORIZATION LETTER: Comm. Koppenhafer moved to authorize Larrie Rule, Chairman of the Board of County Commissioner and Ashton Harrison, County Administrator to sign the assignment of deposit account in the amount of \$20,000.00 for Curt Mangan, Inc, seconded by Comm. Chappell and carried. (See attached)

EASEMENT: Comm. Koppenhafer moved to grant a 25x20 foot easement to the City of Cortez for the construction and maintenance of a fiber optic conduit/service line, seconded by Comm. Chappell and carried. The easement is to be placed at the northeast corner of the County Annex parking lot. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining an industrial zoning request. The roll was called, the public notice was read, and the proceedings were recorded for the record. The request is on property located at 6817 Hwy. 491, Cortez, Co. The application is submitted by Weatherly Revocable Trust, DTD, Cheryl Dean, agent. Uses on the property are businesses Antique Corral and Redburn Tire Company. Planning Director Carver gave an overview of the request. Cheryl Dean represented the property owners in this application. Comm. Rule opened the hearing up to public comments at this time. Hearing none, that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the industrial zoning request for the Weatherly Revocable Trust DTD agent Cheryl Dean on property located at 6817 Hwy. 491, Cortez, Co. Seconded by Comm. Koppenhafer and carried. Comm. Rule closed the hearing.(See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining a request to amend high impact permit No. 444. The roll was called, the public notice was read, and the proceedings were recorded for the record. Said request is for a proposed expansion of the existing building of a business known as Antique Corral as submitted by Weatherly Revocable Trust, DTD, agent Cheryl Dean. The property is located at 6817 Hwy 160-491, Cortez, Co. Planning Director Susan Carver gave an overview of the expansion. Agent Cheryl Dean spoke on behalf of the property owners. She said the Antique Corral is wishing to expand the business for a storage area. Comm. Rule opened the hearing to public comment, hearing no comments, that portion was closed. After hearing all the evidence presented Comm. Koppenhafer moved to approve the amendment of high impact permit number 444 to allow the expansion of the structure by 4800 square feet, seconded by Comm. Chappell and carried. Comm. (See attached findings) Rule closed the hearing at this time. (See attached)

LETTER: Comm. Chappell moved to sign a letter to SAC James L. Mendenhall regarding citizen concerns with the San Juan National Forest Compliance with EPA Clean Water Act, seconded by Comm. Koppenhafer and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining if there is a measurable expansion of the existing mining area and associated aggregate mining activities. The roll was call, the public notice was read, and the proceedings were recorded for the record. The aggregate mining activities are proposed by Noland Inc, agents Rick Noland and Wasteline, Inc., Nathan Barton, agent, as defined by Noland, Inc., in an application filed with the Division of Reclamation, Mining and Safety.

The subject property is located at 38253 Hwy 160, Mancos, Co. Planning Director Carver discussed the expansion of the existing mining area and associated aggregate mining activities. Rick Noland with Noland Inc and Nathan Barton with Wastline Inc. were present. Nathan Barton spoke on behalf of Noland Inc. He talked about why he believes a high impact permit is not required. He said there is no change of use of the property and there will be no increase in production or shipment of materials from Cedar Point. Also there is no increase in the total area to be actively mined at any one time and no change in access to Cedar Point or in traffic generated by the activities. Mr. Barton said since no threshold standards would be exceeded, the high impact permit process would not be required. Comm. Rule opened the hearing to public comments at this time. **Betsy Harrison** said her understanding is the reclamation could go forward whether a high impact permit is required or not. She said the Board could look at the numbers given and she is requesting a high impact permit be required. **Greg Kemp** read a couple of lines from an article regarding Noland's lease. He said it is the owners responsibility to reclaim the land not those leasing the land. He talked about cumulative effects regarding other gravel pits in the area. He feels the County should have some sort of control. He feels abandoning the site would not be appropriate. **John Fleitz** said he feels the County should have some control. He talked about berms and trees not being put into place and asked the Board to protect the views. **Patricia Burk** is an adjunct landowner and asked what excessive regulatory oversight means and she asked why the planning department felt a high impact permit was needed. She talked about the permit with Leducor. Traffic is considered a cumulative effect she believes. She stated she feels a high impact permit is necessary. **Gareth Barton** talked about using the high impact permit process as a control of business as being a bad idea. Hearing no further public comments, Comm. Rule closed that portion. Nathan Barton responded to the questions asked. Planning Director Carver explained the calculation methods she used and stated she did not take the entire parcel size into account. She talked about the expansion or change in land use was something she considered as well. She said she does not have any high impact permit in file for the Noland Pit at this time. It was stated the property is currently unzoned. Comm. Rule opened the hearing back up to public comment. **Patricia Burk** talked about a map she had of areas mined and areas to be mined. **John Fleitz** talked about the operations moving closer to adjunct property and said that alone is reason for a permit. Comm. Rule closed the hearing to public comment. After hearing all the evidence presented Comm. Koppenhafer moved that the expansion of the existing mining area associated with Noland Inc. shows a high impact permit and a special use permit is required. Seconded by Comm. Chappell and carried. (See attached) Comm. Rule closed the hearing at this time.

PLANNING: Planning Director Susan Carver presented a preliminary plan to further develop lot 1 of the 6 lot Major Davies Subdivision for review. The property is owned by Kenneth H. and Linda C. Davies, agent Maness and Associated, Inc. The subject property is located at 24736 Road M, Cortez, Co. The plan is to further develop lot 1, consisting of 6.5 acres, more or less, into two 3 acre lots, whereby changing the existing 6 lot major development into a 7 lot major development. Planning Director Carver discussed the plan in detail. Comm. Koppenhafer moved to approve the preliminary plat for the division of lot 1 of the Davies Major Subdivision creating two 3 acre lots, seconded by Comm. Chappell and carried. (See attached)

PLANNING DIRECTOR Carver presented for review and determination a possible land use code violation(s). The complaint was received on Eugene and Mary Helen Silva concerning a violation to threshold standard no. 8, outdoor storage and/or fabrication areas, to number 14, storm water control and site damage, to number 15, solid waste-garbage, refuse, sludge and other discarded material and to number 22, fire and explosive hazards. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Signed findings for high impact permit number 444. (See attached)

Agenda Colorado Board of Health. (See attached)

Minutes from Dolores Water Conservancy District. (See attached)

Letter from CTSI concerning MSHA new miner training 2011. (See attached) Letter from U.S. Department of the Interior BLM notice of addendum No. 2. (See attached)

Letter from Empire Electric Assoc. regarding power line rebuild at 35 S. Chestnut. (See attached)

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

MEETING ADJOURNED 5:30 p.m.

Clerk October 18, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
October 25, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, October 25, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, October 18, 2010 were read. Comm. Chappell moved to approve the minutes of October 18, 2010 as corrected, seconded by Comm. Rule and carried.

ROAD: Road Supervisor Dean Roundtree was informed that the Sheriff's Office requested gravel for the Jail parking lot and the shooting range at the Landfill. Supervisor Roundtree will contact the Sheriff's Office with the costs. He said some of the guard rails in the County are in need of repair. They discussed the racetrack wall and possible solutions. It was mentioned that the road sign on Road E is missing.

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

U.S. Department of Agriculture contract in the amount of \$15,180.00 was presented for approval. Comm. Chappell moved to approve the cooperative agreement number 10-7308-0310 RA between the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services and Montezuma County. Seconded by Comm. Rule and carried. (See attached)

EXTENSION OFFICE: Tom Hooten gave an update on the Fair Board operating guidelines. He talked about the number of Fair Board members. Comm. Chappell moved to approve the operating guidelines of the Montezuma County Fair Board, seconded by Comm. Rule and carried. (See attached)

ABATEMENT: It being the time set aside an abatement hearing is held for Budget Host Inn, account number P000011. Appraiser Vanderpool and Leslie Bugg with the Assessor's Office stated that after a field audit it was determined there was a correction to be made to the personal property inventory for tax years 2008 and 2009.

Comm. Chappell moved to agree with the Assessor's Office recommendation for abatement on account number P000011, Budget Host Inn for tax years 2008 and 2009, seconded by Comm. Rule and carried. (See attached)

FIRE DISTRICT representatives Jim Bridgewater with the Cortez Fire Protection District and George Deavers with the Lewis Arriola Fire District met to discuss the Districts' tax abatements. They asked about the Treasurer's Collection Fees of 2% that have not been received. The District's complained about a lack of communication between the Districts and the County. County Treasurer Dyess explained how the fees and collections are disbursed.

FAIRGROUND site visit will be rescheduled for a later date.

LUNCH: 12:10

ZONING PLAN: Planning Director Carver gave an update from the Planning Commission Board and the Planning Department regarding the Zoning Plan. Planning Commission Board members Andy Logan and Jon Callendar discussed the work session the Planning Commission had with CDOT on September 1, 2010. The discussion included location of proposed commercial and industrial zones, "urban" influence zones, and future city limits and their relation to appropriate speed limits and highway designations. Planning Director Carver talked about a letter written to CDOT (Attn: Jim Horn and Mike McVaugh) asking for a reduction in the speed limit on Hwy. 491. She talked about meetings the Planning Commission has conducted with Montezuma Water Company and the City of Cortez. Comm. Chappell moved to agree with the recommendation by the Planning Commission to send the letter to CDOT requesting to change the access category assignment on U.S. Hwy. 491B and reducing the speed limit on said Highway, seconded by Comm. Rule and carried (See attached)

REQUEST: Planning Director Carver presented a request for an extension of time for a vested property right which is subject to forfeiture as provided for in the Land Use Code under Section 1101.4, Said property is located at 38031 Hwy 184, Mancos, Co. The vested right is for a proposed 7 lot major development that was created on November 19, 2007 as proposed by Jeffrey D. and Dee L. Booten, Cherokee General Contractors Inc., and Scott Trust. Planning Director Carver explained the request. Mr. Jeff Booten asked for the extension for the completion of improvements on the proposed subdivision located on Hwy. 184 North of Mancos. He said that due to the soft real estate market and current financial instability it is not economically feasible to move forward at this time. He said nothing has changed with the basic design principals of the subdivision and are not aware of any impact changes. A public hearing will be scheduled for November 15, 2010 at 1:30 p.m. (See attached)

FAIRGROUNDS Manager Tanner Young informed the Board that he will call for a quote on a concrete for the wall at the racetrack and he discussed other areas of concerns and possible solutions to the racetrack wall.

CORRESPONDENCE: The following correspondence was read and noted:

CSU matters letter of November 2010. (See attached)

Onward – Montezuma County Sheriff's Office Employee Fund. (See attached)

Findings and Order of the State Board of Equalization upon review of Montezuma County Abstract of Assessment and Annual Study. Order of Reappraisal of Oil and Gas personal property Docket No. 272. (See attached)

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

MEETING ADJOURNED 3:15 p.m.

Clerk October 25, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 1, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 1, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, October 25, 2010 were read. Comm. Chappell moved to approve the minutes of October 25, 2010 as corrected, seconded by Comm. Rule and carried.

ROAD: Road Supervisor Dean Roundtree was informed that Road M east of Hwy 145 is in bad condition. Supervisor Roundtree said the road is scheduled to receive hot mix repair this week. He talked about problems on Roads U, 20, 18, and S. He said CDOT will be holding their public auction soon and he would like to go. **Fairgrounds Manager Tanner Young** talked about the bid for the concrete at the racetrack.

TREASURER Sherry Dyess requested an order to refund treasurer's fees to those entities impacted by the valuation error for the 2009 valuation year. Said fees are collected in 2010.

ORDER: Order number 0-12-2010 is for the Montezuma County Treasurer to refund the following District's Treasurer's Fees for 2009 valuation year collected in 2010:

Cortez Fire \$10,094.59
Cortez Fire Protection Add'l Levy \$6,605.01
Goodman Point Water District \$98.85
Lewis Arriola Fire \$5,905.02
Sylvan Cemetery \$19.75

Comm. Koppenhafer moved to direct the Montezuma County Treasurer to refund to the Cortez Fire, Cortez Fire Protection Add'l Levy, Goodman Point Water District, Lewis Arriola Fire, and Sylvan Cemetery the Treasurer's Fees for the 2009 valuation year collected in 2010 due to the adverse impacts created on said accounts, seconded by Comm. Chappell and carried. (See attached)

PAYROLL: General fund checks in the amount of \$366,701.49, District Attorney fund check #58377 in the amount of \$33,913.19, Treasurer fund check #58378 in the amount of \$294,567.42, Road department fund checks in the amount of \$80,967.58, Treasurer fund check #23366 in the amount of \$68,128.19; and Landfill fund checks in the amount of \$17,157.32, Treasurer fund check #6758 in the amount of \$14,330.41 were approved for payment

EMERGENCY MANAGER Doug Parker gave his monthly report. He talked about a generator problem on Ute Mountain. He talked about a senior official's workshop. Mr. Parker stated he is working with the Health Department on an evacuation plan. He met with the Emergency Advisory Committee on a strategic plan for the future. He is also working with the Jail staff on an evacuation plan.

LIQUOR LICENSE: Tammy Neely presented a renewal of a retail liquor license for Log Cabin Liquors. There was a question as to the signatures on the application. In one place Tim Lawrence signed as manager while Ted Lawrence signed as owner on another form. Comm. Koppenhafer moved to approve the retail liquor license renewal for Log Cabin Liquors for the sale of malt, vinous, and spirituous liquor contingent upon finding out if Tim Lawrence has a manager's form signed, seconded by Comm. Chappell and carried.

HOUSING SOLUTIONS FOR THE SOUTHWEST: Kim Welty with Housing Solutions of the Southwest requested funding in the amount of \$1,500.00 for 2011. She said local support is falling off. Ms. Welty stated they work with SIP and Social Services. She stated they have helped numerous Montezuma County residences with various needs throughout the year. Comm. Chappell moved to approve the request for the Housing Solutions of the Southwest in the amount of \$1,500.00 for 2011, seconded by Comm. Koppenhafer and carried.

HEALTH DEPARTMENT: Sanitarian Melissa Mathews discussed a septic permit for Steven and Karen Record. Steve and Karen Record explained the system in detail. Ms. Mathews presented a copy of the permit to install the system dated July 6, 1987 for Clark Record. Ms. Mathews asked if they could be allowed to have multiple connections and to enlarge the system with an engineered approved system or if the Records rent to non family members, then a new system would be required. The Board asked for a written report from an engineer before making any decisions. (See attached)

SOCIAL SERVICES: Nila Tortorello presented a request for funds from the Clara Ormiston Trust Fund for a cancer patient in the amount of \$756.79. Comm. Chappell moved to approve funding for a cancer patient from the Clara Ormiston Trust Fund in the amount of \$756.79, seconded by Comm. Koppenhafer and carried.

LUNCH: 12:00

Discussed Executive Order number 6910 dated November 26, 1934 concerning withdrawal of public lands for conservation. (See attached)

PLANNING: Planning Director Susan Carver asked the Board to review and determine subdivision fee requirements. Susan Underwood Hart met to ask about the policy as to how subdivision fees are collected. Director Carver explained the current fee structure. A draft application fee schedule policy will be prepared and presented to the Board. (See attached)

DIRECTOR CARVER presented findings and permit for review on High Impact Permit number 622. The high impact permit is for Empire Electric Association for the purpose of constructing and operations of an electric utilities service and operations center, to include an office, maintenance area, storage area, and headquarters on Tract B of the proposed 2 lot minor general planned unit development. Comm. Koppenhafer moved to approve the findings for high impact permit number 622, Empire Electric Association, applicant, seconded by Comm. Chappell and carried. (See attached)

ORDER: Comm. Chappell moved to approve order number 0-13-2010 to transfer funds in the amount of \$756.79 from the Clara Ormiston Account to the Montezuma County Department of Social Services for payment to City Market Pharmacy for medication for Phillip Lukas, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:
Letter from the U.S. Army Engineering District to Larry Baugh regarding work on Road 37 and Road G.25. (See attached)

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

MEETING ADJOURNED 2:45 p.m.

Clerk November 1, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 8, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 8, 2010 at the courthouse in Cortez, Colorado, there were present:

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

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

MINUTES of the regular meeting held on Monday, November 1, 2010 were read. Comm. Koppenhafer moved to approve the minutes of November 1, 2010 as presented, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree said some bridges in the County are being inspected. He said they will be moving the crusher from the McElmo site to the Mancos site. Work is being done on a portion of Road L. Complaints concerning trucks driving in the middle of the road and speeding on Road 16 have been mentioned. Supervisor Roundtree said road BB is in need of attention.

Tanner Young, fairgrounds manager informed the Board that he talked to Bentley Colbert concerning the insurance issues at the racetrack. Mr. Colbert said there are no insurance issues with using the blocks. Manager Young was informed to proceed with the project. He discussed the lighting in the indoor arena.

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of October 2010. Manager Barton discussed the proposed landfill rate structure for calendar year 2011. Comm. Koppenhafer moved to accept the proposed Montezuma County Landfill fee structure for 2011 as presented, seconded by Comm. Chappell and carried. (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of October, 2010. (See attached).

SHERIFF'S OFFICE: Sheriff Gerald Wallace met to discuss an IT proposal for the Sheriff's Office. Doug Pace with Farmer's Telecommunications Inc. discussed the proposal. Jim McClain, IT manager at the Sheriff's Office, discussed the program. The Board will take the information presented under advisement. (See attached)

PLANNING: Planning Director Susan Carver presented the following for review.

APPLICATION FEE SCHEDULE: Director Carver presented the proposed amendment to the application fee schedule for review. She explained the only change is an amendment of an approved subdivision. Comm. Chappell moved to approve the Montezuma County Department of Planning and Zoning application fee schedule for November 8, 2010, seconded by Comm. Koppenhafer and carried. (See attached)

FINAL PLAT Director Carver presented the final plat for a proposed 9 lot major development on 37 acres, more or less, located at 25905 Road U.6, Dolores, Co. Ernie Maness with Maness and Associates represented Net Worth Partnership in this matter. Comm. Koppenhafer moved to approve the final plat for Stoddard Estates, a major subdivision, located at 25905 Road U.6, Dolores, and the findings, seconded by Comm. Chappell and carried. (See attached)

FINAL PLAT for a 3 lot major development located at 7759 Road 38, Mancos was rescheduled.

FINAL PLAT: Director Carver presented the final plat for a proposed 2 lot minor subdivision owned by Jacob T. and Michelle Eagle Boyer. Ernie Maness with Maness and Associates represented the Boyer's. Comm. Koppenhafer moved to approve the final plat for the Eagle Boyer 2 lot minor subdivision located at 3475 U.S. 160/491, Cortez, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Dolores Water Conservancy District minutes of Sept. 9, 2010 and agenda (See attached)

Letter from DOLA regarding a review of the gaming impact funds. (See attached)

Letter from Our Sister's Keeper Coalition, Inc. (See attached)

Letter from CDOT regarding notification of availability of non-metropolitan local official consultation process. (See attached)

Letter to Larry Baugh from Department of the Army Engineer District. (See attached)

Letter to Debby Barton, Montezuma County Landfill from CDPHE. (See attached)

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

MEETING ADJOURNED 12:10 p.m.

Clerk November 8, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 15, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 15, 2010 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, November 8, 2010 were read. Comm. Koppenhafer moved to approve the proceedings of November 8, 2010 as presented, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree discussed the sanding of roads within the county. The crusher has been moved. The CDOT bridge inspectors will have a power point presentation for the commissioners regarding the bridge inspections. **Jim Burton** from Addressing requested clarification from Attorney Slough regarding the criminal mischief statutes on the destruction of a road sign. Attorney Slough will get the specific statute and penalty for him.

Residents living on a portion of County Road 18 requested further discussion on forming a public improvement district. **Howard Poe** on behalf of the landowners on County Road 18 presented a petition for the creation of the **Improvement District**. Attorney Slough discussed the process of creating said Improvement District. Commissioner Koppenhafer moved to accept the petition to declare by resolution a **Local Improvement District** on County Road 18 called **CR 18 LID** as described on the enclosed map and to continue the process required by law. Seconded by Commissioner Chappell, motion carried. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly Fairgrounds report. His report included the following: He has ordered embroidered shirts for the employees. The Fence project on the lower arena is completed. The major event scheduling for 2011 is done. He discussed the fund raiser Pumpkin Patch idea with the local FFA and 4H groups and they suggested an addition of a corn maze to the project. Tanner has

been working on the Oil Heaters, one had to be sent away for repair and they continue to work on the other. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for the application of **CDBG** funds for a regional business loan fund. The roll was called, the public notice was read and the hearing was recorded for the record. Said application includes five counties in Southwestern Colorado, Archuleta, Dolores, LaPlata, Montezuma, and San Juan. Through an intergovernmental agreement, LaPlata County will act as lead County. These Counties plan to submit a Community Development Block Grant application to the State of Colorado, Department of Local Affairs (DOLA) for funds intended to provide decent housing, suitable living environments and economic opportunities, principally for low and moderate income persons. Commissioner Chappell moved to sign the CDBG application form for the **Community Development Block Grant** and the Intergovernmental Agreement as well. Seconded by Commissioner Koppenhafer, motion carried. (See attached)

EXTENSION OFFICE: Tom Hooten, with the Extension Office presented a Memorandum of Understanding for the use of the yellow building at the Fairgrounds. Commissioner Koppenhafer moved to sign the Memorandum of Understanding between Montezuma County and the Montezuma County 4H / FFA stakeholders regarding the use of the yellow building located at the Montezuma County Fairgrounds. Seconded by Commissioner Chappell, motion carried. (See attached)

UPDATE: An update of the Public Lands Coordination Commission was given. **Drew Gordanier, Zane Odell and Jim Dietrich** presented a letter to the Commissioners to sign. There was a discussion regarding the wording of the letter. They also requested an amendment to Resolution # 10-2010 to include alternate commission members. Comm. Koppenhafer moved to sign the letter and to send it to the San Juan Public Lands Office regarding coordination between the Federal Land Management and Montezuma County. Seconded by Comm. Chappell, motion carried. Commissioner Chappell moved to approve **Resolution #11-2010** to amend **Resolution # 10-2010**. Seconded by Commissioner Koppenhafer, motion carried. (See attached)

LUNCH: 12:05

HOLIDAY SCHEDULE: Mary Ann Sanders with the Administration Office presented the 2011 Holiday Schedule for approval. Comm. Koppenhafer moved to approve the Official 2011 Holiday Schedule for Montezuma County seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held to determine a request for an extension of time to submit a final plat as requested by **Jeff and Dee Booten**. The roll was called, the public notice was read and the proceedings were recorded for the record. Said request is concerning a 7 lot major development on property located at 37973, 37975, and 38031 Hwy. 184, Mancos. **Planning Director Susan Carver** presented the application for extension. Commissioner Chappell moved that the vested rights be extended for three years for the **Doc's Rest Subdivision**. Seconded by Commissioner Koppenhafer, motion carried. (See attached)

PLANNING:

Planning Director Susan Carver presented for review and determination a preliminary plat for a request to amend the common lot line on property owned by **Mountain View Village** located at 28050 Road P, Dolores, and property owned by **Spencer and Nichole Smith** located at 27990 Road P., Dolores. The Smith property currently consists of 63 acres, more or less, and they desire to purchase 7 acres, more or less from Mountain View Village. Commissioner Koppenhafer moved to accept the preliminary approval of the exemption request for the transfer of 6.7 acres more or less from **Mountain View Village** to **Spencer and Nicole Smith** property. Seconded by Commissioner Chappell, motion carried. (See attached)

PUBLIC HEARING It being the time set aside a public hearing is held for the purpose of reviewing and determining an AR 3-9 zoning request, pre-sketch plan for a proposed single lot development consisting of 9 acres, more or less, and an AR 35+ zoning request for the remaining 35 acres, more or less. The roll was called, the public notice was read, and the proceedings were recorded for the record. The property is owned by **Clifford and Colette Parker**, Maness and Associates, Inc., agents. Said property is located at 14471 Road 26, Dolores. **Planning Director Susan Carver** presented the request for review. Commissioner Chappell moved to approve the AR3-9 zoning and the preliminary sketch plan for property known as the **Parker Property** and to include the AR35+ zoning on the remainder of the property. Seconded by Commissioner Koppenhafer, motion carried (See attached)

Comm. Koppenhafer moved to approve the **County Veterans Service Officers** monthly report and Certification of pay, seconded by Comm. Chappell, motion carried (See attached)

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

MEETING ADJOURNED 3:05 p.m.

Clerk November 15, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
November 22, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, November 22, 2010 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, November 15, 2010 were read. Comm. Chappell moved to approve the proceedings of November 15, 2010 as corrected, seconded by Comm. Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree discussed the bidding process for the project on the Road 18 Improvement District. Supervisor Roundtree will come up with preliminary costs first before proceeding. He said he looked at Road E. Planning Director Carver discussed previous agreements with oil companies regarding road usage.

SAVE-A-BUCK TAXI: Mary Donaldson met with a complaint regarding public transportation. She talked about government funding for public transportation and she said the funding has hurt her taxi business.

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

SANITARIAN REPORT: Sanitarian Melissa Mathews updated the Board on the septic permit for Steven and Karen Record. Ms. Mathews said Mr. Record consulted an engineer concerning his septic system. A report from Thomas and Forth Engineering, Inc was presented. (See attached) The report stated there was no evidence of failure of the system at this time. It was recommended to disconnect the apartment from the system and be abandoned. It was the recommendation of Sanitarian Mathews to have an after the fact system permitted with the stipulation that Sanitarian Mathews can do follow up inspections as needed. Comm. Chappell moved to accept the recommendation from Thomas and Forth Engineering Inc. regarding the septic system for Steve

Record with follow up inspections done by Sanitarian Melissa Mathews on an as needed basis, seconded by Comm. Koppenhafer and carried.

IT PROPOSAL: Rodney Lipe, Jim McClain, and Douglas Pace from Farmers Telephone Company, Inc. discussed the IT proposal for the Sheriff's Office. The Board stated they wish to keep the IT services on an in-house basis at this time and to wait until the new Sheriff is sworn in to get his input concerning the IT services.

ABATEMENT: It being the time set aside an abatement for **PLC Ranch LLC** is heard on account number R015554 for tax year 2009. The roll was called and the proceedings were recorded for the record. Appraiser Cynthia Claytor and Assessor Mark Vanderpool stated the parcel was split into two pieces in 2009 and the parent parcel was never deleted. Appraiser Claytor said this actually created a double assessment. After hearing the evidence presented, Comm. Chappell moved to approve the abatement for account number R015554 for PLC Ranch LLC, seconded by Comm. Koppenhafer and carried. (See attached)

JAIL INSPECTION: A site inspection of the jail is held at this time.

LUNCH:

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing an industrial zoning request as submitted by **Farmers Telephone Co., Inc., Peter Hoopes agent**. The roll was called, the public notice was read, and the proceedings were recorded for the record. Planning Director Susan Carver said the zoning request as submitted by Farmers Telephone Company, Inc. is to include a communications tower, associated communications equipment, communications equipment shelters and offices on property located at 15431 Road CC, Pleasant View, Co. **Planning Director Carver** explained the application. **Peter Hoopes** representing Black and Veatch Corp. for Verizon Wireless **and Douglas Pace** with Farmers Telephone Co., Inc gave a detailed report of their request. Comm. Rule opened the hearing to public comment at this time. Hearing no public comment Comm. Rule closed that portion of this hearing. Motion combined with following hearing.

PUBLIC HEARING: It being the time set aside a public hearing is held regarding an application to abandon and vacate a former 20 foot public right-of-way and (or) easement. The roll was called, the public notice was read, and the proceedings were recorded for the record. Planning Director Carver stated that the right-of-way and (or) easement is platted as an alley as shown on a plat map for Pleasant View Town sites, beginning north of Road CC between property owned by **Farmers Telephone Company, Inc.**, located at 15431 Road CC; and **James and Pamiel Johnson** with property located at 26073 Hwy. 491, Pleasant View, Co. Comm. Rule opened the hearing to public comment. Hearing none that portion was closed. After hearing all the evidence presented Comm. Chappell moved to approve the industrial zoning request by Farmers Telephone Co. Inc located at 15432 Road CC Pleasant View and also moved to vacate and abandon a 20' public right-of-way between Farmers Telephone Company Inc., and James Johnson, seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING DIRECTOR CARVER presented a letter from **CDOT to Empire Electric** regarding extension of access permit no. 509125, SH 491, MP 28.81 L in Montezuma County. Said letter granted a one year extension of time to construct the above-referenced access permit. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held regarding a request to amend High Impact Permit and Special Use Permit no. 520. The roll was called, the public notice was read and the

proceedings were recorded for the record. Planning Director Susan Carver said a request to amend the permits permitted to **Bill Barrett Corporation** for the purpose of constructing a well pad, drilling a natural gas well and the construction of a temporary compressor station and related tie-in gas lines was received. **Williams Field Services, agent Jeffrey A. Baumer** and Bill Barrett Corporation are requesting to separate the permit for the compressor station to Williams Field Services. In addition a request for an extension of time to operate the existing compressor station has been submitted. The well and compressor station are located on property owned by **Jerroll and Marianne Koskie** located at 24028 Road X, Lewis, Co. Planning Director Carver gave an overview of the project. She stated the Koskie Well is currently in production. **Jim Foster, Doug Dennison representing Bill Barrett Corp., and Jeff Baumer with Williams Field Services** explained their intentions in detail. It was explained an agreement has been reached with the Montezuma County Road Department. Mr. Baumer indicated an agreement between Williams Field Services and Bill Barrett Corp to separate the two permits has also been reached. Director Carver recommended that the right-of-way bond be increased to One Million dollars for both entities for the current traffic route. She said the bond is currently in the amount of \$50,000.00 and in the name of Bill Barrett Corp. Mr. Baumer said that Williams Field Services road impacts are relatively small in comparison the Bill Barrett's. Mr. Dennison talked about the wells that are in place. Comm. Rule opened the hearing to public comment. Hearing no public comment Comm. Rule closed that portion. A joint million dollar bond was discussed. Mr. Baumer and Mr. Dennison needs to discuss the increase in the bond with their companies and could not commit at this time. Mr. Baumer inquired about the extension of the permit. Comm. Koppenhafer moved to continue this public hearing for high impact number 520 until December 13, 2010 at 1:30 p.m. and to temporarily extend permit number 520 until that date, seconded by Comm. Chappell and carried. (See attached)

QUESTAR: Discussed the Court of Appeals No. 10CA0041 decision regarding Questar Exploration and Production Company. Comm. Chappell moved to take the action on to the Supreme Court, seconded by Comm. Koppenhafer and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

Form letter from Empire Electric Association to CDOT concerning speed limit on Hwy 491. (See attached)

Letter from GMTTC. (See attached)

Letter from CTSI concerning CTSI seminar for elected officials. (See attached)

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

MEETING ADJOURNED 3:40 p.m.

Clerk November 22, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 6, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 6, 2010 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, November 22, 2010 were read. Comm. Koppenhafer moved to approve the proceedings of November 22, 2010 as presented, seconded by Comm. Rule and carried.

ROAD: Road Supervisor Dean Roundtree reported Dolores County has two pickups for sale for \$26,500.00 which if purchased by the Road Department could be part payment for the gravel exchange between Montezuma and Dolores County. Supervisor Roundtree will draft a letter regarding the acceptance of the offer and deducting that amount from what Dolores County owes Montezuma County for the gravel. He said an e-mail was received from Bill Barrett concerning increasing the bond to one million dollars for Bill Barrett Corporation and Williams Field Services (See attached)

COOPERATIVE WEATHER OBSERVER NOAA, NWS representative **James Andrus** presented the precipitation report through the month of November, 2010. (See attached).

PAYROLL: General fund checks in the amount of \$376,580.12, District Attorney fund check #58552 in the amount of \$37,189.97, Treasurer fund check #58553 in the amount of \$376,580.12, Road department fund checks in the amount of \$82,387.25, Treasurer fund check #23425 in the amount of \$68,665.61; and Landfill fund checks in the amount of \$20,596.96, Treasurer fund check #6793 in the amount of \$16,804.42 were approved for payment.

ORDER 0-14-2010 was presented to transfer from the Conservation Trust Fund to the Montezuma County General Fund the amount of \$62,216.59 for operations of the County Fairgrounds. (2500-1212 \$33,205.39 for

qualifying maintenance parts and repairs from January 2010 through December 2010.) (2500-1120 \$28,598.70 for 40% of maintenance personnel salaries for 2010) (2800-1410 \$412.50 for McPhee Project, Marianne Mate) Comm. Koppenhafer moved to approve order 0-14-2010

EMERGENCY MANAGER: Emergency Manager Doug Parker gave his monthly report for November. He talked about command incidence classes and said there will be an online class available and encouraged the Board to take the class. He is working on 2011-2012 grant programs. He reported the practice drill with the Health Department went well and a practice drill will be done at the County Jail. He said the Ute Mountain generator will be coming soon.

NASQUAD RACING: Torn Andrews did not appear.

PUBLIC HEARING: It being the time set aside a public hearing is held to amend the 2010 budget. The roll was called, the public notice was read and the proceedings were taped for the record. County Administrator Harrison presented **Resolution 12-2010** to amend the 2010 budget. County Administrator Harrison along with finance director Mary Ann Sanders reviewed the amendments. Comm. Rule opened the hearing to public comment at this time. County Administrator Harrison stated no written comments were received. Hearing no further public comment Comm. Rule closed that portion of the hearing. Comm. Koppenhafer moved to approve Resolution 12-2010, a resolution to amend the 2010 budget as presented, seconded by Comm. Rule and carried. (See attached) Administrator Harrison presented a resolution to change the Social Services Budget. Comm. Koppenhafer moved to approve a resolution to change the Montezuma County Social Services Budget for calendar year 2010, seconded by Comm. Rule and carried. (See attached) Comm. Rule closed the public hearing at this time.

PUBLIC HEARING: It being the time set aside a public hearing is held to adopt the 2011 budget. The roll was called, the public notice was read and the proceedings were recorded for the record. County Administrator Harrison along with finance director Mary Ann Sanders gave an overview of the 2011 budget. Comm. Rule opened the hearing to public comment. County Administrator Harrison stated there were no written objections received. Hearing no further public comments Comm. Rule closed that portion of the hearing. Comm. Koppenhafer moved to adopt **Resolution 13-2010** adopting a budget for Montezuma County Colorado for the calendar year beginning on the first day of January 2011 and ending on the last day of December 2011, seconded by Comm. Rule and carried. (See attached) County Administrator Harrison presented **Resolution 14-2010** to set the mill levies. Comm. Koppenhafer moved to adopt Resolution 14 - 2010 levying general property taxes for the year 2010 to help defray the costs of government for Montezuma County for the 2011 budget as follows; County General 10.338, Social Services 1.300, Road and Bridge 2.616 for a total county mill levy of 14.254, seconded by Comm. Rule. (See attached). County Administrator Harrison presented **Resolution 15 -2010** levying general property taxes for the year 2010 to help defray the costs of the Montezuma County Law Enforcement Authority for the 2011 budget. Comm. Koppenhafer moved to adopt Resolution 15 -2010 levying general property taxes for the year 2010 to help defray the costs of the Law Enforcement Authority of Montezuma County, Colorado, for the 2011 budget, seconded by Comm. Rule and carried. (See attached) County Administrator Harrison presented **Resolution 16-2010** to appropriate sums of money. Comm. Koppenhafer moved to adopt Resolution 16 -2010 to appropriate sums of money, seconded by Comm. Rule and carried (See attached) Comm. Rule closed the public hearing at this time.

LIQUOR LICENSE: Deputy Tammy Neely presented a hotel/restaurant liquor license renewal for Sophia Retreat and Conference Center. Comm. Koppenhafer moved to approve the renewal of a hotel/ restaurant liquor license for Sophia Retreat and Conference Center, seconded by Comm. Rule and carried.

EMPIRE ELECTRIC: Neal Stephens and Doug Sparks representing Empire Electric Association presented a check in the amount of \$31,950.00 for installing energy efficient geothermal heating and cooling systems for the county courthouse.

LETTER from the **Cortez Fire Protection District** regarding the fire code was discussed. The Board would like to meet with the District to discuss the letter further. (See attached)

LUNCH: 12:10

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of reviewing and determining possible violations of the Montezuma County Land Use Code in regards to uses exceeding the residential primary and residential accessory standards; and traffic standards on property located at 25443 Road S.6, Dolores. The roll was called, the public notice was read and the hearing was recorded for the record. Planning Director Carver gave an overview of the complaint on the property. Steve and Karen Record responded to the complaint. Karen Record stated Clark Record passed away and Stacy Case is not listed as owner of record. Mr. Record said he has not built anything on the property as all was built by his father. Mr. Record stated the only thing he has done is to replace an existing trailer with another trailer for his mother to live in. Comm. Rule opened the hearing up to public comment. **Judy Mead** said she has lived on the property since 1987. She talked about traffic on the road. She talked about the property being used as rental property. Hearing no further public comment, Comm. Rule closed that portion. Mr. Record responded saying the property is not used as rental property. They also responded to the use of four wheelers on the road. After hearing all the evidence presented Comm. Koppenhafer moved that the two trailers and one house currently on the property are grandfathered in and any additions to the property must come through the Board of County Commissioners and the present land use code would apply, seconded by Comm. Rule and carried. Comm. Rule closed the hearing at this time. (See attached)

PLANNING: Planning Director Susan Carver presented for review and determination of a final plat. Said plat is for a proposed 2 lot moderate development consisting of 14 acres more or less. This property is owned by Carrie Summers Baikie Revocable Living Trust and located at 38215 Hwy. 184, Mancos. Planning Director Carver explained the plat. Ms. Baikie talked about what was done for the development. Comm. Koppenhafer moved to approve the final plat for the Moss Rock Subdivision, a 2 lot moderate development, seconded by Comm. Rule and carried. (See attached)

Planning Director Carver presented a land use complaint for review and determination. Said complaint deals with the placement of trash and scraps on the West Fork of the Dolores River. Planning Director Carver said this is not a violation of the land use code but is unsightly. Sanitarian Melissa Mathews talked about the trash that is accumulating. She said in her opinion this is not a health concern. Mr. David Reineke talked about the complaint in detail. He said the trash in question is around 10' from the river. He feels it could be a major health issue. Sanitarian Mathews will write the property owner a letter regarding removal of the tires.

CORRESPONDENCE: The following correspondence was read and noted:

Notice of regular meeting of the Southwestern Water Conservation District. (See attached)

Letter from CDPHE to Matt Bradshaw regarding groundwater monitoring plan –partial approval for Road 39, 2 miles northwest of Mancos. (See attached)

Geothermal lease sale summary from the BLM. (See attached)

Invitation to attend the 2010 advisory committee of the Southwestern Colorado Research Center. (See attached)

Letter from Colorado Division of Reclamation, Mining and Safety referencing Four States Aggregates, LLC, Line Camp Pit, Permit No, M-2001-001. (See attached)

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

MEETING ADJOURNED 4:40 p.m.

Clerk December 6, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 13, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 13, 2010 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, December 6, 2010 were read. Comm. Koppenhafer moved to approve the proceedings of December 6, 2010 as corrected, seconded by Comm. Chappell and carried.

ROAD: Road Supervisor Dean Roundtree stated the Department is still hauling from the Ormiston Pit. He discussed the bond regarding Bill Barrett corp. and Williams Field Services. He talked about the tree trimming done by the County. Supervisor Roundtree said a few of the road employees attended classes in the proper tree trimming procedure. Supervisor Roundtree invited the Board to breakfast at the Roundup Junction at 7:00 a.m. on December 21, 2010.

LANDFILL: Landfill manager Debby Barton presented the profit and loss statement for the month of November 2010. Manager Barton discussed record destruction regarding the Landfill's liability. (See attached)

SWMH: Interim CEO Lucinda Cindy Bradley gave the quarterly update for Southwest Memorial Hospital. She said the Hospital had a good financial year. She talked about the doctor recruitment program and informed the Board that Dr. Higi left the area and Dr. Cain has resigned.

PLANNING: Planning Director Susan Carver presented an after-the-fact exemption request from Martin and Linda Moore. Said request is to amend the common lot line between two parcels located at 29291 Road P.5 and 29293 Road P.5, Dolores. The applicants would like to adjust the common lot lines so the 5 acre parcel is on the edge of the 32 acre parcel instead of cut out of the center. Director Carver gave an overview of the exemption and said the house trailer will either be relocated or removed. Linda Moore said the current lot line cuts through the middle of the property and they would like to adjust the line to the edge of the property. Comm. Chappell moved to give preliminary approval for the after-the-fact exemption on property owned by Martin and Linda Moore and the tracts

would be properly described, merged, deeded and recorded. The motion was seconded by Comm. Koppenhafer and carried. (See attached)

PLANNING Director Carver asked the Board to forward a high impact permit and special use permit application from AT&T Mobility, Inc. to the Planning Commission. Said application is for a proposed project consisting of an un-manned wireless telecommunications facility to be constructed. Comm. Chappell moved to forward the high impact permit and special use permit application to the Planning Commission for AT&T Mobility, Inc. Seconded by Comm. Koppenhafer and carried. (See attached)

RESIGNATION: Director Carver presented a letter of resignation from Andrew Logan resigning from the Montezuma County Planning Commission. Comm. Koppenhafer moved to accept the resignation from Andrew Logan from the Planning Commission and to send a letter of thank you for his service, seconded by Comm. Chappell and carried. (See attached)

PUBLIC HEARING: The public hearing regarding the request to amend the high impact permit and special use permit numbers 520 and 623, permitted to Bill Barrett Corporation and Williams Field Services has been postponed until January 24, 2011 beginning at 1:30 p.m. Comm. Chappell moved to continue the high impact permit and special use permit numbers 520 and 623 for Bill Barrett Corp and Williams Field Services until January 24, 2011 at 1:30 p.m., seconded by Comm. Koppenhafer and carried. (See attached)

VETERAN'S SERVICE: Comm. Koppenhafer moved to approve the County Veterans Service Officers monthly report and certification of pay for November, 2010, seconded by Comm. Chappell and carried. (See attached)

CORRESPONDENCE: The following correspondence was read and noted:

DWCD regular meeting agenda and minutes. (See attached)

Notice of upcoming public rule-making hearings before the Colorado Board of Health and agenda. (See attached)

Letter for CDPHE regarding 2008 compliance advisory regarding Ron and Ginger Leonard. (See attached)

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

MEETING ADJOURNED 12:00 noon.

Clerk December 13, 2010

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
December 20, 2010**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At the regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Monday, December 20, 2010 at the courthouse in Cortez, Colorado, there were present:

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

MINUTES of the regular meeting held on Monday, December 13, 2010 were read. Commissioner Chappell moved to approve the minutes of December 13, 2010 as amended, seconded by Commissioner Koppenhafer and carried.

ROAD: Road Supervisor Dean Roundtree presented a cost sheet for the Road 18 Improvement District plan, Administrator Harrison suggested that the item be included as an agenda item in the future, with notification to the parties involved. There was a discussion held regarding the current weather conditions of rain and the county road conditions.

BOARD OF SOCIAL SERVICES: Director of Social Services Dennis Story presented the **CDHS Certification of Compliance County Merit System 2011** for approval. Commissioner Chappell moved to sign the CDHS Certificate of Compliance County Merit System of 2011 as presented. Seconded by Commissioner Koppenhafer, motion carried. (See attached)

FAIRGROUNDS: Fairgrounds Manager Tanner Young gave his monthly report on the Fairgrounds. His report included the following: Workers have been doing some painting on the inside arenas. There are blocks being hauled into the Race Track area. They are keeping an eye on the drainage in the barns. The Oil Heater sent away for repair has been returned. He also reported that the gutters on several buildings may have to be replaced in the future.

SHERIFF'S OFFICE: Wanda Martin presented an **Overtime Gaming Grant Contract** for signature. Commissioner Koppenhafer moved to sign the agreement between the State of Colorado Department of Local Affairs and the Board of County Commissioners County of Montezuma, the local **Government Limited Gaming Impact Fund #FL11GA681** as presented. Seconded by Commissioner Chappell, motion carried. (See attached)

ADMINISTRATOR HARRISON presented the **Visual Lease Services Contract for Services**. Commissioner Chappell moved to approve the contract between **Visual Lease Services** and the Montezuma County Assessor's Office for oil and gas maintenance contracts. Seconded by Commissioner Koppenhafer, motion carried. (See attached)

CERTIFICATION OF LEVIES AND REVENUE The certification of levies and revenue for budget year 2011 was presented by Administrator Harrison. Commissioner Koppenhafer moved to approve the Certification of Levies and Revenue for the Montezuma County for the year 2011 as presented. Seconded by Commissioner Chappell, motion carried. (See attached)

ORDER # 0-15-10 Commissioner Koppenhafer moved to approve Order # 0-15-10 to transfer from the Law Enforcement Authority Fund to the General Fund for expenditures in the amount of \$461,808.00. Seconded by Commissioner Chappell, motion carried. (See attached)

LORETTA MURPHY from the **GIS DEPARTMENT** gave the Commissioners an update on her work on County Road 23.

LUNCH: 11:30 a.m.

JOINT MEETING: A joint meeting with the Dolores County Commissioners regarding public land issues was attended at this time. The meeting was held at 409 N. Main St. in Dove Creek, CO.

CORRESPONDENCE: The following correspondence was read and noted:
Letter from San Juan Public Lands Center, a response letter to a previous letter sent regarding a proposed coordination process between government entities. (See attached) Letter from the Montezuma County Extension Office, an update from Interim County Extension Director Tom Hooten. (See attached) Retirement letter from Nathan T. Moreng, Western Region Extension Director, Colorado State University Extension. (See attached)

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

MEETING ADJOURNED: 4:00 p.m.

Clerk December 20, 2010

Chairman